



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 18, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0269

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	16.110 - Crisis Intervention 16.110-PRO-1 Referring a Subject for an Involuntary Mental Health Evaluation	Not Sustained (Lawful and Proper)

Named Employee #2

Allegation(s):		Director's Findings
# 1	16.110 - Crisis Intervention 16.110-PRO-1 Referring a Subject for an Involuntary Mental Health Evaluation	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employees acted outside of their legal authority when they had her admitted to a hospital for an involuntarily mental health evaluation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.110 - Crisis Intervention 16.110-PRO-1 Referring a Subject for an Involuntary Mental Health Evaluation

On April 29, 2020, the Complainant sent texts to her sister wherein the Complainant indicated that she wanted to kill herself. In response to this information, the Complainant's sister called 911 and reported the threat to self-harm. The Complainant's sister informed 911 that the Complainant was recently contacted by their father who the Complainant had not spoken to in approximately 15-20 years. In addition, the Complainant's sister indicated that the Complainant had threatened suicide six years ago, when she said that she would use their mother's handgun as the weapon. Based on these details, the Complainant's sister considered the Complainant's most recent threat to be serious. In response to this 911 call, Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were dispatched to the Complainant's apartment. While traveling to that location, NE#2 called and spoke with the Complainant's sister. She reiterated the information that she earlier provided to 911.

After speaking with the Complainant's sister, NE#1 and NE#2 walked to the Complainant's apartment building lobby, where they found the Complainant seated and crying. When asked, the Complainant repeatedly indicated to NE#1 and NE#2 that she was fine. Nevertheless, the Complainant was visibly disengaged with the officers' questioning,



and was texting on her phone throughout the duration of NE#1 and NE#2's investigation. While officers were on scene, the Complainant's boyfriend arrived. NE#1 took the boyfriend aside to ask about the Complainant's threats. The boyfriend indicated that he was concerned for the Complainant's safety. He further showed NE#1 a series of texts he recently received from the Complainant. In these texts, the Complainant repeatedly stated that she wanted to kill herself and to die, that her boyfriend did not love her, and that she hated her sister.

After determining that the Complainant might fall into the "ITA" (Involuntary Treatment Act) category. NE#1 screened the facts of this case with their Sergeant and informed the Sergeant of their belief that the Complainant should be involuntarily admitted for a mental health evaluation. The Sergeant concurred with this decision. NE#1 and NE#2 called for an ambulance and then spoke with the Complainant and her boyfriend about the ITA process. The Complainant indicated that she did not want to go but ultimately agreed to go up to her apartment unit in order to retrieve her insurance information. While procuring this information, the Complainant advised NE#1 and NE#2 that she had been through a similar situation during her sophomore year in college. Once outside the apartment, the Complainant entered the ambulance on her own and without any restraints. She was then transmitted to the hospital.

The Complainant later initiated this OPA complaint, in which she alleged that the Named Employees acted outside of their legal authority when they detained her for an involuntarily mental health evaluation and caused her to be transported to the hospital. The Complainant was specifically frustrated by the fact that this led to her facing thousands of dollars in unnecessary hospital and ambulance charges. This investigation ensued.

Under SPD Policy, officers must follow a specifically delineated procedure when referring a subject for an involuntary mental health evaluation. (SPD Policy 16.110 - Crisis Intervention 16.110-PRO-1). First, the officer must determine that the subject "may be eligible for evaluation." (*Id.*) The officer must then determine "that the subject meets the involuntary mental health evaluation criteria," as established under relevant state law. (*Id.*) An officer must subsequently screen the incident "with a sergeant, either at the scene or telephonically." (*Id.*) The sergeant will then review the incident "and advises the officer whether to order the evaluation." (*Id.*) If the evaluation is ordered, the officer will then take the subject into protective custody and arrange for ambulance transport to the closest hospital. (*Id.*)

In this case, which was recorded in its entirety on Body Worn Video, the officers received a range of information from different reliable sources that indicated that the Complainant was suicidal and had made believable threats to self-harm. Considering the Complainant's history of suicidal threats, as well as the Complainant's sister and boyfriend both indicating that the Complainant had threatened suicide immediately prior to their arrival, the Complainant's condition met state law standards for an involuntary mental health treatment. While the Complainant may be dissatisfied with this decision and while OPA is sympathetic to the fact that she incurred significant financial costs, the Named Employees acted reasonably and according to the guidance of the law and SPD policy.

For these reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper as against both Named Employees.

Recommended Finding: **Not Sustained (Lawful and Proper)**



Named Employee #2 - Allegation #1

16.110 - Crisis Intervention 16.110-PRO-1 Referring a Subject for an Involuntary Mental Health Evaluation

For the same reasons as stated above (see Named Employee #1, Allegation #1), OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**