



GENERAL ORDER

No. 454

Subject:

Interaction with Persons Suffering from Mental Illnesses

Issuing Authority:

Chief of Police

Effective Date:

06/25/2024

Supersedes:

- I. **PURPOSE:** The purpose of this directive is to establish guidelines for handling persons suspected of being in crisis or suffering from mental illness. [Revised: 06/25/2024]
- II. **POLICY:** It is the policy of the Town of Manlius Police Department to provide understanding and proper attention to persons experiencing mental difficulties due to illness or crisis and who may require police assistance and community mental health resources.
- III. **BACKGROUND:** Law enforcement has historically been undertrained and overused for calls involving persons in crisis. With limited tools and resources in the past, this resulted in unnecessary uses of force and additional stress and conflict for those in need of help. Individuals in crisis or who are suffering from mental illness may require crisis intervention from officers, collaboration with mental health professionals, and follow up referrals to community resources. Officers will use their best judgment based on training, experience and discretion when dealing with the public as well as when exercising their powers of arrest pursuant to the New York State Mental Hygiene Law (MHL). Officers shall utilize de-escalation techniques to manage incidents and minimize the likelihood of and level of any necessary use of force. Personnel shall share information surrounding the individual's conduct and/or arrest with hospital personnel involved in the evaluation of the person, a law enforcement officer taking custody of the person, or presiding judge when making an arrest or delivering custody of the person to another officer, holding facility or mental health facility. [Revised: 06/25/2024]
- IV. **DEFINITIONS:**
 - A. **MENTAL ILLNESS** – A disorder in which individuals experience periodic problems with feeling, thinking or judgment to such an extent that the person afflicted requires care, treatment, and rehabilitation. Mental illness may be acute and time limited or chronic and lifelong. Mental illness may occur in anyone.
 - B. **VOLUNTARY REFERRAL / 9.21 MENTAL HYGIENE LAW** - Any person requesting admission, care, and treatment for themselves and who does not meet the minimum requirements for section 9.41 of the New York State Mental Hygiene Law.
 - C. **INVOLUNTARY REFERRAL / 9.41 MENTAL HYGIENE LAW** - Any person who appears to be mentally ill and is conducting themselves in a manner which is likely to result in harm to themselves or others shall be considered a 9.41 MHL detention and may not be a voluntary referral.
 - D. **PERSON IN CRISIS (PIC)** – A person whose level of distress or symptoms have impaired their internal ability to manage their behavior or emotions and who may not be thinking or acting rationally. An individual in crisis may exhibit symptoms of known, suspected, or perceived mental conditions, including but not limited to; mental illness, intellectual or developmental disabilities, or co-occurring conditions such as substance use disorders. Such behavior may be the result of many individual causes or circumstances. [Added: 06/25/2024]
 - E. **DE-ESCALATION** – Using verbal and non-verbal strategies intended to reduce the intensity of a conflict or crisis encountered by the police, with the intent of gaining compliance without the application of force, or if force is necessary, reducing the amount of force required. The Town of Manlius Police Department employs specialized police training for various members such as Verbal Judo, Crisis Intervention Team (CIT), or Integrating

Communication Assessment and Tactics (ICAT), however is not limited to these examples only. [Added: 06/25/2024]

- F. IMMEDIATE THREAT** – When an individual has established intent, ability, means, and opportunity to cause serious harm to another or to officers. [Added: 06/25/2024]
- G. OFFICER CREATED JEOPARDY** – A situation where officers create or escalate their own danger when dealing with a subject, leading to unnecessary conflict or use of force situations that may have been avoidable. [Added: 06/25/2024]
- H. EMPATHY** – The ability to understand and share the feelings of another. This is not sympathy which is feeling bad for someone's misfortune. [Added: 06/25/2024]
- I. LEND-A-HAND PROGRAM** – A voluntary program where caregivers provide information to the department in an effort to better manage individuals, during calls for service or field encounters, who may not be able to advocate for themselves or have special circumstances, if known by Law Enforcement at the time, may contribute to successful outcomes. The program is completely voluntary and may be completed by individuals or by their family, friend, or caregiver on their behalf, and stored where officers may review such forms when necessary. The form provides important information to officers about the person including contact information, medical diagnoses, service providers, treatment facilities, as well as recommendations to help officers make individuals more comfortable and avoid actions which could worsen a crisis. The form can be found on the Town of Manlius Police Department website. Officers will also have access to brochures to hand out to individuals they believe may benefit from the program. [Added: 06/25/2024]
- J. EXTREME RISK PROTECTION ORDER (ERPO)** – Any court issued order of protection, requested through a civil process, prohibiting a person from purchasing, possessing, or attempting to purchase a firearm, rifle or shotgun and where applicable, requiring the surrender of same. An ERPO has no criminal charges or penalties. Courts generally issue Temporary Extreme Risk Protection Orders (TERPO) prior to a hearing and prior to issuance of a final ERPO. [Added: 06/25/2024]

