

No. 13-1412

IN THE
Supreme Court of the United States

CITY AND COUNTY OF SAN FRANCISCO,
CALIFORNIA, *et al.*,

Petitioners,

v.

TERESA SHEEHAN,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

**BRIEF OF *AMICUS CURIAE* NATIONAL
POLICE ACCOUNTABILITY PROJECT
IN SUPPORT OF RESPONDENT**

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INTEREST OF THE *AMICUS CURIAE*

The National Police Accountability Project (“NPAP”) is a nonprofit public interest organization dedicated to protecting the rights of individuals in their encounters with law enforcement. NPAP was founded in 1999 by members of the National Lawyers Guild. NPAP has more than five hundred attorney members throughout the United States who represent people in civil rights and police misconduct cases. NPAP provides public education and information on issues relating to police misconduct, and supports reform efforts aimed at increasing police accountability. NPAP often presents the views of victims of civil rights violations through *amicus curiae* filings in cases raising issues that transcend the interests of the parties. One of the central missions of NPAP is to promote the accountability of police officers and their employers for violations of the Constitution or laws of the United States.¹

SUMMARY OF ARGUMENT

Respondent and other *amici* are addressing qualified immunity and the applicability of the Americans with Disabilities Act to this case, and NPAP will simply address the generally accepted law enforcement standards and clearly established law that informs both of those issues that were addressed by the Ninth Circuit. Law

1. Pursuant to Supreme Court Rule 37, the parties have lodged blanket consents for the filing of amicus briefs on behalf of Petitioners or Respondent. No counsel for a party authored this brief in whole or in part, or made a monetary contribution intended to fund the preparation or submission of this brief. Only *amicus curiae*, its members and its counsel, made a monetary contribution to the preparation or submission of this brief.

enforcement officers are called to respond to emotionally disturbed or mentally ill people every day. Because dealing with emotionally disturbed and mentally ill people is a significant part of their work, law enforcement officers around the country are trained in safe tactics for handling these encounters. Generally accepted law enforcement standards nationally -- grounded in the Fourth Amendment's requirement of reasonableness -- have proven effective for decades. These standards help officers resolve encounters with the mentally ill effectively and safely for the mentally ill person, the officers, and the community.

When officers violate these generally accepted standards and their training for handling contacts with emotionally disturbed or mentally ill people, it is predictable that the mentally ill person or the officer may suffer injury or death. Petitioners seek to relieve officers from their decades-long training and the Fourth Amendment's requirements of reasonableness under the totality of the circumstances. Petitioners' requested relief would endanger the mentally ill, police officers, and the public.

ARGUMENT

I. Police Are Trained in Safe Tactics for Handling the Mentally Ill.

Police officers around the country are called to respond to mentally ill people as a regular part of their jobs. Petitioners -- San Francisco police officers -- have an average of 3.5 contacts with seriously mentally ill individuals during a typical shift, and 1% of San Francisco

police officers have between 10 and 20 contacts per shift. (*San Francisco Police Department Workload Estimates Related to Providing Services to the Seriously Mentally Ill Population*, Bill McConnell, Ph.D., Officer Kelly Dunn, Helynna Brooke, May 2010 report presented to the San Francisco Mental Health Board and San Francisco Police Department, p. 2 of 19, available at <http://graphics8.nytimes.com/packages/pdf/us/20101015-SFPD-Workload-Study.pdf> (hereafter, “McConnell, et al.”)).

At least 10% of all police time in San Francisco is spent with seriously mentally ill people. San Francisco police officers overall spend about one hour per shift -- with 35% of officers spending between one and three hours and 4% of officers spending three hours or more per shift -- with seriously mentally ill persons. (McConnell, et al., p. 2 of 19).

In *Tennessee v. Garner*, 471 U.S. 1, 10-11 (1985), where this Court struck down a Tennessee statute that allowed police officers to shoot fleeing felons, the Court looked to the policies and standards of police departments around the country. The Court noted, “The fact is that a majority of police departments in this country have forbidden the use of deadly force against nonviolent suspects. If those charged with the enforcement of the criminal law have abjured the use of deadly force in arresting nondangerous felons, there is a substantial basis for doubting that the use of such force is an essential attribute of the arrest power in all felony cases.” 471 U.S. at 10-11.

