**Mental Health Crisis Data, LMC Model Policy**

*League models are thoughtfully developed by our staff for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the information memo* [*Mental Health Crisis Data*](https://www.lmc.org/resources/mental-health-crisis-data/)*.*

# **City of** **\_\_\_\_\_\_\_, Minnesota**

# **Mental Health Crisis Data**

# **Purpose**

Minnesota law requires certain entities and mental health providers to supply information to law enforcement, upon proper request, to aid in safely addressing a pending mental health crisis with an identified individual. This policy establishes procedures for requesting, documenting, using, retaining, and safeguarding the privacy of such information.

**Policy**

It is the policy of this department to encourage officers to seek and utilize information from mental health providers to aid in the safe resolution of crisis situations. Officers may initiate requests for this information when feasible and deemed advisable. Information obtained in response to such requests shall be documented, utilized, and retained in accordance with applicable laws and this policy.

**Definitions**

The following phrases and words have special meanings as used in this policy:

1. **Mental Health Crisis Data** **(MHCD)** means data on individual clients or patients that is sought and received from community mental health centers, mental health divisions of counties, and mental health providers for the purpose of safely responding to a mental health crisis.
2. **Person in Crisis (PIC)** refers to an individual who is experiencing or is suspected or reported to be experiencing a mental health crisis.
3. **Requestee** refers to an entity or individual asked to supply MHCD to a law enforcement agency.
4. **Requestor** refers to an officer or employee of this agency who makes a request for MHCD.

**When MHCD may be sought**

Provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.46, subd. 7) and the Minnesota Health Records Act (Minn. Stat. § 144.294, subd. 2) require mental health providers and certain entities to supply information to law enforcement when a client or patient is currently involved in a mental health crisis, and disclosure of the information is necessary to protect the health and safety of that person or another. These laws use the definition of “mental health crisis” found in Minnesota Statutes, § 256B.0624, subdivision 2(j):

“Mental health crisis” is a behavioral, emotional, or psychiatric situation that, without the provision of crisis response services, would likely result in significantly reducing the recipient’s levels of functioning in primary activities of daily living, in an emergency situation under section 62Q.55, or in the placement of the recipient in a more restrictive setting, including but not limited to inpatient hospitalization.

A situation will qualify as a mental health crisis under this definition, thus enabling the agency to seek mental health data, if:

1. The subject appears to be experiencing a behavioral, emotional, or psychiatric episode, and

1. It would likely result in one of the following negative outcomes, absent the assistance of a mobile crisis provider:
2. The person being unable to take care of basic functions like bathing, eating, dressing, and toileting; or
3. The person needing to be transported to a hospital for an emergency medical condition; or
4. The person being taken into custody for a transport hold; and
5. The information being sought is necessary to protect the health or safety of the PIC or another.

**Requesting and obtaining MHCD:**

Officers should adhere to the following procedures when requesting MHCD:

1. The purpose of making a request is to obtain information from a mental health provider about strategies for safely responding to and resolving a pending crisis involving an identified individual. Entities and individuals that are obligated to respond to requests for information include community mental health centers, mental health divisions of a county, and mental health providers including psychiatrists, psychologists, therapists, mental health professionals, mental health practitioners, and case managers.
2. Officers responding to a mental health crisis may request information themselves or have another officer, a dispatcher, or an appropriate staff member contact requestees with information requests.

1. It may be necessary and appropriate for the requestor to demonstrate law enforcement’s need for the information by informing the requestee about the dynamics and circumstances of the crisis. Under the law, the requestee is required to provide law enforcement with a name and phone number for the PIC’s psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager, if known; and with strategies to address the mental health crisis.
2. Once obtained, MHCD may be shared with other officers and members of this agency as is reasonably necessary to safely address the crisis. The information may not be used for any other purpose.
3. The primary officer on the call shall ensure that the PIC is informed that mental health data was obtained.

**Data practices**

The following shall apply to MHCD obtained by this agency:

1. **What to document.** The following shall be documented: the name of the requestor, the name of the PIC, and the identity of the person (or entity, if the name of the person is not available) that supplied data in response to the request for MHCD. In addition:
   1. Information obtained about strategies for resolving crisis situations with the PIC, including any circumstances that call for particular approaches, should be documented.
   2. Any information that the requestee provided about the PIC’s diagnosis should not be documented.
   3. The notification to the PIC that mental health data was obtained shall be documented.
2. **How to label and store the information**. Incident reports that contain MHCD shall be labeled or flagged as such. This data may only be stored on and accessed through *city owned devices* or *city or personally owned and approved devices*.
3. **Private data.** MHCD is and shall be administered as private data on the person in crisis.
4. **Accessing stored MHCD.** Officers and other agency personnel may access MHCD data only when their job assignment reasonably requires access. For a peace officer, a business need exists if it is foreseeable that the officer may be tasked in the future to respond to a mental health crisis involving the person who is the subject of the MHCD.
5. **Use of MHCD**. Mental Health Crisis Data may only be used for purposes of responding to mental health crisis situations involving the individual PIC. The data may not be used for any other purpose, such as furthering a criminal investigation or in connection with a charging decision.
6. **Retention of MHCD.** Mental Health Crisis Data shall be maintained for a period of \_\_\_\_\_\_\_\_\_\_ following the latest mental health crisis known to the agency involving the subject of the MHCD, after which it shall be disposed of in such a way as to prevent its contents from being determined.