

MENTAL HEALTH ACT FORM 1 PROTOCOL

Between the Dryden OPP, Dryden Police Service, Northwest EMS and the Dryden Regional Health Centre

PURPOSE:

To provide a formal agreement for cooperation and professional liaison between the Dryden OPP Detachment, the Dryden Police Service, Northwest EMS and the Dryden Regional Health Centre that addresses legislative authorities, responsibilities and the safety of medical staff, patients and police.

This policy will:

- a) Ensure a coordinated approach for the safety and security of police, health care staff and persons who are apprehended under the authority of the Mental Health Act and are the subject of a Form 1 issued by a physician.
- b) To establish clear and consistent direction for police and health care professionals to follow for the security, admittance and transportation of Form 1 patients.
- c) To prevent and/or minimize anxiety to the mentally ill while they are subject to the provisions of the Mental Health Act.

LEGISLATION:

Section 17 of the Mental Health Act states:

Where a police officer has reasonable and probable grounds to believe that a person is acting or has acted in a disorderly manner and has reasonable cause to believe that the person,

- (a) has threatened or attempted or is threatening or attempting to cause bodily harm to himself or herself;
- (b) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him or her; or
- (c) has shown or is showing a lack of competence to care for himself or herself,

and in addition the police officer is of the opinion that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

- (d) serious bodily harm to the person;
- (e) serious bodily harm to another person; or
- (f) serious physical impairment of the person,

and that it would be dangerous to proceed under section 16 (Justice of the Peace's order for psychiatric examination) the police officer may take the person in custody to an appropriate place for examination by a physician. 2000, c. 9, s. 5.

Section 18 of the Mental Health Act states:

An examination under section 16 or section 17 shall be conducted by a physician forthwith after receipt of the person at the place of examination and where practicable the place shall be a psychiatric facility or other health facility. R.S.O. 1990, c. M.7, s. 18.

PROCEDURES FOR FORM 1 APPREHENSION BY POLICE:

Currently in the Northwest Region there are psychiatric facilities in Kenora and Thunder Bay. It is impractical for police in the Dryden and Ignace area to bring a person who is in custody under provisions of the Mental Health Act directly to one of these psychiatric facilities. In the interests of the person's care and safety, police will attend the nearest health facility as allowed in Section 18 to have the individual assessed by a physician.

If a physician is not present in the health care facility when an individual is brought in for an assessment by police (e.g. after hours) a physician will be contacted by health care staff and asked to attend within a reasonable time.

An apprehension under section 17 of the Mental Health Act is for medical purposes. Persons taken into custody for this reason will not be held in police cells as health care staff members are not present to monitor the individual in such situations and the legislation does not allow for this practice.

SECURITY AND TRANSPORTATION:

After taking a person into custody under Section 17 of the Mental Health Act the police are responsible for the initial transportation of the individual to the health care facility. The Police will keep the person in their custody until the Form 1 is issued. If the physician does not issue a Form 1, this person will be released from police custody.

If the initial transport of a person taken into custody under Section 17 of the Mental Health Act involves the need for immediate medical treatment to a health care facility, then a police officer will accompany that person in an ambulance, with another police officer following in a police vehicle.

Once the person is the subject of a Form 1 their condition is deemed to be a medical issue. It will subsequently become the responsibility of the health facility to monitor and supervise the patient. The health care facility is also responsible for arranging the transfer of the patient to a psychiatric facility. Attending health care professionals will conduct a risk assessment (Appendix A) to determine if police will be required for the security and transportation of an individual that is placed on a Form 1.

The majority of persons experiencing mental health issues are non-violent and do not present a risk to the personal safety of the medical staff treating them.

If the physician, after assessing the person and issuing a Form 1 and after consultation with the attending nursing staff feels the potential exists for violence either at the hospital or during transportation to the psychiatric facility they may request police officers on a paid duty to undertake security and/or transportation duties on behalf of the health care facility (refer to Appendix B). The Health Care Facility will be responsible for paying officers on a paid duty basis. Two officers will always be the minimum for this paid duty. The Dryden OPP and the Dryden Police Service will be responsible for calling in two off-duty officers to conduct the security and/or transportation. The initial officers will remain at the facility until relieved by the paid duty officers.

It will be the responsibility of the attending police agency to assign their officers to conduct the Form 1 security escort. If an individual is placed on a Form 1 independent of police involvement and the hospital staff determines that a police escort is required, then this shall fall within the jurisdiction of the Dryden Police Service.

If either the Dryden OPP or the Dryden Police Service is unable to conduct the Form 1 escort, then it shall be the responsibility of the applicable police agency to contact the other agency to request that they conduct the escort.

Consultation between the physician, nursing supervisor, ambulance personnel, crisis worker (if available) and police should take place to determine the preferred manner of transportation for violent or potentially violent patients. If police are required for safety and security measures then a police officer will ride in the ambulance with a second officer following in a police vehicle to allow for adequate communications and necessary back up.

If police are required for security in an aircraft (air ambulance) every effort will be made by medical staff to have the officers returned via the aircraft.

For non-violent patients, transportation other than by police will be the preferred method (e.g.: ambulance, family or other means of transportation).

Transportation by police alone should never occur. As per Legislation, this is a medical situation and a trained medical professional must be present to monitor the individual who remains in the care of the medical facility.

If a physician is not present in the health care facility when an individual is brought in for an assessment by police (e.g. after hours) a physician will be contacted by health care staff and asked to attend within a reasonable time.

PERSON ARRESTED FOR A CRIMINAL OFFENCE:

A person who has committed or is about to commit an offence and/or breach of the peace may be arrested and held in police cells until released in accordance with the appropriate legislation. A physician will be consulted on the appropriate level of medical care on a case-by-case basis. Police will be responsible for a person who remains in custody for offences contrary to legislation (e.g. Criminal Code). Normally, judicial officers order psychiatric assessments when a person is in police custody for these matters (as outlined in section 16 of the Mental Health Act). Transportation and custody for these matters are a police responsibility.

RELEASE OF A PERSON ARRESTED FOR AN OFFENCE:

If the person has been released from police custody and subsequently becomes the subject of a Form 1 the health care facility becomes responsible to monitor and supervise the individual and for the arrangement of transfer to a psychiatric facility.

REVIEW OF PROTOCOL:

The Dryden OPP, Dryden Police Service, Northwest EMS and the Dryden Regional Health Centre can initiate a review of this protocol at any time. All parties will be present and consulted during the review and all parties must agree to any amendments.

This protocol remains in place until such time as it is superseded.

IN WITNESS THEREOF the parties hereto have signed this Protocol.