This Court in *Garner* observed, “In evaluating the reasonableness of police procedures under the Fourth Amendment, we have also looked to prevailing rules in individual jurisdictions.” 471 U.S. at 15-16. It then

surveyed the laws in the states, and found that 86.8% of states forbade the use of deadly force on fleeing felons. 471 U.S. at 16 – 19 and notes 14-20.

In this case, longstanding training for officers around the country provides them with the tools they need to do their jobs safely. Those tools include the ability to de-escalate situations involving mentally ill persons, and resolve those events safely for everyone involved. Every state in the country, with the exception of Hawaii, has a commission that provides standardized, generally accepted training to all law enforcement officers in that state. (Appendix A, List of national POST agencies).

The California Commission on Peace Officer Standards and Training (POST) trains all officers in the State of California, including Petitioners, in the generally accepted tactics for handling contacts with disabled and mentally ill persons. (Appendix B, California POST Learning Domain (LD) 37, Persons with Disabilities). This training begins in the police academy. *Id.* Since 2006, the California Legislature also has required California POST to develop continuing education on this important topic. California Penal Code § 13515.25.²

2. § 13515.25. Continuing education as to disabled and mentally ill persons:

(a) By July 1, 2006, the Commission on Peace Officer Standards and Training shall establish and keep updated a continuing education classroom training course relating to law enforcement interaction with mentally disabled persons. The training course shall be developed by the commission in consultation with appropriate community, local, and state organizations and agencies that have expertise in the area of mental illness and developmental

California POST has found: “The number of people in need of care and treatment overwhelm California’s local

disability, and with appropriate consumer and family advocate groups. In developing the course, the commission shall also examine existing courses certified by the commission that relate to mentally disabled persons. The commission shall make the course available to law enforcement agencies in California.

(b) The course described in subdivision (a) shall consist of classroom instruction and shall utilize interactive training methods to ensure that the training is as realistic as possible. The course shall include, at a minimum, core instruction in all of the following:

(1) The cause and nature of mental illnesses and developmental disabilities.

(2) How to identify indicators of mental disability and how to respond appropriately in a variety of common situations.

(3) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.

(4) Appropriate language usage when interacting with mentally disabled persons.

(5) Alternatives to lethal force when interacting with potentially dangerous mentally disabled persons.

(6) Community and state resources available to serve mentally disabled persons and how these resources can be best utilized by law enforcement to benefit the mentally disabled community.

(7) The fact that a crime committed in whole or in part because of an actual or perceived disability of the victim is a hate crime punishable under Title 11.6 (commencing with Section 422.55) of Part 1.

mental health system, and law enforcement has become the safety net for the mentally ill. It is important that law enforcement personnel have the appropriate training to deal effectively with this population.” (California Commission on Peace Officer Standards and Training, September 2004 *A Report to the Legislature: The Status of Peace Officer Training on Mental Illness and Developmental Disabilities*, p. 8, available at <http://libcat.post.ca.gov/dbtw-wpd/documents/post/60382962.pdf>).

Such “training materials are relevant not only to whether the force employed in [a given case] was objectively unreasonable, ... but also to whether reasonable officers would have been on notice that the force employed was objectively unreasonable.” *Drummond v. City of Anaheim*, 343 F.3d 1052, 1062 (9th Cir. 2003), *cert. denied*, 542 U.S. 918 (2004).

California POST trains that during contacts with an emotionally disturbed or mentally ill person (“EDP”), the “situation can be unpredictable and escalate quickly.” (Appendix B, POST Learning Domain 37, p. 4-12). Officers are instructed to **calm the situation**, by using the following tactics:

(c) The commission shall submit a report to the Legislature by October 1, 2004, that shall include all of the following:

(1) A description of the process by which the course was established, including a list of the agencies and groups that were consulted.

