

DEALING WITH THE MENTALLY ILL



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The National Police Association's free Law Enforcement education series is designed for home school, classroom, or independent learning. As part of our nonprofit educational mission, it prepares you for careers in public safety. This series is authored by [Chief Joel F. Shults, Ed.D.](#)

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Will the Mental Health System Overtake the Criminal Justice System?

We can celebrate the fact that over the past decade or so a new awareness of mental health has developed, along with greater acceptance of treatment and care. For law enforcement and other first responders, this awareness has opened doors for treatment with less stigma, although there is plenty of work to be done.

As with most trends, scientific, social, or political, the pendulum is still swinging. The history of treating emotional and physical causes of dysfunction is not a pretty one. The mentally ill were once considered demon-possessed or cursed. Treatments might include confinement in deplorable conditions, radical surgery like a lobotomy, or abandonment to the wilds. Depression and suicidal thoughts were considered sinful and cured by pulling oneself up and getting over it. Medications that developed were often over-prescribed and poorly monitored.

Today there is more attention, staffing, medication, and compassion than ever before for those dealing with challenges to mental health. Our understanding of how the brain works, though still mysterious, has advanced rapidly. Psychological terms are now part of the vernacular. And that is part of the dark side of the pendulum swing.

Psychology, with all of its merit, has become something of a religion in American culture as traditional spiritual

practices subside. For the vast majority of humans, there is a need to believe in something to explain what we cannot control or understand. In years past when a disaster struck, reporters would call upon priests, preachers, and rabbis to hear comforting words and an assurance that there was hope even in the heart of tragedy. Now the interviews are with psychologists and counselors.

With the proliferation of mental health information, there has been, perhaps, a bit of loss of the acceptance of difficulties in life. Relationships are not allowed to simply “be”, but are examined through the lens of analysis. Conversations between friends when troubles come can be marred by the compulsion to solve the problem, to label it, to write off adversaries with a diagnosis. Even worse, there is an increasing tendency to diagnose ourselves and our loved ones with popular brands like narcissism, autism, obsessive-compulsive disorder, anxiety, depression, borderline personality, schizophrenia, PTSD, or bipolar disorder.

That can be a problem for a few reasons. One is that these conditions have specific diagnostic criteria and require a professional to assess. Another is that it can lead to improper treatment. Third is that it can relieve a person of dealing with an issue, because the condition is wrongly blamed for behavior, assuming it is out of a person’s control. Another reason is that transient problems that are common to the human animal are different than chronic conditions that present life-long challenges to living a normal life.

Perhaps the most dangerous result of arm-chair diagnosis is that the person so labeled might feel trapped in that condition and live up or down to expectations. It may be rather like someone with a cough who looks up their symptoms online and comes to believe the worst possible diagnosis, becoming sick with worry and self-medicating.

This labeling is a concern in the proliferation of social-emotional learning (SEL) that is widespread in public schools. The concern is that, as students are taught helpful skills in dealing with themselves and others, the message that emotions and feelings are the primary guide in life and must be fed may lead to a lack of empathy for others and a lack of resilience against unhelpful impulses. Labeling theory has long been accepted in criminology. A lot of juveniles shoplift, but the few that are caught are now thieves and lawbreakers and may get their course set within that expectation.

Besides displacing spirituality (there is plenty of room for both, don't misunderstand), mental health considerations are displacing some traditional criminal justice arenas. It must be noted that criminal defendants have a well-established set of boundaries embodied in the Constitution. A person who is labeled by society's institutions of health or justice certainly has some civil liberty protections, but the specter of re-education camps and thought crimes should not be disregarded. Should a teenager sentenced to alcohol awareness for a minor in possession of alcohol charge have to participate in meditative gong exercises?

The call for harsh criminal penalties for hate crimes borders on prosecution for thought crimes. As implausible as it may sound, listen to the conversations around politics and race and you'll hear opinions expressed that are immediately labeled as a hate crime deemed synonymous with hate speech and often defined merely by one's disagreement with another. If being "triggered" or offended becomes criminal, those in power will define those in disagreement as a threat to public safety.

