

# Emergency Detention Process



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## What is Emergency Detention?

Emergency detention is the legal process in which a police officer or examiner, defined as an individual who is licensed as a psychiatrist, physician, advanced practitioner nurse, physician's assistant, psychologist, professional counselor, addictions therapist, clinical social worker, or marriage or family therapist, detains a person who is reasonably thought to be a danger to themselves, others, or who is unable to meet basic needs, as a result of mental illness.

*Harm to self:* There must be evidence of, or a substantial probability for, physical harm to the person and evidence of recent threats, or attempts, at suicide, or serious bodily harm.

*Harm to others:* There must be evidence of, or a substantial probability for, physical harm to others as shown through a recent homicidal act, attempt, or threat, or other violent act, attempt or threat, which places others in reasonable fear of serious physical harm.

*Inability to Meet Basic Need:* The person must demonstrate behavior by recent acts, or lack of action, due to mental illness, that s/he has been unable to satisfy the basic needs for nourishment, essential medical care, shelter, or safety. In this case, there must be a substantial probability that death, serious physical injury, serious physical debilitation, destabilization due to not taking prescribed psychotropic medications, or serious physical disease, will occur right away, unless the individual receives prompt and adequate treatment for the mental illness.

This document is intended to summarize the processes of Emergency Detention, as described in the Wyoming State Statute 25-10-109, which can be found at <http://legisweb.state.wy.us>.

## What does “detained” mean? Where are you detained?

“Detained,” in this context, means that an individual has been taken into custody at a hospital or suitable facility appropriate under the circumstances. The individual may NOT be held at a jail or criminal detention center, except in extreme emergency or if no reasonable alternative is available.

## Who can detain someone under this law?

A law enforcement officer or an examiner can make the initial decision to detain an individual under this law.

## **The First 24 hours**

Upon being detained, the officer or examiner responsible will write a statement regarding the facts of the emergency detention. A copy of this statement will be given to the detained individual, any subsequent examiner, and the designated gatekeeper. If treatment for the detained individual is necessary, and the individual consents, it may be provided.

A gatekeeper is an individual who understands the emergency detention process and may coordinate with, and provide guidance to, the courts and detained individuals. Gatekeepers may also testify in court. They do **not** provide inpatient psychiatric treatment.

When detained, the law enforcement officer in charge will immediately contact the person responsible for the individual, if known, and explain the situation to them. For any other person to be contacted, the detained individual, or his/her guardian, must sign a release of information form. A preliminary assessment of the individual will be scheduled within 24 hours, and will be conducted by a licensed health or mental health professional. If the person is found to not be mentally ill or a danger to self or others, the person **must be released**.

If the preliminary assessment finds that the person is mentally ill and a danger to self or others, s/he will be temporarily detained for a period no longer than 72 hours, excluding Saturdays, Sundays, and legal holidays.

## **If detained, what happens in the next 48 hours?**

A preliminary hearing must occur within 72 hours of the emergency detention (excluding Saturdays, Sundays, and legal holidays). The individual detained, his/her guardian, and his/her attorney will be given notice of the preliminary hearing. This hearing cannot be delayed unless requested by the detained individual, parent/guardian, or his/her attorney.

If the court finds that the detained individual is not mentally ill, the individual will be **released**. If the court finds the individual is mentally ill, it can order continued **detention for not more than ten (10) days**. The court, at the request of the individual or his/her attorney, may extend this period. The court will also determine the individual's competence (ability) to make informed decisions regarding treatment and the need for psychotropic medications. If found to be incompetent, the court may order the administration of such medications in order to stabilize the mental health of the individual.

## **Who pays for all of these costs?**

The county in which the individual is detained is responsible for the costs of transportation and treatment provided within the first 72 hours of detention, including weekends and legal holidays. Medical care related to suicide attempts or serious bodily harm will be provided, and the county will cover these costs. The county will also cover court and attorney fees for Wyoming residents, and the Wyoming Department of Health will handle costs for non-residents.

**Always call 911 for emergencies. If you are concerned about a family member or loved one, call your local police department's crisis intervention line or send a text message to the Crisis Line at 741-741. You can also call the Substance Abuse & Mental Health Ombudsman at 888.857.1942.**

**For more information, go to: <http://health.wyo.gov/mhsa>**