(2) Information on the number of law enforcement agencies that utilized, and the number of officers that attended, the course or other courses certified by the commission relating to mentally disabled persons from July 1, 2001, to July 1, 2003, inclusive.

- Request backup.
- Move slowly.
- When possible, eliminate emergency lights and sirens and disperse any crowd that may have gathered.
- Assume a quiet nonthreatening manner when approaching and conversing with the individual.
- If possible, avoid physical contact if no violence or destructive acts have taken place.
- If possible, explain intended actions before taking action.
- Take time to assess the situation.
- Provide reassurance that officers are there to help.
- Give the person time to calm down.

POST also instructs officers to **communicate with the EDP**:

- Keep sentences short.
- Talk with the individual in an attempt to determine what is bothering that person.
- Acknowledge the person's feelings.

- Ask if the person is hearing voices and, if so, what they are saying.
- Avoid topics that may agitate the person.
- Allow time for the person to consider questions and be prepared to repeat them.

(Appendix B, POST Learning Domain 37, pp. 4-12, 4-13).

Additionally, POST trains police officers, “**do not threaten the individual with arrest or in any other manner,**” explaining that “**threats may create additional fright, stress, or potential aggression.**” (Appendix B p. 4-13, emphasis added).

Officer Holder and Sergeant Reynolds received this standard training, and failed to follow it during the Sheehan incident.

Moreover, San Francisco has established a Police Crisis Intervention Training (P-CIT) program, to train officers over and above the State of California’s minimum training. San Francisco has the highest rate of mental health commitments in the State of California, with a rate of 140 commitments per 10,000 population, compared to the statewide average of 47 per 10,000. (California Commission on Peace Officer Standards and Training, *A Report to the Legislature: The Status of Peace Officer Training on Mental Illness and Developmental Disabilities*, p. 4, September 2014, *supra*). Approximately 25% of calls for police service in San Francisco involve someone who is mentally ill. (*Id.*, p. 17).

In response to advocacy by the community and mental health workers, San Francisco established its P-CIT training program for police officers in 2001. The program is 40 hours long and includes site visits to a psychiatric ward, a residential treatment center, and outpatient services. (California Commission on Peace Officer Standards and Training, *A Report to the Legislature: The Status of Peace Officer Training on Mental Illness and Developmental Disabilities*, p. 4, September 2014, *supra*).

Between 2001 and 2004, San Francisco provided P-CIT training to 25% of its officers, with the intention to train all patrol officers as long as funding existed. (*Id.*, p. 5). “Due to the significant numbers of police emergency calls with a mental health code (approximately 459 per month) the [San Francisco Police] Department committed to having every patrol officer trained and self-sufficient to handle situations, as first responders.” (California Commission on Peace Officer Standards and Training, *A Report to the Legislature: The Status of Peace Officer Training on Mental Illness and Developmental Disabilities*, p. 17, September 2014, *supra*).

San Francisco found that its P-CIT training program “has proven beneficial to the community, as well as the Police Department.” (*Id.*, p. 5).

It appears that Petitioners Sergeant Reynolds and Officer Holder may not have been P-CIT trained. If they were, they ignored their training. If they were not, a jury can find that it was unreasonable for them to fail to wait for backup, or ask for a P-CIT trained officer to respond to the situation, before they aggressively and provocatively re-entered Ms. Sheehan’s room and shot her.

II. The Fourth Amendment Requires Police to Adjust their Tactics When Dealing with Emotionally Disturbed or Mentally Ill Persons.

By the time of these events, the law in the relevant circuit was clearly established concerning Petitioners' uses of force under the totality of the circumstances. Under the Fourth Amendment, law enforcement officers may only use such force as is objectively reasonable under the circumstances. *Graham v. Connor*, 490 U.S. 386, 397 (1989). “[T]he reasonableness inquiry is an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Id.* at 397.

