

COMMITMENTS TO THE DELAWARE STATE HOSPITAL

Directive: **6.20**

The purpose of this order is to outline the circumstances under which Department of Police personnel will be used to transport persons to the Delaware State Hospital. These circumstances are more limited than the former circumstances. Keeping in mind our primary objective of protecting life and property, the Department of Police will transport mentally ill individuals to the Delaware State Hospital under the following circumstances:

- A. In accordance with Title 16, Section 5122, of the Delaware Code.

This section provides for the **emergency** apprehension of the **dangerous** mentally ill. The intent behind this section is to provide a means by which a mentally ill person, who poses a threat to himself or others, can be taken, involuntarily, for emergency diagnosis and treatment.

Upon the signed complaint of any person stating he has knowledge that a designated person appears to be so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment or restraint, Department of Police personnel shall take the alleged mentally ill person into custody and take him directly to the Delaware State Hospital for examination. If, after the examination, the medical doctor at the Delaware State Hospital certifies in writing that the person is a dangerous mentally ill person, custody of the person will be given to Delaware State Hospital.

NOTE: Individuals who need medical attention for physical injury or illness will be first taken to a Wilmington hospital emergency ward for treatment of the physical problem. While at the emergency ward, they should also be examined for possible commitment to the Delaware State Hospital.

The revised 24-hour commitment form will be used to record the complainant's observations and signature, as well as the signature and observations of Department of Police personnel apprehending the mentally ill person and the signature and findings of the committing physician. It should be noted that when an officer signs the 24-hour commitment form, he is attesting to his personal observations or to facts which have been related to him.

Even in cases where a person appears normal, information received about the person's unusual behavior can be a cause for a police officer to sign commitment forms. The police officer's signature is not intended to constitute a judgement about the person, but rather to report the facts as reported to him or observed by him.

- B. In accordance with Title 16, Section 5132, of the Delaware Code.

This section provides for the apprehension, by police, and re-hospitalization of the mentally ill, upon the orders of the Superintendent of the Delaware State Hospital. The intent behind this section is to provide a means for recall of those patients who have escaped from commitment, or who have taken unauthorized leave from the Delaware State Hospital.

Persons taken into custody by Department of Police personnel, under circumstances as outlined by the above paragraphs, are to be taken to the Admission's Office of the Delaware State Hospital.

- C. In accordance with a court-ordered commitment from Wilmington Municipal Court.

Department of Police personnel receiving a commitment from Municipal Court will transport the committed subject, with the related court papers, to the Admission's Office of the Delaware State Hospital. Patients under court-ordered commitments may be assigned to the Comegys Building and it is required that the police officers accompany hospital security personnel to the building. Police personnel, before entering the detention area, must secure their firearms at the Matron's Office of the Delaware State Hospital.

- D. In accordance with Title 16, Sections 5003 and 5004, of the Delaware Code.

This section provides for the involuntary commitment of mentally ill persons upon the written certification of a psychiatrist.

The intent behind this section is to provide a means by which a mentally ill person, needing observation or treatment, or who poses a threat to himself, others or to property, based upon manifest indications, can be required to receive care and treatment.

Department of Police personnel, upon receiving a request to transport a mentally ill person to the Delaware State Hospital based upon the commitment of a psychiatrist, should ascertain from the psychiatrist:

1. That the person is a **dangerous, mentally ill** person likely to cause injury to himself, others or property (this should also be indicated in the commitment papers); or
2. That the commitment is, in fact, an **involuntary commitment**, and it is likely that the mentally ill person will **physically resist** the involuntary commitment and is **capable** of physically resisting the commitment.

If the psychiatrist's written certification does meet one or both of these criteria, then it is deemed that the Wilmington Department of Police is required by law to honor the request and will transport the mentally ill person and the psychiatrist's commitment papers to the Admission's Office of the Delaware State Hospital.

If, however, the request does not meet one or more of the criteria listed, then a supervisor will be summoned to respond and to make the determination as to the Department of Police's responsibility to transport.

Note for Supervisors: The intent of establishing the criteria for this category of commitments is to eliminate the transportation of persons to the Delaware State Hospital or a private facility (such as the Rockford Center) who are being committed voluntarily and who pose no imminent threat to themselves, others, or property, or who are physically incapable of posing an imminent threat to themselves, others, or property. Under no circumstances, though, should we refuse to assist with mentally ill persons who are violent, likely to be violent, or a threat to themselves, others, or property, or if it is unclear that the person could be such a threat.

E. General Instructions

1. Relative to the 24-hour commitments form as outlined in Section A of this order, Department of Police Personnel will transport to the Delaware State Hospital only those cases that have originated in our jurisdiction, or who have come by private means from any jurisdiction to a Wilmington hospital for examination. Commitments brought to Wilmington hospitals by other police departments are the responsibility of that police department. This does not, however, preclude our personnel from rendering assistance to hospital personnel should a patient become unruly.
2. Personnel responding to St. Francis Hospital for the purpose of transporting an individual for commitment to the Delaware State Hospital will respond to the

loading dock area on DuPont Street near 7th Street. Once at the loading dock, the officer(s) will utilize the phone at that location and dial extension 4131 for the Security Office. The security officer will direct the responding officer(s) to the security office. Once at the Security Office, the officer(s) will be escorted by the security officer to the Psychiatric Ward, where the patient will be taken into custody, placed in a wheelchair and transported to the loading dock. Upon return to the dock area the patient will be placed into the police vehicle and transported to the Delaware State Hospital.

3. Prior to leaving with a patient for Delaware State Hospital, the Admission's Office should be notified of the transport so that hospital security personnel can be summoned to receive the patient. This should reduce the delay in Department of Police personnel returning to service.
4. Extended delays or problems caused by hospital personnel should be detailed in a departmental information report to the Chief of Police. This report should be specific as to dates, times, persons involved and the problem cited.
5. Will all admissions, Department of Police personnel will participate in the completion of the special receipt of money and valuables which the Delaware State Hospital requires. The receipt documents the transfer of custody of money and/or valuables from the police or patient to the hospital authorities.
6. At the time of their departure from the Admission's Office of the Delaware State Hospital, Department of Police personnel will be issued a time-stamped card, bearing the name of the patient and the times of their involvement at the Delaware State Hospital. This card will be submitted with the incident report on the commitment.
7. A miscellaneous incident report will be submitted in all cases in which Department of Police personnel transport patients to the Delaware State Hospital.