V. PROCEDURE:

A. RECOGNITION OF PERSONS SUFFERING FROM MENTAL ILLNESS

There are three types of indicators that a person may be suffering from a mental illness. When making observations, officers should note as many clues as possible, put the clues into the context of the situation and be mindful of environmental and cultural factors. The clues are as follows:

- 1. Verbal, which may include:
 - a. Illogical thoughts such as:
 - i. Expressing a combination of unrelated or abstract topics.
 - ii. Expressing thoughts of greatness (e.g., person believes that they are God).
 - iii. Expressing ideas of being harassed or threatened (e.g., CIA monitoring thoughts through a television set).
 - iv. Preoccupation with death, germs, guilt, etc.
 - b. Unusual speech patterns such as:

- i. Nonsensical speech or chatter.
 - ii. Word repetition or rhyming words or phrases.
 - iii. Pressured speech (i.e., expressing urgency in manner of speaking).
 - iv. Extremely slow speech.
 - c. Verbal hostility or excitement such as:
 - i. Talking excitedly or loudly.
 - ii. Argumentative, belligerent, unreasonably hostile.
 - iii. Threatening to harm self or others.
- 2. Behavioral clues which may include:
 - a. Physical appearance such as:
 - i. Inappropriate environment (e.g., shorts in winter heavy coat in summer).
 - ii. Bizarre clothing or makeup, considering current trends.
 - b. Body movements such as:
 - i. Strange postures or mannerisms.
 - ii. Lethargic, sluggish movements.
 - iii. Repetitious or ritualistic movements.
 - c. Seeing or hearing things that are not able to be confirmed.
 - d. Confusion about or unawareness of surroundings.
 - e. Lack of emotional response.
 - f. Causing injury to self.
 - g. Nonverbal expressions of sadness or grief.
 - h. Inappropriate emotional reactions such as:
 - i. Overreacting to situations (e.g., overly angry or excessively frightened).
 - ii. Laughing at something usually considered scary or sad.
- 3. Environmental cues where surroundings are inappropriate such as:
 - a. Decorations (e.g., strange trimmings, inappropriate use of household items such as aluminum foil covering windows).
 - b. Waste matter/trash such as:
 - i. "Pack-ratting" (i.e., an accumulation of trash such as hoarding string, newspapers, paper bags, clutter, etc.).
 - ii. The presence of feces or urine on the floor or walls.
 - c. Childish objects.

B. RECOGNITION OF PERSONS IN CRISIS [Added: 06/25/2024]

1. Members should be conscious of any of the following observed or reported indicators of a person in crisis:
 - a. A known history of mental illness.
 - b. Attempts or threats to harm self or others.
 - c. Memory loss.
 - d. Incoherence, disorientation, or slow response.
 - e. Hallucinations including illusions and delusions disconnected from reality.
 - f. Depression, extreme sadness or guilt, or feelings of hopelessness.
 - g. Social withdrawal.
 - h. Manic behavior, including a lack of sleep, grandiose beliefs, extreme agitation, or lack of self-control.
 - i. Absence of fear.
 - j. Anxiety, aggression, rigidity, inflexibility, or paranoia.

C. RESPONSE TO, AND INTERACTING WITH, MENTALLY ILL PERSONS AND PERSONS IN CRISIS
[Revised: 06/25/2024]

1. Officers with specialized de-escalation training (e.g., CIT, ICAT, or similar) shall be considered, based on information known, for response to calls for service that involve mentally ill persons or persons in crisis whenever possible to include:
[Added: 06/25/2024]
 - a. Suicidal ideation or threats.
 - b. Mental illness.
 - c. Homicidal ideation or threats.
 - d. Extreme emotional distress.
 - e. When their response is requested by another officer.
 - f. At the direction of a supervisor.
2. All officers encountering or responding to calls for service involving persons in crisis shall assess the situation including threats and risks to all persons on scene and consider the safety of all involved to be paramount. [Added: 06/25/2024]
3. Whenever possible, officers will collect as much information as possible, which may include, but is not limited to, review of dispatch notes, review of previous police encounters, callback to complainant, and review of Lend-A-Hand forms of involved persons prior to responding to the scene. If review is not possible prior to response, officers shall review such forms and information as soon as practical. Lend-A-Hand forms are available electronically to officers in the field labeled by the individual's name. [Added: 06/25/2024]
4. Officers must be mindful that individuals under the influence of alcohol, drugs, or a

combination of alcohol and drugs may exhibit symptoms similar to a mental health disorder and may still present a serious threat to first responders.