“The essence of the *Graham* objective reasonableness analysis is that the *force* which was applied must be balanced against the *need* for that force: it is *the need for force* which is at the *heart* of the *Graham* factors.” *Alexander v. City and County of San Francisco*, 29 F.3d 1355, 1367, *cert. denied*, 513 U.S. 1084 (1995). (emphasis in original, citations omitted). “Thus, where there is no need for force, *any* force used is constitutionally unreasonable.” *Lolli v. County of Orange*, 351 F.3d 410, 417 & n.5 (9th Cir. 2003).

Factors to consider in evaluating the need for force include “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396. “The most important single element of the three specific factors” is “whether the suspect poses an

immediate threat to the safety of the officers or others.” *Smith v. City of Hemet*, 394 F.3d 689, 701 (9th Cir. 2005) (*en banc*).

“A simple statement by an officer that he fears for his safety or the safety of others is not enough; there must be objective factors to justify such a concern.” *Deorle v. Rutherford*, 272 F.3d 1271, 1281 (9th Cir. 2001), *cert. denied*, 536 U.S. 958 (2002). Nor is “[a] desire to resolve quickly a potentially dangerous situation ... the type of governmental interest that, standing alone, justifies the use of force that may cause serious injury.” *Deorle*, 272 F.3d at 1281.

Courts may also consider other factors in evaluating the need for force under the totality of the circumstances. *Graham*, 490 U.S. at 396 (“Because ‘[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,’ however, its proper application requires careful attention to the facts and circumstances of each particular case.”) (citation omitted). For instance, the *en banc* Ninth Circuit has resolved that the availability of **less intrusive alternatives** should be considered when assessing the reasonableness of a particular use of force. *Smith*, 394 F.3d at 701. *See also*, Ninth Cir. Model Civil Jury Instr. 9.22.

The Ninth Circuit has repeatedly stated that a person’s mental disturbance or incapacity is an important factor militating against the use of force by officers:

The problems posed by, and thus the tactics to be employed against, an unarmed, emotionally distraught individual who is

creating a disturbance or resisting arrest are ordinarily different from those involved in law enforcement efforts to subdue an armed and dangerous criminal who has recently committed a serious offense. In the former instance, increasing the use of force may, in some circumstances at least, exacerbate the situation; in the latter, a heightened use of less-than-lethal force will usually be helpful in bringing a dangerous situation to a swift end. **In the case of mentally unbalanced persons, the use of officers and others trained in the art of counseling is ordinarily advisable, where feasible, and may provide the best means of ending a crisis.** See *Alexander*, 29 F.3d 1366 (holding that the police used excessive force, considering all the circumstances, in “storming the house of a man whom they knew to be a mentally ill ... recluse who had threatened to shoot anybody who entered”). Even when an emotionally disturbed individual is “acting out” and inviting officers to use deadly force to subdue him, the governmental interest in using such force is diminished by the fact that the officers are confronted, not with a person who has committed a serious crime against others, but with a mentally ill individual. We do not adopt a per se rule establishing two different classifications of suspects: mentally disabled persons and serious criminals. Instead, **we emphasize that where it is or should be apparent to the officers that the individual involved is emotionally disturbed, that is a factor that must be**

**considered in determining, under *Graham*,
the reasonableness of the force employed.**

Deorle, 272 F.3d at 1282-1283 (emphasis added). See also Ninth Cir. Model Civil Jury Instr. 9.22 (citing *Drummond*, 343 F.3d at 1058) (If “it is or should be apparent to the officers that the individual involved is emotionally disturbed, that is a factor that must be considered in determining, under *Graham*, the reasonableness of the force employed[]”).

A mere potential threat cannot justify a police officer’s use of force. *Graham*, 490 U.S. at 396 (“immediate threat”); *Mattos v. Agarano*, 661 F.3d 433, 444, n.5 (9th Cir. 2011) (en banc) (explaining critical distinction between potential threat and immediate threat); *Deorle*, 272 F.3d at 1281 (“A simple statement by an officer that he fears for his safety or the safety of others is not enough; there must be objective factors to justify such a concern”).

Nearly 30 years ago, this Court established that a police officer may only use deadly force where the suspect poses an “immediate” threat of death or serious bodily injury to the officer or others. *Tennessee v. Garner*, 471 U.S. 1, 11 (1985). This Court observed in that case, “It is not better that all felony suspects die than they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so.” 471 U.S. at 11.

Furthermore, “[W]henver practicable, a warning must be given before deadly force is employed.” *Harris v. Roderick*, 126 F.3d 1189, 1201 (9th Cir. 1997), cert. denied, 522 U.S. 1115 (1998), citing *Garner*, 471 U.S. at 11-12.

In determining the reasonableness of the manner in which a seizure is effected, “[w]e must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.” *Scott v. Harris*, 550 U.S. 372, 383, 386 (2007) (citation omitted) (finding officer’s ramming suspect’s car, posing a “high likelihood of serious injury or death” to the suspect, was objectively reasonable, because the suspect, engaged in a dangerous high-speed car chase, posed a “substantial and immediate risk of serious physical injury to others”).

Here, neither the governmental interests claimed by Petitioners, nor the actual governmental interests, justify Petitioners’ unnecessary and provocative conduct creating a “high likelihood of serious injury or death” to either Respondent or Petitioners. Where Respondent was known to be a gravely disabled and severely mentally ill and paranoid woman, neither her possession of a knife, nor her earlier threats to stab officers with it if they did not leave her alone in her room, were a surprise. While Petitioners Reynolds and Holder were standing outside Respondent’s room and waiting for backup, Respondent no longer posed an immediate threat. If Petitioners had followed the law and their training which comports with generally accepted law enforcement standards around the country, this situation could have been defused with what Respondent’s police practices expert, Lou Reiter, aptly summarizes as “CCCT” – containment, coordination, communication and time.

This Court has explained that courts must consider when officers are forced to make “split-second” judgments about the use of force. *Graham v. Connor*, 490 U.S. at

396-397. Not every deadly force decision requires a “split-second” judgment. *Tennessee v. Garner*, 471 U.S. at 20. Moreover, this Court observed, “similarly difficult judgments must be made by police in equally uncertain circumstances. See, e.g., *Terry v. Ohio*, 392 U.S. [1] at 20, 27 [(1968)].” *Id.* Here, Petitioners’ decisions themselves created whatever exigency they thought they faced.

Time was on Officer Holder’s and Sergeant Reynolds’ side in this case. They had already called for backup, and could easily have called for a P-CIT certified officer to handle the situation. Ms. Sheehan was contained in her single-room apartment on the third floor of a building, and all indications were that she had no intention on leaving and wanted to be left alone in her room. In the absence of the officers’ reckless provocation, in violation of their training and clearly established standards, this incident would not have called for any split-second judgments.

Reasonable law enforcement officers do not need to shoot their way out of dangerous situations created only by their own violation of training and clearly established standards. Petitioners created the situation where they used deadly force, and that force was avoidable and unnecessary. The new rules that Petitioners ask this Court to create – contrary to generally accepted law enforcement standards – would increase the risk of serious injury and death to officers, the disabled, and the general public.

CONCLUSION

For the foregoing reasons, the judgment of the Court of Appeals should be affirmed.

Respectfully submitted,

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APPENDIX

**APPENDIX A — PEACE OFFICER STANDARDS
AND TRAINING COMMISSIONS**

**PEACE OFFICER STANDARDS
AND TRAINING COMMISSIONS**

Alabama: Alabama Standards & Training Commission,
<http://www.apostc.state.al.us>

Alaska: Alaska Police Standards Council, <http://www.dps.alaska.gov/APSC/>

Arizona: Arizona Peace Officer Standards and Training Board, <https://post.az.gov>

Arkansas: Arkansas Commission on Law Enforcement Standards & Training, <http://www.clest.org/Pages/default.aspx>

California: California Commission on Peace Officer Standards and Training (POST), <https://www.post.ca.gov>

Colorado: Colorado Peace Officer Standards and Training Board http://www.coloradoattorneygeneral.gov/departments/criminal_justice/post_board

Connecticut: Department of Emergency Services & Public Protection Police Officer Standards and Training Council, <http://www.ct.gov/post/site/default.asp>

Delaware: Delaware Council on Police Training, <http://regulations.delaware.gov/AdminCode/title1/800/801.shtml>

Appendix A

Florida: Florida Criminal Justice Standards & Training Commission (CJSTC), <http://www.fdle.state.fl.us/Content/getdoc/91a75023-5a74-40ef-814d-8e7e5b622d4d/CJSTC-Home-Page.aspx>

Georgia: State of Georgia Peace Officer Standards and Training Council, <http://www.gapost.org>

Hawaii: Does not have a statewide police standards board. (See article: <http://www.civilbeat.com/2013/03/18649-why-is-hawaii-the-only-state-without-a-statewide-police-standards-board/>)

Idaho: Idaho Peace Officer Standards & Training, <https://www.post.idaho.gov>

Illinois: Illinois Law Enforcement Training & Standards Board, <http://www.ptb.state.il.us>

Indiana: Indiana Law Enforcement Accreditation Commission, <http://iacop.org/accreditation>

Iowa: Iowa Law Enforcement Training Academy, <https://ileatraining.org/default.aspx/MenuItemID/239/MenuGroup/Home.htm>

Kansas: Kansas Commission on Peace Officers' Standards and Training, <http://www.ksepost.org>

Kentucky: The Kentucky Law Enforcement Council, <https://docjt.ky.gov/Organization/Training%20Support/KLEC%20POPS/klec.html>

Appendix A

Louisiana: The Louisiana Commission on Law Enforcement and Administration of Criminal Justice Peace Officer Standards and Training Council (POST), <http://www.lcle.la.gov/programs/post.asp>

Maine: Maine Criminal Justice Academy, <https://www1.maine.gov/dps/mcja/training/basiclaw/index.htm>

Maryland: Maryland Police and Correctional Training Commissions (PCTC), <http://www.dpscs.state.md.us/aboutdpscs/pct/>

Massachusetts: Municipal Police Training Committee (MPTC), <http://www.mass.gov/eopss/law-enforce-and-cj/law-enforce/mptc/>

Michigan: Michigan Commission on Law Enforcement Standards, <http://www.michigan.gov/mcoles>

Minnesota: Minnesota Board of Peace Officer Standards and Training (POST), <https://dps.mn.gov/entity/post/Pages/default.aspx>

Mississippi: Mississippi Department of Public Safety Office of Standards and Training, <http://www.dps.state.ms.us/divisions/public-safety-planning/office-of-standards-and-training/>

Missouri: Missouri Department of Public Safety Peace Officer Standards and Training (POST) Program, <http://www.dps.mo.gov/dir/programs/post/default.asp>

Appendix A

Montana: Montana Public Safety Officer Standards & Training (POST), <https://dojmt.gov/post/>

Nebraska: Nebraska Police Standards Advisory Council, <http://nlete.nebraska.gov/psac.html>

Nevada: Nevada Commission on Peace Officers' Standards and Training, <http://post.nv.gov>

New Hampshire: New Hampshire Police Standards and Training Council, <http://www.pstc.nh.gov>

New Jersey: New Jersey Division of Criminal Justice Police Training Commission, <http://www.state.nj.us/lps/dcj/njptc/home.htm>

New Mexico: New Mexico Department of Public Safety Training and Recruiting Division, <http://nmlea.dps.state.nm.us>

New York: Office of Public Safety, <http://www.criminaljustice.ny.gov/ops/training/>

North Carolina, The North Carolina Sheriffs' Education and Training Standards and the Criminal Justice Education & Training Standards, <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards.aspx>

North Dakota: North Dakota Peace Officer Standards and Training (P.O.S.T.), <http://www.post.nd.gov>

Appendix A

Ohio: Ohio Peace Officer Training Commission, <http://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Ohio-Peace-Officer-Training-Commission>

Oklahoma: Council on Law Enforcement Education and Training, <http://www.ok.gov/cleet/>

Oregon: Oregon Department of Public Safety Standards and Training (DPSST), <http://www.oregon.gov/DPSST/Pages/index.aspx>

Pennsylvania: Municipal Police Officers' Education & Training Commission, <http://www.mpoetc.state.pa.us/portal/server.pt/community/mpoetc/7545>

Rhode Island: Rhode Island Police Officers Commission on Standards and Training, <http://sos.ri.gov/govdirectory/?page=DetailDeptAgency&eid=744>

South Carolina: South Carolina Criminal Justice Academy, <http://www.sccja.sc.gov>

South Dakota: South Dakota Law Enforcement Officers Standards and Training Commission, <http://dci.sd.gov/LawEnforcementTraining/StandardsandTrainingCommission.aspx>

Tennessee: Tennessee Peace Officers Standards and Training (P.O.S.T.) Commission, <http://www.tn.gov/let/post/>

Appendix A

Texas: Texas Commission on Law Enforcement, <http://www.tcole.texas.gov>

Utah: Utah Peace Officer Standards and Training, <http://publicsafety.utah.gov/post/contact.html>

Vermont: Vermont Criminal Justice Training Council, <http://vcjtc.vermont.gov>

Virginia: Virginia Department of Criminal Justice Services, <http://www.dcjs.virginia.gov/standardsTraining/>

Washington: Washington State Criminal Justice Training Commission, <https://fortress.wa.gov/cjtc/www/>

West Virginia: West Virginia Law Enforcement Professional Standards (LEPS) Program, <http://www.djes.wv.gov/law-enforcement-professional-standards/Pages/default.aspx>

Wisconsin: Wisconsin Department of Justice, Training and Standards Bureau, <http://www.doj.state.wi.us/dles/training-and-standards-bureau>

Wyoming: Wyoming Peace Officers Standards and Training Commission (POST), <http://ag.wyo.gov/post-home-page>

**APPENDIX B — EXCERPT OF BASIC
COURSE WORKBOOK SERIES**

**BASIC COURSE WORKBOOK SERIES
Student Materials
Learning Domain 37
Persons with Disabilities
Version Four**

* * *

Field Contacts with Persons with Mental Illness

Field Contacts The following table identifies appropriate tactical actions officers should be aware of.

Action	Additional Information
Request backup	<ul style="list-style-type: none"> • Situation can be unpredictable and escalate quickly.
Calm the situation	<ul style="list-style-type: none"> • Move slowly. • When possible, eliminate emergency lights and sirens and disperse any crowd that may have gathered. • Reduce environmental distractions such as radio or television noise. • Assume a quiet nonthreatening manner when approaching and conversing with the individual.

Appendix B

	<ul style="list-style-type: none">• If possible, avoid physical contact if no violence or destructive acts have taken place.• If possible, explain intended actions before taking action.• Take time to assess the situation.• Provide reassurance that officers are there to help.• Give the person time to calm down.
Communicate	<ul style="list-style-type: none">• Keep sentences short.• Determine if the person is taking medication.• Talk with the individual in an attempt to determine what is bothering that person.• Acknowledge the person's feelings.• Ask if the person if he or she is hearing voices and, if so, what they are saying.

Appendix B

	<ul style="list-style-type: none"> • Avoid topics that may agitate the person. • Guide the conversation toward subjects that will bring the individual back to reality (<i>e.g.</i>, childhood experiences). • Allow time for the person to consider questions and be prepared to repeat them. • Do not mock the person or belittle his or her behavior (<i>i.e.</i>, delusions or hallucinations).
Do not make threats	<ul style="list-style-type: none"> • Do not threaten the individual with arrest or in any other manner. • Threats may create additional fright, stress, or potential aggression.
Be truthful	<ul style="list-style-type: none"> • If the individual becomes aware of deception, that person may: <ul style="list-style-type: none"> - withdraw from any contact in distrust, - become hypersensitive, or - retaliate in anger.

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