



ICMS #: 2020-0647

June 26, 2020

Complaint: The Office of Police Oversight received a phone complaint from [REDACTED], complainant, alleges that she called for a mental health officer and the first officer that arrived made things worse and said that he wasn't going to talk to her. She states that she has severe PTSD and the officer triggered her and "just left" after she told him that she wanted to cut herself. [REDACTED] further stated that she cut herself because of what the officer said to her.

This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.

Recommended Administrative Policies to Review (to include but not limited to):

301.1 PURPOSE AND SCOPE

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

402.2 INCIDENT REPORTING

A well-written report can help make a case just as easily as a poorly written report can ruin a case. Employees have the responsibility to write clear, factual, and complete reports.

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(c) Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

445.2 INCIDENTS REQUIRING A CIT OFFICER

(a) If the incident is an emergency involving a person in mental health crisis, a CIT officer will be dispatched as the primary responding officer. If a CIT officer is not



available, any patrol officer will be dispatched immediately and a CIT officer will respond as soon as possible.

(b) If the incident is non-emergency in nature, a CIT officer shall respond as the primary officer, with the exception of an emergency room transport of a POED to a psychiatric hospital (secondary transport)..

(c) The following incidents also require the response of a CIT officer:

1. Any situation where the responding officer believes that a person's mental health is adversely affecting the person's behavior (e.g., attempted suicide, suicidal subject, Peace Officer Emergency Detention (POED) evaluation).
2. Any request from a member of the community for a CIT officer.
3. Mental health related calls from a facility/provider that furnishes services on behalf of the mental health community.
4. Any health care facility or emergency room request for assistance relating to a person suspected of a mental illness.

445.3 CIT OFFICER REFERRALS

Officers receiving a mental health request for assistance from a complainant will refer the individual to an on-duty CIT officer or the CIT Unit. An incident report will be completed as outlined in this order.

(a) If the person about whom the call is made poses any threat to safety, the responding officer will remain at the scene until contact is made with an on-duty CIT officer or the CIT Unit to determine the appropriate action to be taken.

(b) When deemed necessary by a CIT officer or the CIT Unit, an EMCOT employee will be called to the scene to assist with:

1. Assessment of the client (including suicide assessments).
2. Assessment of the situation.
3. Linking the client with existing mental health services in the community.
4. In-depth counseling for the client and family.
5. Transportation of the client, when appropriate.
6. Jail Diversion, when appropriate (see section 445.6 of this order for further details).

445.4.1 VOLUNTARY COMMITMENT

Employees encountering persons desiring to be voluntarily committed to a mental health facility and that meet the criteria for an Emergency Detention shall contact an on-duty CIT officer. If the subject does not meet the criteria for an Emergency Detention the officer may do one of the following:

- (a) Request EMCOT to the scene.
- (b) Provide voluntary transport to a facility within the located county.
- (c) Provide referral information.



445.4.2 PEACE OFFICER EMERGENCY DETENTION

(a) The authority to apprehend a person by using the Peace Officer's Emergency Detention (POED) is granted under the Tex. Health and Safety Code § 573.001. This type of custody is protective rather than criminal in nature and does not constitute an arrest. A POED may be used when:

1. The officer has reason to believe, and does believe, that the person is mentally ill; and
2. Because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
3. The officer believes that there is not sufficient time to obtain a warrant before taking the person into custody.

(b) An employee encountering a person who needs to be assessed for a possible POED shall contact an on-duty CIT officer.

1. The responding CIT officer shall be responsible for:

- (a) Conducting an assessment to determine whether the person should be handled as an Emergency Detention;
- (b) Providing transportation to the appropriate mental health facility or furnishing referral information;

1. The CIT officer may transport the Emergency Detention or have a non CIT officer transport the Emergency Detention after completing all paperwork and advising where the subject is to be taken.

(c) Preparing all required documentation.

2. If it is determined that the person does not meet the criteria for a POED, the initial officer may:

- (a) Request a response from the Expanded Mobile Crisis Outreach Team (EMCOT), (refer to 445.6)
- (b) Release the person, if no criminal violation has been committed;
- (c) Use other available referral services or release options; or
- (d) Place the person in jail, provided the officer has legal authority to do so.

3. Officers shall perform secondary transports of subjects from an emergency room to a psychiatric hospital on an APD Emergency Detention. All officers are responsible for the following:

- (a) Taking custody of the individual who is detained under a POED.
- (b) Collect and verify all necessary documents for the transfer of the detained individual.
- (c) Transport the patient to the directed psychiatric hospital with all required paperwork and personal property.



- (d) Complete a supplement to the original POED report.
4. Officers shall transport persons on a still active APD POED from the Judge Guy Herman Center to another arranged hospital or psychiatric hospital when the Center's staff determines that patient care exceeds the capabilities of the Center. All transporting officers are responsible for the following:
- (a) Verifying a nurse-to-nurse/doctor-to-doctor transfer was completed and collecting all necessary documents for the transfer, if available.
 - (b) Taking custody of the individual who is detained under an APD POED.
 - (c) Transporting the person and their property to the directed hospital or psychiatric hospital, if available.
 - (d) Completing a supplement to the original POED report.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City;

900.3.4 PERSONAL CONDUCT

- (c) While on-duty or on the premises of City facilities, employees will not:
1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
 2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

900.4.3 NEGLECT OF DUTY

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

The OPO recommends that this allegation receive an A classification.