



Police Commissioner's Special Order

Number: SO 21- 30

Date: July 14, 2021

Post/Mention: Indefinite

SUBJECT: RULE 203A: PROCESSING AND EXECUTING APPLICATIONS FOR INVOLUNTARY HOSPITALIZATION AND WARRANTS OF APPREHENSION PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 123 SECTION 12

Rule 203A, Processing and Executing Applications for Involuntary Hospitalization and Warrants of Apprehension pursuant to Massachusetts General Laws Chapter 123 Section 12, is hereby issued superseding all previous rules, special orders, memos and directives on this subject.

This rule is effective immediately.

This rule is intended to clarify the process for receiving, reviewing, coordinating, and serving Section 12(a) Applications for Involuntary Hospitalization issued by agencies outside of the Boston Police Department (BPD) and Section 12(e) Warrants of Apprehension issued by the courts pursuant to Massachusetts General Laws Chapter 123.

This standardized process utilizes the BPD's Street Outreach Unit and BEST Clinicians' expertise and emphasizes de-escalation, in an effort to increase public safety and provide successful outcomes for the subjects involved in the Section 12 process.

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Gregory P. Long
Superintendent In Chief

**Boston Police Department
Rules and Procedures**

July 14, 2021

**Rule 203A: Processing and Executing Applications for Involuntary Hospitalization
and Warrants of Apprehension pursuant to Massachusetts General Laws Chapter 123
Section 12**

Section 1. Purpose:

The purpose of this rule is to clarify the process for receiving, reviewing, coordinating and serving Section 12(a) Applications for Involuntary Hospitalization issued by agencies outside of the Boston Police Department (BPD) or Section 12(e) Warrants of Apprehension issued by the courts pursuant to Massachusetts General Laws Chapter 123. Outside agencies routinely request police support and assistance when addressing public safety concerns and effectuating the law. This Rule will ensure agencies are responding to the needs of the subject involved in the Section 12, thereby increasing the likelihood of successful de-escalation. This will also ensure the proper follow-up, documentation and historical record-keeping of these responses.

For the purposes of this rule, an “outside agency” includes any physician, qualified psychologist, qualified psychiatric nurse, mental health clinical specialist, licensed independent clinical social worker, or non-BPD Officers who apply for the involuntary hospitalization of a subject pursuant to Section 12(a).

Section 12(a) Applications for Involuntary Hospitalization issued by Boston Police Officers will be documented on a Boston Police 1.1 Incident Report and a copy of the incident report will be sent by email to section12@pd.boston.gov for reporting and tracking purposes. Nothing in this Rule is intended to limit the statutory authority of Boston Police Officers under Chapter 123 Section 12 of the Massachusetts General Laws. Officers are encouraged to file a Section 12 when an individual meets the necessary criteria.

Section 2. Roles and Responsibilities:

a. Operations. Operations will do the following when they receive a Section 12 generated by an outside agency:

- Operations will request a copy of the Section 12(a) or Section 12(e).

- The Section 12 will be scanned and emailed to the SOU at section12@pd.boston.gov, after which Operations will notify the on-call SOU Officer that the Section 12 has been sent.
- Operations will then notify the District Duty Supervisor that a Section 12 has been received and forwarded to the SOU.

b. District (Duty Supervisor, Patrol Supervisor). The District will do the following once they receive a Section 12(a) or a Section 12(e):

Day Tour and First Half Tour of Duty

- If a Section 12(a) or Section 12(e) is received directly by a District, the Section 12 will be scanned and emailed to the SOU at section12@pd.boston.gov, after which the District will call Operations to notify the on-call SOU Officer that a Section 12 has been sent. The SOU and/or the BEST Team will obtain relevant information to assist with the response. Unless exigent circumstances exist requiring an immediate response, as determined by the Duty Supervisor and/or Patrol Supervisor, the District shall not serve a Section 12(a) received from an outside agency or dispatched from the BPD Operations Division, or a 12(e) received from the courts, until the SOU has reviewed it and responded to the District with further information that may help in selecting an appropriate response. Please note that the 12(e) can only be served when courts are open for business.

Last Half Tour of Duty

- If a Section 12(a) is received directly by a District from an outside agency, the Section 12 will be scanned and emailed to the SOU at section12@pd.boston.gov. The District Duty Supervisor and/or Patrol Supervisor will then contact Operations for the on-call SOU Officer to notify them that a Section 12 has been sent. Unless exigent circumstances requiring an immediate response exists, as determined by the Duty Supervisor and/or Patrol Supervisor, the District shall not serve a Section 12(a) received or dispatched from the Boston Police Operations Division or an outside agency. Given that a nighttime service of a Section 12 has greater potential for an escalation in tensions that may result in the use of force, the Duty Supervisor and/or Patrol Supervisors will delay the service of the Section 12(a) received from an outside agency or dispatched by the BPD Operations Division until the following morning after reviewing the SOU Officer's safety assessment. The ultimate decision on when to execute a Section 12 will lie with the Duty Supervisor and/or the Patrol Supervisor, who will document their decision, and all reasons in support of their decision, in a 1.1 Incident Report and forward it to the SOU.

