

<b>Vermont Psychiatric Care Hospital Policy and Procedure</b>		
<b>Law Enforcement and Transfer of Authority</b>		
Effective: December 2022	Revised:	Due to Review: December 2024

## **POLICY**

Individuals hospitalized at the Vermont Psychiatric Care Hospital (VPCH) are under the care and custody of the Commissioner of the Department of Mental Health (DMH) and VPCH personnel are the designated authority to maintain that custody.

There may be circumstances during a course of hospitalization that warrant a transfer of this authority to law enforcement personnel.

## **PROCEDURE**

Law enforcement personnel entering any area of the building shall be asked by VPCH personnel permitting entry into the building to secure their firearms in their vehicle or in the weapons vault in the vehicle sally port. Should law enforcement personnel decline to do so, they are permitted to proceed.

To protect the privacy of hospitalized persons, law enforcement personnel will also be asked by VPCH personnel to turn off any camera on their persons from recording before permitting their entry into the building. Should law enforcement decline, they shall be asked to sign the *Visitor Acknowledgement Regarding Patient Rights to Privacy and Confidentiality* form before entering.

### Transfer of Authority:

- The preferred location for transfer of authority shall be the unit entry/exit vestibules.
- Prior to the transfer of authority between hospital personnel and law enforcement, hospital procedures and applicable law guiding emergency involuntary procedures apply. Following the transfer from hospital personnel, law enforcement personnel have the authority to make professional decisions regarding the use of restraints. VPCH personnel shall not intervene or participate should law enforcement use restraints or other interventions.
- If a hospitalized person is refusing to participate in a required transfer of authority, the treatment team shall collaborate with law enforcement to develop a plan to transfer authority as safely as possible between hospital staff and law enforcement personnel. Efforts will be made to transfer authority while protecting the privacy and dignity of the hospitalized person in the least restrictive manner possible.
- The date, time, and location of any transfer of authority shall be documented in a progress note in the hospitalized person's medical record by their assigned registered nurse.
- Once the hospitalized person is under the authority of law enforcement, regardless of where the transfer of authority takes place, use of restraint or other intervention is based solely on the professional judgement of the law enforcement personnel. VPCH personnel shall not intervene or participate should law enforcement use restraints or other

interventions.

Investigations:


- VPCH personnel will notify the Chief Executive Officer or their designee of law enforcement personnel requests for contact with hospitalized persons at VPCH.
- The hospitalized person’s treatment team shall attempt to assist the individual in exercising their right to legal representation by notifying Legal Aid, the Public Defender’s Office, or the hospitalized person’s attorney, to assure that counsel is apprised of the law enforcement personnel meeting with the hospitalized person.

Serving Legal Documents or Other Necessary Contact by Law Enforcement:

- A member of the clinical team shall accompany law enforcement personnel when performing their duty to deliver a legal document to a hospitalized person.

Law Enforcement Response to a Crime or Attempted Crime:

- If a crime is being committed or attempted to be committed at VPCH that hospital personnel cannot safely handle, law enforcement personnel may be called upon to respond.
- Law enforcement personnel who are called to the hospital to respond to a crime or attempted crime may use their professional judgment to determine a necessary response intervention. VPCH staff shall not intervene or participate in any law enforcement intervention.
- If asked by law enforcement personnel, VPCH personnel shall provide escort to the site of the emergency.
- A universal key and badge shall be made available to law enforcement personnel to independently navigate VPCH if the nature of the crime is determined too dangerous and/or requires evacuation.

Approved by	Signature	Date
Emily Hawes Commissioner Vermont Department of Mental Health	 <p>DocuSigned by: Emily Hawes C50275615A62462...</p>	12/5/2022