

Holds

Module 1, Chapter 3

Overview

Members of crisis response teams will likely be involved in situations where an individual is unwilling to accept intervention or services due to the nature of his or her mental illness. If the person is not an imminent danger to himself/herself or others, the best plan is to give the person the amount of services and intervention that he/she is comfortable with, assisting with connection with other services to the extent that he/she is willing. This is not possible, however, when a person is likely to hurt themselves or another person.

In situations like this, two key groups of people can be essential. The first is a health officer. Many (but not all) crisis responders will fit into this group. A health officer is defined as a person who is a licensed physician, licensed psychologist, licensed social worker, psychiatric or public health nurse, or a formally designated member of a Prepetition Screening Unit* (see below).

If a crisis responder is a health officer and has reason to believe that the person is mentally ill and in danger of injuring self or others if not immediately restrained, the health officer may write a Peace or Health Officer Hold (commonly referred to as a Transportation Hold) and request that law enforcement and/or paramedics take that person into custody and transport him or her to a licensed physician or treatment facility.

The health officer's assessment of dangerousness must be based on direct observation of the person's behavior or upon reliable information of the person's recent behavior, and knowledge of the person's past behavior or psychiatric treatment.

Following transportation to a physician or treatment facility, the health officer must make **written application for admission** of the person to the facility. This application must include the health officer's reasons and circumstances that led to the person being taken into custody. At this point, the physician or mental health professional at the treatment facility must assess the extent of the recipient's crisis.

The physician or mental health professional decides whether the recipient requires hospitalization or other services. Crisis responders who are not health officers may need to seek assistance from the other key group of people...peace officers. The term "peace officer" includes any sheriff or municipal or other local police officer or state patrol officer when engaged in the authorized duties of office.

The police officer may transport a person to a physician or treatment facility. Like the health officers, they must base their decision regarding whether to transport the person on their assessment of the dangerousness of the person in question. This assessment must be based on the direct observation of the person's behavior - or upon reliable information of the person's recent behavior - and knowledge of the person's past behavior or psychiatric treatment.

The crisis responder can be instrumental to the peace officer in making this decision by providing information about the person's behavior and/or psychiatric treatment. Upon arrival at the facility, the peace officer has the responsibility to request admission to the treatment facility in writing. Again, the physician or mental

health professional at the treatment facility decides whether the recipient requires inpatient hospitalization or other services.

*Prepetition Screening Unit: Professionals identified by a county to review, process, and initiate commitment hearings for people who have a chemical dependency, intellectual disability or mental illness, and are thought to be a danger to themselves or others.

Mental Health Holds:

1. Peace/Health Officer Hold

(Commonly referred to as Transportation Hold.)

A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or developmentally disabled and in danger of injuring self or others if not immediately detained.

The hold “allows the person to be taken to a hospital and held until he/she is evaluated by a Physician or Licensed Psychologist. After the evaluation, the hospital may release the person or place them on a 72-hour hold

Definition of Terms:

A. Health Officer is a:

- *Licensed psychologist, or*
- *Licensed social worker, or*
- *Licensed psychiatric or public health Registered Nurse, or*
- *A formally designated member of a pre-petition screening team.*

B. Peace Officer is a Licensed police officer, sheriff or state trooper.

C. Mentally Ill Person is:

- *Any person who has an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which is manifested by instances of grossly disturbed behavior or faulty perceptions*
and
- *Poses a substantial likelihood of physical harm to self or others as demonstrated by:*
 - *failure to obtain necessary food, clothing, shelter or medical care as a result of the impairment, or*
 - *inability, other than indigence, to provide food, clothing, shelter or medical care, or*
 - *a recent attempt or threat to physically harm self or others, or*
 - *recent volitional conduct involving significant damage to substantial property.*

D. Chemically Dependent Person

- *Any person can be placed on a Peace/Health Officer Hold **if** he/she is determined to be incapable of self management or management of personal affairs by reason of habitual and excessive use of alcohol, drugs or other mind altering substances.*

and/or

- *Conduct due to these substances poses substantial likelihood of physical harm to self or others as demonstrated by:*
 - *a recent attempt or threat to harm self or others,*
 - *evidence of recent serious physical problems, **or***
 - *failure to obtain necessary food, clothing, shelter or medical care.*

2. Examiner Hold

(It is not necessary for the examiner to be on site to initiate this hold.)

A Physician or PhD-level psychologist may initiate an emergency hold when:

- a person is believed to be mentally ill, chemically dependent or have an intellectual disability,
and
- the examiner has reason to believe the person is in **danger** of injuring self or others if not immediately detained,
and
- the examiner has examined the person within the past 15 days.

The statement shall be:

- sufficient for peace or health officer to transport the person to a treatment facility.
- stated in behavioral terms, not conclusory language.
- sufficient to provide an adequate record.

If danger is to a specific person, the statement must identify the person.

If the person is brought to the treatment facility by someone **other** than the examiner, the examiner shall make a good faith effort to obtain information on:

- direct observations of behaviors,
- knowledge of past behavior,
- recent and past psychiatric history,
- current mental health providers,
- any health care directives,

and use this information in making a decision regarding the need for a hold.

3. 72-Hour Mental Health Hold

Hold placed by a qualified examiner (Medical Doctor or Licensed Psychologist licensed at the PhD level) for a period of 72 hours, excluding weekends and holidays. The person must “represent a risk of harm to self or others” because of mental illness, intoxication or intellectual disability. The 72 hours provide the necessary time to pursue a court order to continue holding the individual. It can only be discontinued by a qualified examiner or court order. (MSA 253B.05, subd. 1,3)

Exception - Individuals placed in a detoxification facility are usually not held to the 72-hour expiration. The assumption is that an intoxicated person is not capable of maintaining safety. Once detoxified, this condition no longer exists. That is why detoxification units make reference to 24–48 hour holding periods.

4. Apprehend-and-Hold Order

(Also referred to as “Probate Court Hold”)

A signed judicial order placing a person into custody for 72 hours, excluding weekends and holidays, after a finding that serious physical harm to self or

others is likely. A "Probable Cause" or "Preliminary Hearing" is set. If a hearing is "waived" or cause is found, the person will remain in custody up to 14 days, including weekends and holidays, from the time the apprehend and hold order was issued. This type of Hold can only be discontinued by court order. (MSA 253B.07, subd. 6–7)

5. Commitment

A signed judicial order placing a person in the custody of a treatment facility director or designee for a period not to exceed 6 months. This type of Hold may be terminated by facility intentionally or by failure to meet reporting requirements. It can be extended by the court at the end of six months. (MSA 253B.09, subd 1,5)

6. 12-Hour Notice

(Used in psychiatric units.) Voluntary patients requesting discharge must give a written notice, and must be assessed within 12 hours by a qualified examiner to determine if they are safe to be discharged or if they should be placed on a 72-hour medical hold. (MSA 253B.04, subd. 2)

7. Child Welfare Holds

- **36-Hour Detention Hold:** This Hold can be placed by law enforcement to take a minor into custody and place him/her in a detention facility because of criminal behavior. This hold excludes weekends and holidays and there must a hearing within the specified 36 hours or the minor must be released. (MSA 260.165, subd. 2(b))
- **72-Hour Health and Welfare Hold:** This type of Hold can be placed by law enforcement to take a minor into custody and place him/her in a protective setting for 72 hours excluding weekends and holidays. There must be evidence that a minor is in need of protective custody because of reasonable belief their health or welfare is or will be endangered. It can only be discontinued by law enforcement personnel or court order. Law enforcement personnel commonly make this decision in concert with social services. (MSA 260.165, subd. 2(d))
- **Child in Need of Protection or Services** (*commonly referred to as a "CHIPS Petition"*): A signed judicial order which might place a minor into a treatment facility or to order services in the home for an unspecified period of time with multiple hearing and reporting requirements. A juvenile court CHIPS order has precedence over a family court custody order when they are in conflict. (MSA 260.131/133/135; 260.145)

The only type of Hold a **Crisis Responder will write** is the Peace/Health Officer Hold (commonly referred to as a Transportation Hold).

If the Crisis Responder believes that the recipient meets the criteria for a "Transportation Hold," the Hold must state:

- That person is believed to be mentally ill, chemically dependent or have an intellectual disability;
- Must be based on direct observation of person's behavior or reliable information of person's past behavior and psychiatric treatment;
- The person is a danger to self or others if not immediately detained;
- If danger to a specific individual is the basis for the Hold, the Hold must include identifying information on those individuals so they may be warned of that person's threat;

- Reasons and circumstances in which person was taken into custody (if harm to self or others took place at the scene, this should be clearly stated on the Hold); **and**
- Request for transport to a treatment facility for further evaluation.

Once the individual has been safely taken into custody for transport to the treatment facility, the Crisis Responder will call the team leader at the facility to give report about the individual (including diagnosis, any medical concerns or injuries, alcohol or drug use, reason for referral, past behavior and treatment as relevant, current medications, current providers and level of cooperation at the scene). In most instances, a Crisis Note will be sent or forwarded to the facility with this information along with name and number of the Crisis Responder in case further information or consultation is needed.