[Added: 06/25/2024]

5. It is not illegal, absent other factors, for persons to be in crisis, to behave unusually, or to suffer from mental illness. The primary role of law enforcement is de-escalation whenever possible and referral to other services when appropriate.
[Added: 06/25/2024]
6. Officers should determine if an offense occurred and alter their actions accordingly.
[Added: 06/25/2024]
7. The mentally ill person in a crisis is often afraid. When interacting with a mentally ill person the officer shall, to the best of their ability:
 - a. Continually assess the situation for danger.
 - b. Maintain adequate distance from the subject allowing a reactionary gap.
 - c. Remain calm.
 - d. Give firm, clear directions and if possible, only one officer should talk to the subject to create ongoing dialogue.
 - e. Respond to and validate apparent feelings rather than the content.
 - f. Respond to any delusions or hallucinations by talking about the person's feelings rather than what they are saying.
 - g. Be helpful or help make the person feel safer, calmer, etc.
 - h. De-escalate, whenever possible, to stabilize the incident as necessary given the totality of the circumstances. De-escalation includes: [Added: 06/25/2024]
 - i. Self-control, as an officer's emotions and behavior are the only element of a crisis that officers have complete control over.
 - ii. Effective communication, which includes tone of voice, inflection, and rate of speech since how something is said may be more important than what is said. Generally, calm, firm, and slow speech promotes confidence.
 - iii. Active listening, including allowing a person to vent, acknowledging their emotions, and responding by summarizing their statements helps develop a rapport.
 - iv. Expressing empathy by understanding the circumstances a person is in and how the person is feeling because of those circumstances.
 - v. Developing a rapport and building trust with the person.
 - vi. Influencing behavioral change in the person to gain voluntary compliance. Provide realistic options but avoid providing multiple choices that may become confusing.
8. When interacting with a mentally ill person or person in crisis officers should not:
[Revised: 06/25/2024]

- a. Join into the behavior related to the person's mental illness (e.g., agreeing or disagreeing with delusions or hallucinations).
 - b. Stare at the subject as this may be interpreted by the person as threatening.
 - c. Provide multiple choices or other questioning that may confuse them.
 - d. Whisper, laugh, or joke about the situation as this will increase the person's suspiciousness and may increase the potential for violence.
 - e. Deceive the person as dishonesty may increase the person's fear and suspicion.
 - f. Touch the subject. While touching can be helpful for some persons who are upset, for a mentally ill person in crisis, it may cause more fear and lead to violence.
 - g. Invalidate the subject's feelings.
 - h. Cause officer induced jeopardy by initiating an unnecessary physical confrontation: [Added: 06/25/2024]
 - i. Avoid compressing time and space.
 - ii. Maintain distance and cover to the extent possible
 - iii. Allow time for effective de-escalation, absent an immediate threat.
9. When interviewing and interrogating persons suspected of suffering from mental illnesses, officers shall be guided by the provisions in this order. In addition, officers shall consider the following in their interviews and interrogations:
- a. Every person more than nine years old may testify only under oath unless the court is satisfied that such person cannot, as a result of mental disease or defect, understand the nature of an oath. The person may nevertheless be permitted to give unsworn evidence if the court is satisfied that the witness possesses sufficient intelligence and capacity to justify the reception thereof. Therefore, if interviewing, interrogating, and/or taking a statement from a person who may be suffering from a mental illness, officers shall attempt to establish and document that the person being interviewed or interrogated understands the nature of an oath and that they appreciate the difference between truth and falsehood, the necessity for telling the truth and the fact that a person who testifies falsely may be punished.
 - b. Although alternatives to arrest may be considered in managing persons with mental illness to keep them out of the criminal justice system, nothing in this directive requiring mental health processes shall prevent an officer from initiating a criminal proceeding for acts committed in violation of laws.
 - c. Evidence of mental disease or defect may be offered by a defendant in connection with the affirmative defense of lack of criminal responsibility by reason of mental disease or defect. This defense is raised at the pre-trial stage of a proceeding and shall not prevent an officer from interrogating and taking a written statement from or in deciding to arrest a person suspected of suffering from a mental illness.
10. Use reasonable force as a means of de-escalation if a person presents an immediate threat (intent, ability, and means) to officers, or another person. [Added: 06/25/2024]
- a. Obtain medical treatment for all involved persons as necessary or requested

following any use of force.

- b. Notify the Watch Supervisor, or Duty Chief in their absence, as soon as possible.
 - c. Be guided General Order #213 “Use of Physical Force” or General Order #214 “Use of Deadly Physical Force”.
11. If circumstances allow, advise involved persons of the department’s Lend-A- Hand program. Assist with the completion of the form and forward it to the Community Support Unit (CSU). If a form is not completed, forward report information to the CSU for follow up when applicable. [Added: 06/25/2024]
12. Ensure the appropriate School Information Resource Officer (SIRO) is notified when an incident involves a student, staff, or parent in their school district. [Added: 06/25/2024]
13. Members may contact the 911 Communications Control Center if a specific community resource is needed during interaction with a mentally ill person. The following community health resources are also directly accessible: [Revised: 06/25/2024]
- a. Liberty Resources Mobil Crisis:
 - i. Adults – (315) 251-0800
 - ii. Youth – (315) 462-1100
 - b. Comprehensive Psychiatric Emergency Program (CPEP) – (315) 448-6555.
 - i. CPEP Mobile Outreach – (315) 569-4129
 - c. Access CNY – (315) 478-4151
 - d. Helio Health:
 - i. Regional Open Access Center for Addictions (24/7) – (315) 471-1564
 - ii. Intensive Crisis Stabilization Center (ICSC) (24/7) – (315) 434-5334
 - e. New York State Alcohol & Substance Abuse Office of Central New York – (315) 428-4113.
 - f. CONTACT Hotline (315-251-0600).
 - g. Suicide & Crisis Counseling Service (315-251-0600).
 - h. Victim Witness Assistance Center (315-473-2891).
 - i. United Way Helpline (315-435-8300).

D. VOLUNTARY REFERRALS AND MENTAL HYGIENE LAW ARRESTS

1. Officers responding to calls for service involving mental health issues shall provide appropriate assistance to individuals, families or other persons seeking voluntary services under the Mental Hygiene Law to the extent possible. This assistance may include, but is not limited to:
- a. Engaging in dialogue of encouragement to seek treatment.

- b. Transporting or arranging transportation to the Comprehensive Psychiatric Emergency Program (CPEP) or if unavailable an appropriate Hospital Emergency Department.
 - c. Transporting or arranging transportation of a minor (under 18) and their parent/guardian to Upstate Pediatric Emergency Department.
 - d. Arranging for contact with mental health referrals.
 - e. Officers may request the use of the mobile mental health resources for assistance on scene. [Revised: 06/25/2024]
2. Section 9.41 of the New York State Mental Health Law (MHL) allows, but does not require, a police officer to take into custody for evaluation any person who appears to be mentally ill and is conducting themselves in a manner which is likely to result in serious harm to themselves or others. "Likelihood to result in serious harm" shall mean that: [Revised: 06/25/2024]
- a. The person displays a substantial risk of physical harm to themselves as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that they are dangerous to themselves; or
 - b. A substantial risk of physical harm to other persons is manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.
3. When use of force options become necessary, officers shall be guided by the provisions of General Order #213, "Use of Force" and Article 35 on the New York State Penal Law and shall additionally consider the following: [Revised: 06/25/2024]
- a. The tactics used to take an unarmed, emotionally disturbed person into custody should be different from the tactics an officer uses when attempting to subdue an armed and dangerous criminal who has recently committed a serious offense. [Added: 06/25/2024]
 - b. When a subject is only a danger to themselves and the sole justification for a seizure is preventing harm to that subject, there is little government interest in using force to affect the seizure. Furthermore, using force that is likely to harm the subject is specifically contrary to the government's interest in initiating that seizure. [Added: 06/25/2024]
 - c. Officers may use considerable discretion to not take subjects into custody, or to delay a seizure, if when evaluating the force that would be required and the circumstances of the incident, there is a greater likelihood of injury to persons involved if force is used than there is if the subject is not taken into custody. [Added: 06/25/2024]
 - d. When time and circumstances allow, officers shall consult the watch supervisor, or in their absence the Duty Chief, prior to using force to take a noncompliant passively resistant subject into custody under Mental Hygiene Law. [Added: 06/25/2024]
4. Persons taken into custody pursuant to Section 9.41 shall be searched, handcuffed, and transported in accordance with procedures set forth in General Order #444, "Prisoner Transportation" (Refer especially to "Transportation of Physically Handicapped or Mentally Ill Prisoners") unless circumstances (e.g., severe disabilities) prevent the individual from being handcuffed.
5. Officers shall evaluate the condition of the subject prior to determining the best

method of transportation. Combative subjects or subjects with severe physical disabilities may be transported by ambulance for medical concerns or necessary treatment. Officers should consult with a supervisor prior to transporting the subject if questions exist regarding the safest method of transportation. If such ambulance is utilized, officers need to be aware that ambulances are not authorized to transport subjects directly to CPEP. Officers shall accompany the ambulance personnel in order to ensure the safety of the ambulance personnel and to maintain custody of the subject until custody of the subject is assumed by the hospital security staff.

6. Pursuant to New York Civil Rights Law Article 3, Section 28, officers must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith. Seeking immediate assistance or treatment for mental health needs of a person in custody shall be based on the reasonable cause to believe that such person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in serious harm to themselves or others.
7. Section 9.21 of the New York State Mental Health Law (MHL) encourages any person suitable therefore and in need of care and treatment for mental illness to apply for admission as a voluntary or informal patient. Voluntary referrals that are to be transported by police vehicle shall be searched prior to being transported. The use of handcuffs on a voluntary referral will be based on the officer's assessment of the individual and the situation.
8. The following facilities are appropriate for persons taken into custody pursuant to Section 9.41 NYSMHL and/or voluntary referrals within Onondaga County:
[Revised: 06/25/2024]
 - a. St. Joseph's Hospital CPEP – 301 Prospect Ave, Syracuse, NY (preferred adult).
 - b. Upstate Hospital – 750 E. Adams St, Syracuse, NY (preferred juveniles).
 - c. Veterans Affairs Medical Center – 800 Irving Ave, Syracuse, NY (preferred veterans).
 - d. Helio ICSC – 329 N. Salina St, Syracuse, NY (preferred substance abuse and must be voluntary).
 - e. Upstate Community Hospital – 4900 Broad Rd, Syracuse, NY
9. Whenever practical an officer should call facilities prior to transporting a subject to share information surrounding the individual's conduct, condition and/or special needs with medical personnel involved in the evaluation of the person. In many cases calling in advance will expedite the processing of the subject. When admitting a subject officers will adhere to the following: [Revised: 06/25/2024]
 - a. A parent or legal guardian must respond to authorize the treatment of any person less than eighteen (<18) years of age. [Revised: 06/25/2024]
 - b. Upon arrival, the officer shall provide all information concerning the individual to the attending medical personnel. [Revised: 06/25/2024]
 - c. Officers shall complete the appropriate Law Enforcement Agency Referral and CPEP Emergency Admission forms, as applicable, which may be obtained from facility personnel. [Revised: 06/25/2024]
 - d. The subject is the responsibility of the officer and at no time will the patient be left alone unless hospital security personnel properly relieve the officer. Officers are

not required to remain at the facility once properly relieved. The officer shall document the name of the staff member assuming control of the subject and the time the officer was relieved in the narrative portion of their police report.
[Revised: 06/25/2024]

10. If a minor is seeking voluntary treatment and their actions do not meet the criteria for custody under NYSMHL 9.41, the minor can be turned over to the custody of their parent or guardian to wait for treatment. In that event, the officer shall document the name of the parent/guardian the minor was turned over to and the time the officer was relieved. [Revised: 06/25/2024]
11. Officers taking a person into custody pursuant to the Mental Hygiene Law, whether voluntary or involuntary, shall complete a non-criminal incident report (11) documenting the circumstances surrounding the arrest. NYSMHL arrests will not be entered into the arrest system database. If the person is arrested on other charges, those charges will be entered into the system. If an incident involves an offense, it will be documented in a police incident report (15). [Revised: 06/25/2024]
12. If a subject arrested under the NYSMHL escapes the custody of police before evaluation, that person will be considered a missing person and investigated pursuant to General Order #424, "Missing Persons."
13. If officers determine that the subject poses an extreme danger to others, an Extreme Risk Protection Order (ERPO) application should be completed in consultation with the Onondaga County District Attorney's Office.
[Added: 06/25/2024]
14. If a subject who appears to be mentally ill is to be charged criminally, the officer shall arrest the person on applicable criminal charges and shall notify their supervisor, or in their absence the Duty Chief, of the circumstances.
 - a. In the case of a petty offense (e.g., misdemeanor, violation, or traffic infraction), not involving a crime or threatened crime against a person, an appearance ticket may be issued to the subject and the subject may be transported to and turned over to medical facility personnel. Attending facility personnel must be advised that criminal charges are pending. [Revised: 06/25/2024]
 - b. If a felony offense or a crime against a person is charged, the subject shall be arrested and arraigned on the criminal charges by being brought to the applicable local criminal court or C.A.P. and the officer shall:
[Revised: 06/25/2024]
 - i. Relate all information concerning the individual to the presiding judge at arraignment and shall request that the judge order a mental health examination.
 - ii. Upon lodging the subject at the Justice Center, the transporting officer shall share information surrounding the individual's conduct, condition, or suicidal threats with Justice Center booking personnel and shall make them aware of any court order for a mental examination.

