Policy: MHDS employees have the responsibility to cooperate with law enforcement agencies by notifying them of the discharge of consumers with charges pending and cooperate with law enforcement investigation of alleged criminal activity involving consumers.

Purpose: To ensure health and welfare of consumers and general public.

Scope: MHDS Division Wide

Procedure:

I. If a local, state or federal law enforcement agency requests notification of a consumer's inpatient discharge by submitting a written hold order to the agency, the agency will notify law enforcement within 24 hours of the intended discharge of the consumer. Notification shall be documented in the consumer's medical record, including who was notified, and how notification was made.

II. Information on admission status of consumers will be provided to law enforcement officers on the following basis:

A. The agency employee who receives a phone call from law enforcement regarding an agency consumer will write down the officer's name, affiliated agency, and badge number along with the information which is being requested. That employee will then:

B. Report the call to the supervisor, who will then contact the agency administrator or designee.

C. The agency administrator or designee will obtain the requested information and call the law enforcement agency making the request to verify the request was made legitimately. If it was a legitimate request, the agency administrator or designee will then provide the requested information.

D. If confidential information is released to law enforcement personnel, a denial of rights form will be completed by the agency administrator or designee and forwarded to the Division administrator.

III. Police investigations of alleged criminal activity involving consumers shall be conducted pursuant to the following conditions:

A. The consumer or consumer's guardian must consent to any investigatory procedure including searches of personal space, person, or interrogation unless a search warrant or subpoena is presented. The agency administrator or designee shall inform the law enforcement officer of the consumer's clinical capacity to understand and consent to any of these procedures. No agency employee member is to be directly involved in the consent discussion between law enforcement officers and the consumer or consumer guardian.

B. The agency administrator or designee, with the permission of the consumer or consumer guardian and the law enforcement officer, may be present during the interrogation of the consumer. Such interrogation may take place in a division facility, and will be structured to avoid disturbance of other consumers and program.

C. Law enforcement officers may tour the facility grounds and common areas as part of an investigation. The agency administrator or designee shall assign a agency employee to accompany the officer(s). Consumer rooms and personal storage space are considered private areas and require either consent from the consumer or the consumer's guardian or a search warrant before they can be searched.

D. Law enforcement officers should not carry weapons onto inpatient units.

E. No employee member shall interfere with law enforcement search/interrogation procedures. If there is concern regarding the legality of these procedures, the agency administrator shall request of the officers that they consult their counsel to obtain legal advice. Any agency objection to officers' tactics or behavior will be documented in the consumer's medical record.

F. The division administrator shall be notified at once of any law enforcement investigatory procedure. This notification shall follow the format detailed in policy #CRR-1.4 Reporting of Serious Incidents.

Rand White

ADMINISTRATOR

EFFECTIVE DATE: 11/30/97
REVIEWED / REVISED DATE: 1/22/07, 3/15/2013
SUPERSEDES: POLICY # 4.006 Notification /Cooperation with Law Enforcement Agencies
APPROVED BY MHDS ADMINISTRATOR: 3/15/2013
APPROVED BY MHDS COMMISSION: