NEW YORK STATE | Office of Mental Health

CUSTODY/TRANSPORT TO §9.39 EMERGENCY DEPARTMENT or CPEP BY PEACE OFFICERS AND POLICE OFFICERS **(Mental Hygiene Law §9.41)**	**Name (Last, First, M.I.)** **Gender** _____ **Date of Birth** _____ **Location** _____

Any peace officer, when acting pursuant to their special duties, or police officer who is a member of the state police or of an authorized police department or force or of a sheriff's department may take into custody any person who appears to be mentally ill and is conducting themself in a manner which is likely to result in serious harm to the person or others. Such officer may direct the removal of such person or remove such person to any hospital specified in subdivision (a) of section 9.39 of this article (a §9.39 ED), or any comprehensive psychiatric emergency program (CPEP) specified in subdivision (a) of section 9.40 of this article, or pending such person's examination or admission to any such hospital or program, temporarily detain any such person in another safe and comfortable place, in which event, such officer shall immediately notify the director of community services or, if there be none, the health officer of the city or county of such action.

Provided, however, a peace officer or police officer directing the removal of a person who is conducting themself in a manner which is likely to result in serious harm as defined by paragraph three of subdivision (c) of section 9.01 of this chapter, shall request the transport of such person be conducted by emergency medical services, if practicable based on: the person's potential medical needs and the capacity limits of the local emergency medical services agencies, as determined by the local emergency medical services agencies; and the safety of the person being removed, as determined by the officer.

A person otherwise determined to meet the criteria for an emergency assessment pursuant to this section may voluntarily agree to be transported to a crisis stabilization center under section 36.01 of this chapter for care and treatment and, in accordance with this article, an assessment by the crisis stabilization center determines that they are able to meet the service needs of the person.

I, _____ (Name), a Peace Officer/Police Officer of _____ (Department/Location),

hereby acknowledge that I have taken into custody _____ (Name of Person), who appears to be mentally ill and is conducting themself in a manner which is likely to result in serious harm (choose one or, more):

☐ Threats of or attempts at suicide or serious bodily harm or other conduct demonstrating danger to themselves

☐ Homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm

☐ Inability or refusal, due to mental illness, to provide for their own essential needs such as food, clothing, necessary medical care, personal safety, or shelter

Describe:

☐ I have removed or directed the removal of this person to _____ (Name of §9.39 ED/CPEP) OR

☐ I am temporarily detaining this person at _____ (Location), a safe and comfortable place,

pending examination or admission to _____ (Name of §9.39 ED OR CPEP). I am notifying _____ (Director of Community Services)

or _____ (Health Officer) of _____ (City) or _____ (County)

of this detention/removal.

Signature of Peace Officer/Police Officer	Title/Badge Number	Date	Time (AM/PM)