



City of Racine Police Department
Policy and Procedure

Number: 1903

Subject: Emergency Detention under Chapter 51.15		
Date Issued: 06-19-81	Date Revised: 11/4/16	Revision Number: 5

POLICY

This procedure outlines the steps an officer must adhere to when taking someone into custody during an emergency detention situation in accordance with Chapter 51.15 of the Wisconsin State Statutes. That person shall be placed into secure detention for their own safety as well as the safety of others.

PROCEDURE

MEMBER

Based on a specific and recent overt act, attempt, or threat to act or omission made by the individual and observed by or reliably reported to the member, the member shall:

1. Detain the individual for investigation and evaluation for possible emergency detention under Chapter 51.15 Wisconsin Statutes.
 - a. Make every reasonable effort to protect the person's health and safety.
 - b. Search the individual and seize any weapons, contraband or medication(s).
2. Transport the person to a medical facility for medical clearance and ensure that Racine County Human Services is notified.
 - a. If an injury or medical conditions make it appropriate, have RFD Rescue transport the person.
 - b. If an Emergency Care Center physician determines that the person is a "low risk" for aggressive behavior or flight, officers will be allowed to leave the patient in the care of Hospital Personnel by completing the "**Discontinuation of Continuous Supervision of Chapter 51 Patients by Law Enforcement in the Emergency Care Center**" form provided by All Saints (Ascension). Officers must sign the form and ensure that the form is also signed by an emergency healthcare representative before leaving the Emergency Care Center.
 - c. Once the person is medically cleared, transport the person to St. Luke's Campus 3-York.
 - d. If St. Luke's Campus 3-York will not admit the person, or has no facilities available, and the individual will be transferred to any State mental health facility, hospital personnel will notify the Racine County Sheriff's Office (RCSO) so arrangements can be made for them to take custody and transport the individual.
3. When a person is medically admitted or too intoxicated to be properly evaluated, but could potentially require emergency detention after medical clearance or no longer intoxicated:
 - a. Complete a Phoenix incident report documenting observations, statements, and evidence supporting emergency detention.
 - b. Under no circumstances should Emergency Detention paperwork be completed until the decision to take the person into custody under 51.15 is made by a Racine County Human Services Department representative or other qualified person as defined by Wisconsin Statute.
 - c. Deliver all other copies of the documents to your supervisor for review.
4. When a person is to be placed in emergency detention, prepare a "Statement for Emergency Detention" under Chapter 51.15, ensuring that all pertinent elements of the statute have been documented.

- a. Obtain a complaint number from Communications and enter it in the upper right hand corner of the forms. Case # or blank area.
 - b. Inform the individual of their rights, as provided on the "Notice of Rights" (CP36) and sign the form on the "Signature of Law Enforcement Official" line.
 - c. Present the pink copies of the completed documents to the individual, along with the green copy of the "Notice of Rights" form (CP36).
 - d. Sign the "Notice of Rights" form (CP35) under the "Affidavit of Personal Service" section.
 - e. Complete the required "Checklist for Chapter 51 Procedure" form (CP66).
 - f. Transfer protective custody of the individual to the treatment facility or RCSO personnel in the case of State facilities.
 - g. Present the yellow copies of the completed statement to the persons taking charge of the subject in custody.
 - h. Deliver all other copies of the documents to your supervisor for his or her review.
5. Occasionally, patients detained under Chapter 51 procedures at St. Luke's Campus, 3-York, will escape. Upon receiving such a call:
 - a. Communications will start a new complaint number and dispatch an officer to St. Luke's Campus to take a Missing or Escaped Person Phoenix incident report.
 - b. The officer will complete a Missing or Escaped Person Phoenix incident report, noting the agency initiating the original Chapter 51, that agency's complaint number, and the circumstances surrounding the missing or escape incident.
 - c. Complete NCIC Missing Person Form.
 - d. Upon completing the report, promptly forward the report and NCIC Missing Person Form to a supervisor for approval within two hours.

SUPERVISOR

Review and forward the documents provided by the member per Procedure #200.

1. The original "Checklist for Chapter 51 Procedure" form (CP60C) to Courts.
2. Goldenrod copies of the "Statement of Emergency Detention" form (CP60C) to Records.
3. White copies of the "Statement of Emergency Detention" form (CP60C) to Courts.
4. Orange copies of the "Notice of Rights" form (CP35) to Courts.
5. Fax NCIC Form to Communications for immediate NCIC/CIB entry and forward original to Records.

COURTS

Forward the emergency detention paperwork as indicated below.

1. For adults:
 - a. Upon receipt of emergency detention paperwork, transmit facsimile copies to Probate Court (636-3870) then forward documents as follows:
 - b. White copies of the "Statement of Emergency Detention" form (CP60C) to Probate Court.
 - c. The original "Checklist for Chapter 51 Procedure" form (CP66) to Probate Court.
2. For juveniles:
 - a. White copies of the "Statement of Emergency Detention" form (CP60C) to Juvenile Court.
 - b. The original "Checklist for Chapter 51 Procedure" form (CP66) to Juvenile Court.

NOTES

Per Chapter 51.15(11) Wisconsin State Statute – "Any individual who acts in accordance with this section, including making a determination that an individual has or does not have mental illness or evidences or does not evidence a substantial probability of harm under sub. (1)(a) 1., 2., 3., or 4., is not liable for any actions taken in good faith. The good faith of the actor shall be presumed in any civil action. Whoever asserts that the individual who acts in accordance with this section has not acted in good faith has the burden of proving that assertion by evidence that is clear, satisfactory and convincing."

In general, juveniles are not to be detained under Chapter 51.15 unless special circumstances are present or the juvenile is being placed in Winnebago or Mendota State Hospitals. Juveniles not being placed at one of these State facilities should be admitted by their parent/guardian.

RELATED PROCEDURES

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