



Sixth District Department of Correctional Services POLICY	Issue Date 08/10/18	Effective Date 07/01/22	Policy Number 173-22
Subject <u>MEDICAL AND PSYCHIATRIC HOLDS</u>		Review Month December	Author 0601 (GSC)
Rescinds 173-19	References: Iowa Code: 81.1(1); 81.1(2);125.91;125.81; 229.6; 229.11;229.22;		



PURPOSE:

The purpose of this policy is to establish procedures to follow when staff uses a medical or psychiatric hold on an individual who is admitted to a hospital or other facility. The procedures apply when an individual is admitted to the hospital for a medical condition or for psychiatric treatment and the individual is in custody or will be taken into custody by officers of the High Risk Unit (HRU) or Law Enforcement upon their release from the hospital. Staff completes either a medical or psychiatric hold (depending on type of treatment) when the person is admitted to the hospital. This is done in order to ensure hospital staff have the proper documentation so HRU or Law Enforcement can be notified when the person is medically discharged to take the person into custody.

POLICY:

The Director ensures that guidelines are developed for staff to follow in the event a person is admitted to a hospital or other admitting facility to receive medical and/or psychiatric care, until the individual is well enough to be accepted into jail custody. The person must be subject to one and/or a combination of the following: arrest for violation of his/her supervision (Probation/Parole Violation, Facility Hold, order for detention); a Probation/Parole Violation is pending with the designated County Attorney; under arrest for a new criminal charge; wanted on an active warrant.

DEFINITION:

- Iowa Law Enforcement Notification for Discharge of Patient Admitted Under Emergency Procedure Form– DPS 229 (173A)** - The form to be used in cases involving involuntary psychiatric committal or related treatment only and serves to notify specified HRU staff or law enforcement when a person is to be discharged from the hospital for transport to jail custody. No other court orders are required unless specified by the hospital. * **DPS 229 (173A) is not to be used for voluntary committals. For voluntary committals use forms 173B-173G as explained below.**

DEFINITION: (continued)

2. **Notice of Release Order-Medical Hold Order (173B, 173C, 173D, 173E, 173F, 173G)** – The form to be used when a wanted person is hospitalized for general medical care and/or voluntary psychiatric committal. It serves to notify specified HRU staff or law enforcement when the person is to be discharged from the hospital for transport to jail custody. This form requires a review and signature by a judge prior to staff submitting it to a hospital.

NOTE: ALL FORMS LISTED IN THIS POLICY ARE LOCATED IN ICON > REPORTS > TEMPLATES > HRU

PROCEDURE:

1. If staff did not transport the person to the hospital (or other admitting facility), staff verifies with the hospital (or other admitting facility) if the person was admitted and for what reason. If the person is to be taken into custody upon their discharge from the hospital, staff notifies their Supervisor as well as the hospital (or other admitting facility) of their intention to submit a Medical/Psychiatric Hold.
2. In cases involving an involuntary psychiatric committal other than medical, a Law Enforcement Notification for Discharge of Patient Admitted under Emergency Procedure Form (AKA) DPS 229 or per this policy DCS (173A) is completed by staff and submitted to the hospital (or other admitting facility). Hospital staff completes their section of the form and a copy is then obtained from the hospital prior to the staff person leaving. No other court orders are required. The original is provided to the hospital and copies are forwarded to the supervising agent. A copy is also placed in the complaint file if the person has new criminal charges filed by an officer of the High Risk Unit (HRU).
3. The Notice of Release Order-Medical Hold Order forms (173B, 173C, 173D, 173E, 173F, 173G) serve to inform hospital (or other admitting facility) staff to notify specified HRU staff or law enforcement when the person is well enough to be discharged from the hospital for transport to jail custody. These forms/orders require a review and signature by a judge prior to being submitted to the hospital. These forms apply when an individual is admitted to the hospital for medical care or is a voluntary psychiatric committal.
4. During Normal Business hours (Monday-Friday 08:00-16:30 / Non Holidays) Requests are filed with the designated county attorney's office using the appropriate procedure/EDMS. After-hours requests require staff to contact the on-call judge in their designated county following the procedure set forth in that county. Staff must articulate to the judge the necessity of obtaining the court order.
5. Filing/Dissemination the Notification of Release Order (medical only) forms 173B, 173C, 173D, 173E, 173F, 173G.
 - A. Form 173B/173C- Application for Notification of Release are completed by the HRU Officer or staff person and is used to notify the Court why an order is being requested. 173B is used for cases with an existing cause # and 173C is used when

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PROCEDURE: (continued)

a cause # is to be assigned by the Court (i.e. parole or interstate compact cases). As quick reference: If 173B is used; either 173D OR 173F will accompany it. If 173C is used; either 173E or 173G will accompany it.

- B. Form 173D/173E-Notification of Release is completed by the HRU Officer or staff person along with the application form identified in 5A following the same procedure. This form is attached to the order with the judge's electronic signature.
 - C. Form 173F/173G Notification of Release are completed by the HRU Officer or staff person and submitted in person to the judge along with form 173B or 173C. 173F/173G are used in emergency situations where there is no time to file the form electronically (EDMS). The officer or staff person needs to contact the on call judge in the county of jurisdiction to make arrangements to meet with the judge. 173F/173G are filed by the officer or staff person with the Clerk of Court and a copy submitted directly to the hospital by the officer or staff person in a timely manner.
 - D. Forms 173B – 173E are filed electronically (EDMS) with the Court in the county of jurisdiction. Forms 173F and 173G are filed directly with the Court in the county of jurisdiction.
 - E. If there is an existing cause # already assigned that cause # is used for the Medical Notification (ex. PPVI previously filed, probation cases)
 - F. A copy of the signed order is sent to the hospital by the Clerk of Court;
 - G. A copy is forwarded to the supervising agent for their file;
 - H. A copy is placed in the complaint file if the individual has new criminal charges;
 - I. If the county attorney's office of jurisdiction chooses to prepare and file the Medical Notification of Release paperwork per their own policy and procedures, that is acceptable. No paperwork is filed by staff unless notified differently by the county attorney's office or Supervisor.
 - J. If the designated county attorney and/or judge deems that a medical/psychiatric hold is not appropriate or chooses not to file in an immediate time frame, staff documents as such and comply with the recommendation(s) of the court.
6. For after hour procedures on cases in Johnson County, please see Attachment A (0173).

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PROCEDURE: (continued)

7. Staff notifies their Supervisor as soon as possible once the person has been discharged from the hospital (or other admitting facility) and is accepted into the custody of the jail.

BY ORDER OF:

Bruce Vander Sanden, District Director