

## Civil Commitments

<b>Effective Date:</b>	05/1/2019
<b>Revised Date:</b>	02/21/2025
<b>Issuing Authority:</b>	

### 423.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under a civil commitment (405 ILCS 5/1-100 et seq.).

### 423.2 POLICY

It is the policy of the Alsip Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

### 423.3 AUTHORITY

An officer responding to or handling a call involving a suspected civil commitment may take that person into custody and transport them to an approved mental health facility when the officer has probable cause that the person is in need of immediate hospitalization to protect themselves or others from physical harm (405 ILCS 5/3-606).

Upon arrival at the facility, the officer should complete the written petition for involuntary admission, which includes (405 ILCS 5/3-601):

- (a) A detailed statement of the reason for the commitment, including observed signs and symptoms, a description of any acts, threats, other behavior or pattern of behavior, and the time and place of occurrence.
- (b) The name and address of the spouse, parent, guardian, substitute decision-maker, if any, and close relative, or if none, the name and address of a known friend. If this information is unavailable, the officer shall state that diligent inquiry was made.

If the petition is not completed by the officer transporting the person, the transporting officer's name, badge number, and [department/office] name shall be included in the petition (405 ILCS 5/3-606).

#### 423.3.1 MINORS

An officer may take a minor into custody and transport the minor to a mental health facility when there is probable cause to believe that the minor has a mental illness or emotional disturbance of such severity that hospitalization is necessary to protect themselves or others from physical harm, and that the minor is likely to benefit from inpatient treatment (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)).

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Upon arrival at the facility, the officer should complete the written petition for involuntary admission and shall further include (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)):

- (a) A detailed statement of the reason for the commitment, including a description of any acts or significant threats, and the time and place of occurrence.
- (b) The name, address, and telephone number of any witness.

#### **423.3.2 VOLUNTARY EVALUATION**

If an officer encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### **423.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for individuals who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **423.5 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written petition for involuntary admission and remain present to provide clarification of the grounds for detention, upon request (405 ILCS 5/3-606).

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility

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restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

### **423.6 DOCUMENTATION**

The officer should complete a petition for involuntary admission, provide it to the facility staff member assigned to the individual and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **423.6.1 NOTIFICATION TO ILLINOIS STATE POLICE**

A member who reasonably determines that a person poses a clear and present danger because he/she has engaged in verbally or physically threatening behavior (e.g., violent, suicidal or assaultive threats or actions), shall ensure this information is reported to the Illinois State Police (ISP) within 24 hours (430 ILCS 65/8.1). The fact that the ISP has been notified and the manner of notification should be documented.

### **423.7 CRIMINAL OFFENSES**

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this [department/office] to regain custody of the individual, [department/office] resources (e.g., posting a guard), and other relevant factors in making this decision.

### **423.8 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

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The handling officers should further advise the individual of the procedure for the return of any confiscated firearm or other weapon that has been taken into custody.

#### **423.8.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer should detail those facts and circumstances in a report. The report should be forwarded to the Investigation Unit, which shall be responsible for contacting the Illinois State Police Firearms Services Bureau.

#### **423.9 TRAINING**

This Alsip Police Department will endeavor to provide training approved by the Illinois Law Enforcement Training and Standards Board on interaction with persons with a mental disability, civil commitments, and crisis intervention.