E. RESPONSIBILITIES OF THE WATCH SUPERVISOR [Added: 06/25/2024]

1. When an incident involves mentally ill persons or persons in crisis the Watch Supervisor shall:
 - a. Direct the use of officers with specialized training whenever possible regardless of assigned patrol posts.

- b. Authorize specially trained officers to assist outside agencies when requested, if doing so will not unreasonably hinder police services within the Town of Manlius.
- c. Respond to the scene when requested or appropriate. When at the scene of a person in crisis:
 - i. Request the response of sufficient personnel and resources under the circumstances presented.
 - ii. Provide direction to officers to avoid officer induced jeopardy or state created danger.
 - iii. Be mindful of the availability and use of less lethal force options when possible.
 - iv. Closely monitor any use of force.
 - v. Consider tactical repositioning or strategic disengagement including removing or reducing law enforcement personnel or engaging in only passive monitoring absent an imminent threat to the public and when the totality of circumstances dictates.
- d. Ensure completion of all necessary reports including a Lend-A-Hand form when collaboration is possible and when the form may benefit the individual and officers.
- e. Ensure completion of an ERPO application in consultation with the Onondaga County District Attorney's Office if the totality of circumstances suggest the subject poses an extreme danger to others.
- f. Consider the need for follow-up by the Field Services Section or CSU.
- g. Evaluate the need for after-action or stress management debriefing of involved officers.
- h. Make notifications as required by General Order #219, "Duty Chief."

F. RESPONSIBILITIES OF THE CSU [Added: 06/25/2024]

- 1. The CSU manages the department's Lend-A-Hand form and ensures such documents are available to Field Service Section officers, as necessary.
- 2. When information or a report is forwarded from the Field Services Section regarding a person in crisis, CSU members shall:
 - a. Receive the information and evaluate the need for follow up including but not limited to completion of a Lend-A-Hand form, referral to additional resources, or contacting medical professionals.
 - b. Review Lend-A-Hand forms, if completed, and upload the document to PowerDMS under the involved person's name.
 - c. Ensure the appropriate School Information Resource Officer (SIRO) is notified when an incident involves a student, staff, or parent in their school district, if

such notification was not already made.

G. RESPONSIBILITIES OF NON-SWORN MEMBERS [Added: 06/25/2024]

1. Non-Sworn members may be required to interact with persons in crisis in an administrative capacity (e.g., phone conversations, records requests, etc.). When interacting with persons in crisis non-sworn members shall:
 - a. Treat all individuals equally with dignity and respect.
 - b. Proceed patiently and calmly in interactions.
 - c. Be aware that the person may make unusual or bizarre comments or requests.
2. If a person's behavior makes the member feel unsafe, they become disruptive or violent, or they act in a manner leading the member to believe the person may be harmful to themselves or others, an officer will be immediately requested to assist.

H. EXTREME RISK PROTECTION ORDERS (ERPO) [Added: 06/25/2024]

1. Service of Orders
 - a. Prior to serving or acting on an order, assigned personnel should read the order and the petition thoroughly and verify that the correct person is listed.
 - b. Some orders may carry more risk for the protected person, family, community, or law enforcement and shall be prioritized.
 - c. All orders will be reviewed by an on-duty supervisor for an evaluation of service type and requirements.
 - d. The reviewing supervisor shall conduct a risk assessment (see below) on all orders involving the surrender of weapons.
 - e. The reviewing supervisor should keep in mind that the risk of harm to a petitioner is heightened upon a respondent person's first notification of an order.
 - f. Timing of order service and any required surrender of weapons shall be prioritized to occur as expediently as possible based on factors considered in the risk assessment (see below on risk assessment).
 - g. High-risk orders shall not be served with fewer than two officers and if possible one supervisor.
 - h. Service of an Ex-parte (emergency) temporary orders will take priority over other orders unless the other orders are of a similar emergency nature and those respondents present an equivalent or greater risk of harm if not immediately served.
 - i. Service is not considered valid unless the respondent is personally served, or unless the court specifies otherwise; therefore, an affidavit of service shall be completed upon each service. Service must also be entered into the E- Justice portal under orders of protection.
 - j. The first attempt at service will occur within 24 hours of receiving the order.