Chuck J. Wesley, Detachment Commander
Dryden OPP Detachment

Dated

Rob Davis, Chief of Police
Dryden Police Service

Dated

Wade Petranik, CEO
Dryden Regional Health Centre

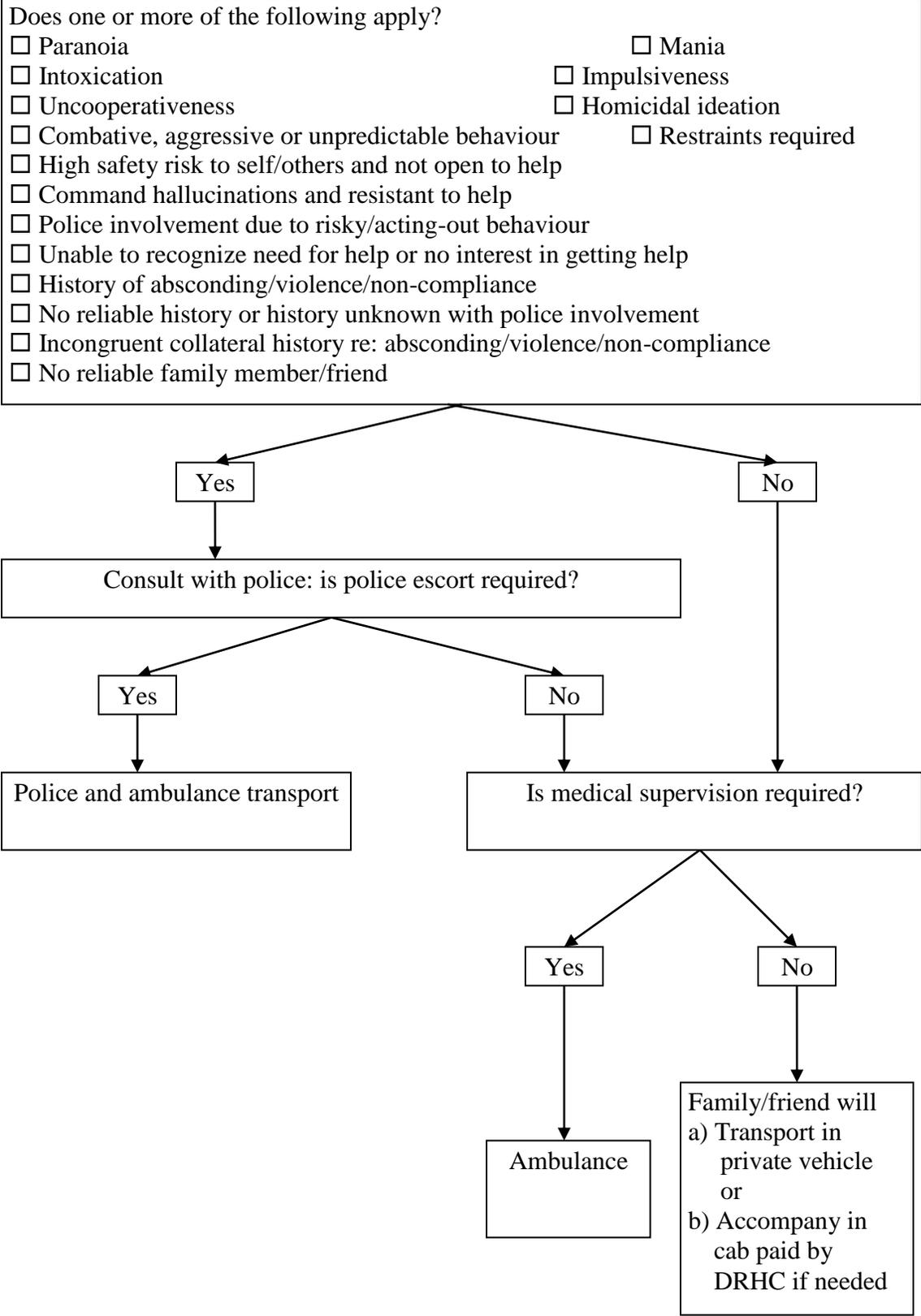
Dated

Andrew Tickner, Director
North West EMS

Dated

APPENDIX "A"

Form 1 Transportation Decision Process



APPENDIX "B"

PAID DUTY PROCEDURES

DRYDEN POLICE SERVICE PAID DUTY PROCEDURES:

The Dryden Police Service shall be responsible for contacting off-duty officers who will work on overtime when requested by the Dryden Regional Health Centre for a Mental Health Act Form 1 escort. The Dryden Police Service will be responsible for billing the Dryden Regional Health Centre for the subsequent monies owing.

DRYDEN OPP PAID DUTY PROCEDURES:

The Dryden OPP shall be responsible for contacting off-duty officers who will work in a paid duty capacity when requested by the Dryden Regional Health Centre for a Mental Health Act Form 1 escort. The Dryden OPP will be responsible for billing the Dryden Regional Health Centre for the subsequent monies owing.

- 4 hr minimum per officer
- Cancellation of the duty in less than 24 hrs will not require the minimum 4 hrs paid to each officer
- A written agreement is required. If this isn't practical or there are time constraints, a verbal arrangement will suffice to be followed up with a written agreement as soon as practicable
- Remuneration for each paid duty assignment is in the form of a cheque payable to the Minister of Finance.

Wages earned by either Dryden Police Service or OPP members will be based on the currently negotiated Collective Bargaining Agreement respective to each police agency.

NOTE: Officers working to provide this security / transportation service do so under the complete control and authority of the Dryden Police Service or the Dryden OPP, depending on the agency providing the service.