

Mental Health Crisis Data

341.1 PURPOSE AND SCOPE

Minnesota law requires certain entities and mental health providers to supply information to law enforcement, upon proper request, to aid in safely addressing a pending mental health crisis. This policy establishes procedures for requesting, documenting, using, retaining, and safeguarding the privacy of such information.

It is the policy of this department to encourage officers to seek and utilize information from mental health professionals, practitioners, and other care providers to aid in the safe resolution of individual crisis situations. Officers may initiate requests for this information when practicable and deemed advisable. Information obtained in response to such requests shall be documented, utilized, and retained in accordance with applicable laws and this policy.

341.1.1 DEFINITIONS

The following phrases and words have special meanings as used in this policy:

- (a) **Mental Health Crisis Data (MHCD)** means data on individual clients or patients that is sought and received from community mental health centers, mental health divisions of counties and providers under contract with them, or private sector mental health providers for the purpose of safely responding to a mental health crisis.
- (b) **Person in Crisis (PIC)** refers to an individual who is experiencing or is suspected or reported to be experiencing a mental health crisis.
- (c) **Requestee** refers to an entity or individual asked to supply Mental Health Crisis Data to a law enforcement agency.
- (d) **Requestor** refers to an officer or employee of this agency who makes a request for Mental Health Crisis Data.

341.2 WHEN MHCD MAY BE SOUGHT

Provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.46, subd. 7) and the Minnesota Health Records Act (Minn. Stat. § 144.294, subd. 2) require mental health providers and certain entities to supply information to law enforcement when a client or patient is currently involved in a mental health crisis, and disclosure of the information is necessary to protect the health and safety of that person or another. These laws use the definition of "mental health crisis" found in Minnesota Statutes, § 256B.0624, subdivision 2(j):

"Mental health crisis" is a behavioral, emotional, or psychiatric situation that, without the provision of crisis response services, would likely result in significantly reducing the recipient's levels of functioning in primary activities of daily living, in an emergency situation under section 62Q.55, or in the placement of the recipient in a more restrictive setting, including but not limited to inpatient hospitalization.

A situation will qualify as a mental health crisis under this definition, thus enabling the agency to seek mental health data, if:

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1. The subject appears to be experiencing a behavioral, emotional, or psychiatric episode, and
2. It would likely result in one of the following outcomes, absent the assistance of a mobile crisis provider:
 - (a) The person being unable to take care of basic functions like bathing, eating, dressing, and toileting; or
 - (b) The person needing to be transported to a hospital for an emergency medical condition; or
 - (c) The person being taken into custody for a transport hold; and
3. The information being sought is necessary to protect the health or safety of the PIC or another.

341.3 REQUESTING AND OBTAINING MHCD:

Officers should adhere to the following procedures in requesting MHCD:

- (a) Officers responding to a mental health crisis may request information themselves or have another officer, a dispatcher, or appropriate staff member contact requestees with information requests.
- (b) Entities and individuals that are obligated to respond to requests for information include community mental health centers, mental health divisions of a county, and mental health providers including psychiatrists, psychologists, therapists, mental health professionals, mental health practitioners, and case managers.
- (c) The purpose of making a request is to obtain information from a mental health provider, familiar with the PIC, about strategies for safely responding to and resolving the pending crisis. To that end, the requestee is obligated to provide a name and phone number for the PIC's psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager, if known; and strategies to address the mental health crisis.
- (d) Under the law, the requestee is to provide law enforcement with the minimum information necessary to safely respond to the mental health crisis. It may be necessary and appropriate for the requestor to share information with the requestee about the dynamics and circumstances of the crisis in order to demonstrate law enforcement's need for information. Requestors should not ask for information about the PIC's diagnosis.
- (e) Once obtained, MHCD may be shared with other officers and members of this agency as is reasonably necessary to safely address the crisis. The information may not be used for any other purpose.

341.4 DATA PRACTICES

The following shall apply to mental health crisis data obtained by this agency:

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- (a) **What to document.** The requestor shall document their own identity, the name of the PIC, and the identity of the person (or entity, if the name of the person is not available) that supplied data in response to the request for MHCD. In addition:
 - (a) Information obtained about strategies for resolving crisis situations with the PIC, including any circumstances that call for particular approaches, should be documented.
 - (b) Any information that the requestee provided about the PIC's diagnosis should not be documented.
 - (c) The officer assigned as primary on the call shall ensure that the PIC is informed that mental health data was obtained, and that this notification to the PIC is documented.
- (b) **How to label and store the information.** Incident reports that contain MHCD shall be labeled or flagged as such. This data may only be stored on and accessed through the Field Based Reporting System (FBR).
- (c) **Private data.** MHCD is and shall be administered as private data on the person in crisis.
- (d) **Accessing stored MHC** Officers and other agency personnel may access MHCD data only when their job assignment reasonably requires access to it. For a peace officer, a business need exists if it is foreseeable that the officer may be tasked in the future to respond to a mental health crisis involving the person who is the subject of the MHC
- (e) **Use of MHCD.** Mental Health Crisis Data may only be used for purposes of responding to mental health crisis situations involving the individual PIC. The data may not be used for any other purpose, such as furthering a criminal investigation or in connection with a charging decision.
- (f) **Retention of MHCD.** Mental Health Crisis Data shall be maintained for a period of seven years following the latest mental health crisis known to the agency involving the subject of the MHCD, after which it shall be disposed of in such a way as to prevent its contents from being determined.