Any Section 12 that is delayed until the following morning shall be served as soon as practicable, once the SOU Officer's safety assessment has been received.

c. Street Outreach Unit (SOU). The SOU, in partnership with BEST Clinicians, will do the following once they receive by email the Section 12(a) or the Section 12(e) from a District or from Operations:

- Review the Section 12(a) or the Section 12(e) and conduct a review to identify any information that may be useful in determining the appropriate response with regard to the safety of the subject and first responders.
- Relay the information gathered to the appropriate District and collaborate with the Duty Supervisor and other relevant parties (e.g., Boston EMS) to identify available resources and determine an appropriate response, including whether it is necessary for the Section 12 to be carried out by uniformed officers.

Section 3. Serving of a Section 12(a) or Section 12(e) at all locations EXCEPT for Medical Facilities:

- The Duty Supervisor and/or Patrol Supervisor along with SOU Officers shall coordinate an agreed-upon combined response based on the SOU's safety assessment. This response may consist of uniformed District Officers, SOU Officers, BEST Clinicians, and/or Boston EMS. This combined response will allow for de-escalation of the situation, as may be required.
- Attempt to contact the subject at the address indicated on the Section 12. If the individual cannot be located and contact cannot be made, the attempted contact shall be documented in a 1.1 Incident Report and forwarded to the SOU.
- If contact is made with the subject and they are compliant, Officers will facilitate transportation to an emergency department and document the incident in a 1.1 Incident Report and forward it to the SOU.
- If contact is made with the subject and they are not compliant, the Patrol Supervisor may make the decision to disengage for the safety of the subject and first responders. In this case, the subject's relevant information shall be distributed to patrol units in case the subject is encountered within 24 hours of issuance of the Section 12(a). If the person is later observed (e.g., on the street, outside his/her address) and the Section 12(a) or 12(e) is still active, officers will call for a BEST Clinician Co-Response (if available) and/or additional units in order to provide de-escalation options. The goal is to obtain the

subject's compliance through a calm, measured response. If the subject is combative and attempts to restrain him/her would result in injury, then the Patrol Supervisor can make the decision to de-escalate and/or disengage. The attempt will be documented in a 1.1 Incident Report and forwarded to the SOU.

- Not all calls for suicidal subjects require force. There is a distinction between a suspect wanted for a crime and an individual who has not committed a crime but has expressed the desire to commit suicide. It is not a criminal act to express the desire to commit suicide within one's home and suicidal subjects or persons suffering from possible mental illness are afforded the same constitutional rights as everyone else. The Patrol Supervisor will make the decision as to what action will be taken. Absent the subject posing a likelihood of harm to officers or others, it may be more prudent to disengage and provide assistance to the subject at a later time when they are not in crisis. Therefore:
 - If contact is made with the subject and they deny officers entry, forced entry shall not be conducted unless exigent circumstances exist.
 - If officers are inside the address with a non-compliant subject, they shall calmly explain the situation and offer available services. If the subject refuses or becomes combative, officers shall disengage and leave the subject in place unless exigent circumstances exist.

These actions will be documented in a 1.1 Incident Report and forwarded to the SOU.

Section 4. Response to Medical Facilities:

The following procedures shall be followed when serving a Section 12 for a subject located at a medical facility:

- A safety assessment need *not* be conducted by SOU prior to BPD response to medical facilities for a Section 12(a) or a Section 12(e).
- Responding officers shall stage outside and await the arrival of Boston EMS, unless exigent circumstances arise.
- Responding officers and EMS shall coordinate an agreed-upon response based on the nature of the call and known history of the subject of the Section 12.
- If it is determined that EMS will be the lead agency, officers shall remain staged outside.
- If it is determined that BPD will be the lead agency, officers will facilitate the response.

Section 5. Officer Discretion:

To encourage officers to make difficult but necessary decisions about when, whether and how to serve a Section 12, no discipline will be issued for reasonable, good-faith decisions that engagement or disengagement was appropriate and justified, or that de-escalation measures were available and exhausted.

Section 6. Body-Worn Cameras:

Notwithstanding Rule 425, the Supervisor in charge of the Section 12 will remind patrol officers to activate body-worn cameras and will make the ultimate determination as to whether to notify occupants that they are being recorded and whether to honor any request that the cameras stop recording. Because these situations are dynamic and volatile, the Supervisor will not be disciplined for their decisions about notice and recording made in the best interest of public safety.

Section 7. Officer Input:

Any officer involved in a Section 12 may forward suggestions for future Section 12 procedures to the SOU through their appropriate chain of command.

A handwritten signature in black ink that reads "Gregory P. Long". The signature is fluid and cursive, with the first name "Gregory" and last name "Long" being clearly legible, and "P." in the middle.

Gregory P. Long
Superintendent In Chief