

MENTAL HEALTH RESPONSE ADVISORY COMMITTEE

January 11, 2022

Introduction

Pursuant to the Court Approved Settlement Agreement in *U.S. v. The City of Albuquerque*, the Mental Health Response Advisory Committee (MHRAC) was created to “assist in identifying and developing solutions and interventions that are designed to lead to improved outcomes for individuals perceived to be or actually suffering from mental illness or experiencing a mental health crisis.” See Second Amended and Restated Court-Approved Settlement Agreement (Doc. 465-1), ¶ 111 (July 30, 2019). Additionally, it is the responsibility of MHRAC to “analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with individuals with mental illness.” *Id.*

Accordingly, MHRAC members have been given an opportunity to analyze:

SPECIAL ORDER AMENDMENT TO SOP 2-19 RESPONSE TO BEHAVIORAL HEALTH ISSUES; SEARCH INCIDENT TO DETENTION FOR MENTAL HEALTH EVALUATION

MHRAC Recommendation(s)

This SOP amendment incorporates an inventory search to behavioral health transports. It is important to more heavily distinguish this from the traditional inventory search following an arrest for a crime because here the situation might not stem from criminal activity, where the individual has a greater interest in privacy and in their personal possessions. This approach would confer more dignity to individuals who are in a behavioral health crisis merely seeking help from APD, not committing a crime.

Specifically, MHRAC suggests the following:

1. In the case of voluntary transport, the individual should be notified of the inventory search prior to it happening, and consistent with SOP 2-71-3(F)(1)(f), “[a]n officer must request a voluntary statement (verbal or written) giving the officer permission to search the person [] in accordance with the Department SOP.” This would provide the individual and opportunity to decline the transport in light of the search, so they know what they’re signing up for.
2. For involuntary transport, the individual should be notified that they are to submit to an inventory search and the officer should seek to minimize any potential escalation or conflict during the inventory.
3. APD and policy should specify that the officer inform the person of the search, how it will be conducted, and any potential charges/legal risk, so that the individual has informed consent.
4. The department needs to make clear how they will handle any potential charges that could emerge from the search and or the individual's response to the search.

- 5.. Verbal and written notice should be provided explaining how the individual can later retrieve their belongings. This could apply to all inventories, regardless of whether the person is being charged or not. That notice should be reviewed by MHRAC for its application to individuals experiencing homelessness, disability, and behavioral health concerns.
6. The SOP should include a provision that the inventory search under this SOP must follow from an officer acting pursuant to their “community caretaking” functions, by seeking to render aid to the individual—not crime investigation. As stated above, this would apply to situations that do not flow from criminal activity.
7. Aside from the special order itself, MHRAC would recommend that APD provide MHRAC’s Training Subcommittee an opportunity to review and advise on trainings regarding police searches/inventories of individuals experiencing a behavioral health crisis and/or experiencing homelessness. Such situations might need extra care to avoid escalation or conflict.
8. Further, MHRAC requests an update on the implementation of the Special Order and any lessons learned within the next in 3-6 months of this recommendation.

Thank you to APD and the City of Albuquerque for the opportunity to submit this feedback and for the continued collaboration on improving outcomes in our community.

Respectfully submitted,

Max Kauffman and Rachel Biggs,
MHRAC Co-Chairs