- k. If the first attempt failed, at least three attempts will be made to serve the order. If the order was determined to be a high risk, additional attempts at service will be made.
 - l. Each attempt at service is noted in a report with the date, time, address, officer's name and reason if incomplete.
 - m. Court orders that have expired or are unsigned will not be served.
 - n. Officers, along with a Sergeant, if possible, shall screen any order received from any outside agency prior to service.
 - o. Although the order may identify specific firearm brands and models to be surrendered, personnel should also ask the victim/petitioner separately for ALL firearms to which a Respondent/Restrained Person has access to or is in possession of.
 - p. Personnel should review any available information that would identify additional firearms owned or possessed by the respondent including the police reports leading to the order. All firearms must be surrendered upon service, even those not specifically listed in the order.
 - q. Ask the respondent if they will consent to a search; however, orders may include a search provision (i.e. search warrant) for a premise, vehicle or person and consent may not be needed.
 - r. Once the search is complete, a Search Inventory Form shall be completed and returned to the court; preferably at least a day before the scheduled hearing.
2. Interaction with the Respondent
- a. Advise the respondent that the court has ordered that all firearms in his or her custody, control, or possession must be immediately temporarily turned over to law enforcement for safekeeping.
 - b. Explain to the respondent that this is a temporary court order, law enforcement will retain the firearms for safekeeping, and s/he can contest it at the hearing.
 - c. If the respondent denies possession of firearm(s) or reports that firearms have been transferred to another party or sold, conduct basic investigative steps to help verify or disprove.
 - d. Ask the respondent if they will consent to a search; however, orders may include a search provision (e.g., search warrant) and consent may not be needed.
 - e. Take possession of all firearms that are surrendered, are in plain view, or are discovered pursuant to a lawful search. If there is reasonable cause to believe that the respondent still has custody, control, or possession of other firearms, consider application for a criminal court search warrant or consider criminal charges for follow up.
 - f. If a respondent is served in court or via mail/publication, they may surrender firearms to law enforcement within 48 hours of receiving notice, rather than immediate surrender. Follow-up should be done to ensure this occurred.

- g. Officers shall provide a receipt for all property consistent with General Order #209, "Property Management."
 - h. Log all firearms in property either as "safekeeping" or "evidence" as appropriate and according to department procedure.
 - i. Notify the petitioner when service is complete.
- 3. Risk Assessment
 - a. Factors that will be taken into consideration during the risk assessment:
 - i. Prior incidents of assault (domestic violence and non-domestic violence).
 - ii. Prior incidents of assault or threat against children.
 - iii. Prior incidents of assault against law enforcement.
 - iv. Any type of physical violence, stalking or sexual harm toward victim.
 - v. Threat to harm or kill victim or others.
 - vi. Conviction or arrest involving violent acts.
 - vii. Presence of firearms or other dangerous weapons.
 - viii. History of alcohol or substance abuse.
 - ix. Violence against animals.
 - x. Behavioral crisis indicative of dangerousness to self and/or others including suicidality.
- 4. Completing and Filing a Petition
 - a. Application forms are contained in the appendix or can be accessed at: <https://ww2.nycourts.gov/erpo>.
 - b. When completing a basic ERPO application and Request for Judicial Intervention, the Law Enforcement Official shall include:
 - i. A detailed explanation why the respondent poses a significant danger of injuring self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
 - ii. Identify the number, types, and locations of any firearms the officer believes to be in the respondent's current ownership, possession, custody, or control.
 - iii. Whether a known existing protection order governs the respondent.
 - iv. If the petitioner is a law enforcement officer or agency, the address of record must be that of the law enforcement agency.
 - v. If the petition states that disclosure of the petitioner's address would risk

harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court.

- vi. If the petitioner has not disclosed an address, the petitioner must designate an alternative address at which the respondent may serve notice of any motions.
- c. Additional considerations for the application:
- i. Recent acts or threats of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm.
 - ii. A pattern of acts or threats of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against self or others.
 - iii. A violation by the respondent of a protection order or a no contact order.
 - iv. A previous or existing extreme risk protection order was issued against the respondent.
 - v. A violation of a previous or existing extreme risk protection order issued against the respondent.
 - vi. A conviction of the respondent for a crime that constitutes domestic violence as defined in General Order #237 "Domestic Violence."
 - vii. The respondent's ownership or access to, or intent to possess firearms.
 - viii. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.
 - ix. The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person.
 - x. Any prior arrest of the respondent for a felony offense or violent crime.
 - xi. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.
 - xii. Evidence of recent acquisition of firearms by the respondent.
- d. Filing the paperwork:
- i. Contact the on-call Onondaga County Assistant District Attorney (ADA) and provide all necessary information pertaining to the application for an ERPO.
 - ii. Forward all supporting documentation to the on-call ADA at their request.
 - iii. The ERPO application can be electronically filed by the ADA.
 - iv. If it is necessary to file the paperwork without the on-call ADA, officers may:

- a) When time permits (M-F 0830-1600), officers shall first deliver and submit the paperwork to the County Clerk, 401 Montgomery Street, Syracuse, NY 13202, (315) 435-2227, who will assign an index number as part of the civil process before the officer submits forms to Supreme Court.
 - b) If time does not permit (after hours emergency) the Supreme Court Judge may act first and the court may file with the County Clerk later. For after-hours emergencies, use the following phone number and/or email address to reach a Supreme Court Judge: (800) 430-8457 or emergency@nycourts.gov.
 - c) Officers shall submit all completed forms to the Onondaga County Supreme Court Clerk, 505 South State Street Suite 110, Syracuse, NY 13202, (315) 671-1020 or through the District Attorney's Office M- F 0830-1630.
 - d) Officer submitting forms may be required to testify if the judge deems it necessary and should be prepared to do so.
 - e) The Court Clerk will provide a date and time for the hearing.
 - f) If a temporary emergency order is not sought, the court may take up to 10 days to issue the order.
 - g) Once an order is signed by a Supreme Court Judge, the paperwork should be given back to court clerk.
 - h) After serving the Extreme Risk Protection Order, the original copy of the affidavit of service shall be returned to the District Attorney's Office, 505 S. State Street 4th Floor, Syracuse, NY 13202.
- e. Upon issuance of a temporary Extreme Risk Protection Order (TERPO), the law enforcement agency having jurisdiction shall conduct a background investigation of the respondent and submit to the Supreme Court, prior to a hearing on a final order, a memorandum detailing whether the respondent:
- i. Has any prior criminal conviction for an offense involving domestic violence, use of a weapon, or other violence.
 - ii. Has any criminal charge or violation currently pending against him or her.
 - iii. Is currently on parole or probation.
 - iv. Has been, or is, subject to any order of protection or has violated or allegedly violated any order of protection.
5. Seizing, Storing, and Releasing Firearms
- a. A respondent may call the Town of Manlius Police Department to schedule an appointment to surrender firearms. In the interest of public safety, appointments should be scheduled at the soonest opportunity.
 - b. Respondents should be advised to come to the agency at the appointed time with

their unloaded firearms in a vehicle and transported in accordance with state law.

- c. Respondents shall be advised to leave their firearms and ammunition inside the vehicle and contact police personnel. No firearms may be brought into the police department building by the respondent.
- d. Police personnel shall take the surrendered firearms and ammunition into agency custody immediately and, if possible, with the respondent and any other persons away from the vehicle or location of the firearm(s).
- e. Personnel shall check NCIC to ensure that all firearms are not listed as stolen and that all identified firearms have been surrendered.
- f. Personnel shall complete a property receipt for all surrendered property.
- g. Personnel shall complete a report (or follow-up) to be added to the agency case file.
- h. Firearms collected under these circumstances and that have not been released by the court shall be held for a minimum of two years despite the nuisance rules associated with the New York State Property Law.
- i. The department must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members of the respondent in the manner provided.
- j. In addition to the above provisions, evidence and property personnel will be guided by the provisions of General Order #209, "Property Management" concerning the disposition of firearms.

I. TRAINING

- 1. In collaboration with community stakeholders, mental health professionals, and law enforcement partners, the department will continue to evaluate and identify appropriate comprehensive training to deliver to all department members regarding interactions with mentally ill persons and persons in crisis. [Added: 06/25/2024]
- 2. Newly hired personnel shall receive documented training regarding interacting with persons suspected of suffering from mental illnesses. This training shall include:
 - a. Recognition and interaction training as prescribed by the New York State Division of Criminal Justice Services (DCJS) is provided as a component of the Basic Academy.
 - b. Mental Health First Aid or equivalent training.
 - c. Training in department procedures as set forth in this directive shall be part of the Field Training Program.
- 3. The department will seek to achieve and maintain at least 50% of sworn members with specialized de-escalation and mental health training (e.g., Verbal Judo, CIT, ICAT, etc.). [Revised: 06/25/2024]
- 4. All personnel will receive documented annual refresher training in department policies and procedures regarding dealing with persons in crisis / mental health

issues.

[Original: 01/04/2005]

[Revised: 02/01/2007]

[Revised: 01/26/2012]

[Revised: 01/31/2013]

[Revised: 06/07/2017]

[Revised: 07/01/2019]

[Revised: 12/28/2020]

[Revised: 02/22/2022]

[Revised: 06/25/2024]