Legal insanity and diminished capacity defenses are not the same as a diagnosable mental illness or passing mental breakdown. If a person is attacking someone with a knife, it matters not to the victim whether the knife-wielder is evil, having a bad day, is in a psychotic breakdown, or was angry over missing out on the last piece of birthday cake. It doesn't matter to a responding social worker or police officer, either. Yet when the scene is reported by the media, any force used against the assailant will be decried as cruel treatment of the mentally ill.

To be clear, the advances in recognizing and treating mental illness are something to be grateful for. More services for those suffering is a great thing. Let us be vigilant lest we become a society of citizens trading roles from victim to diagnostician, and the weaponizing of mental illness against political enemies.

The Medical Justice System?

Does free will exist? The question of free will is essential to the criminal justice system, without which no one could be held accountable for their behavior. Legal defenses that involve mental capacity address the accused's ability to form intent, to understand the nature of their actions, and their ability to understand the charges and assist in their own defense. Insanity as commonly understood in conversation is defined very differently in the field of justice than in the field of medicine. A true understanding of organic brain injury and diagnosable mental failure can impact the judicial proceedings, but emotional responses must not.

Perhaps the greater influence of consideration of a defendant's state of mind is in the sentencing process where counseling or restorative justice programs are an alternative to fines and jail time. If the courts and law enforcement must answer the ultimate question of what was in the mind of an offender, the criminal justice system as we know it could collapse. Judges and police officers are required to be disinterested and dispassionate. That doesn't mean they have no feelings, but it does mean that facts and evidence determine outcomes.

For those who watch television shows featuring true crime and trials, commentators are often heard remarking on the facial expression and body language of defendants. Victims and jurors comment on a defendant's remorse or lack thereof. Feelings cannot be removed from the human elements of the justice

system, but empathy from a defendant or sympathy for one is not a legal factor in the rendering of a guilty verdict.

One of the ways that feelings have crept into the criminal justice system is in Restorative Justice (RJ) Programs. RJ is a victim-centered philosophy that seeks to humanize criminal activity by bringing offenders into accountability by facing their victims and acting positively to repair the damage they have done. Imagine parenting a child who rambunctiously breaks an heirloom and comes to tears of repentance only after understanding the importance of the item and the hurt feelings caused by the loss. If an understanding of consequences, reinforced by having to repair or forfeit allowance money for restitution, leads to an improvement in the child's behavior then the tactic worked. If, on the other hand, the child learns that acting sorry will avoid harsher punishment, then the child has learned a lesson in the art of manipulation.

While victims deserve a voice in their cases, the rights of which are protected by law in most states, having a significant impact on the disposition of an offender necessarily creates other inequities in the system. What if assault victim A wants nothing to do with the process, while assault victim B wants to go face to face with a repentant offender? Assuming the criminal act was essentially the same under the law, should a "sorry" offender get less of the statutorily allowed sentence than the offender who has no chance to interact with the victim, or whose victim is unusually vindictive or perhaps racist if the offense is interracial?

Another mitigation of sentencing is participation in counseling. Counseling methodologies differ and may not be well supervised by the courts. Many programs are delivered by contract that can cost a defendant money that does not go toward the courts. These courses are not culturally value-free. A mother who consented to have her underage son attend a course in lieu of a conviction on record after being cited for underage alcohol possession discovered that the course involved explicitly Buddhist teaching which contradicted her family's belief. A woman in New York attended a racial sensitivity training to avoid a sentence for an incident that was deemed racist by the prosecutor. While many applaud the application of hate crime legislation, the notion that one's ideology, rather than behavior, can be penalized, is a slippery slope that can lead to "treatments" that give rise to the specter of re-education camps. If the criminal justice system shifts from controlling behavior to controlling thought, we have embarked on a path toward a frightening era.

Make no mistake, providing mental health services can prevent crime and prevent recidivism. Victims should not be relegated to mere bystanders. But treatments and programs must be based on research and must not replace accountability for the choices we make under the laws of the land.

Who are Social Workers Going to Call?

One voice that has not been loud amid the clamor to replace police response with social worker response is that of social workers. The National Association of Social Workers (NASW) has taken an official position on ending excessive force by police. In a [press release](#) the NASW referred to the shootings of two men armed with knives saying “The tragic outcomes of both most recent police encounter incidents could have been avoided by using arrest diversion, de-escalation tactic, and alternative responder strategies” before the facts have been analyzed.

Law enforcement agencies have experimented, with varying results, with diverting calls to non-law enforcement (NLE) professionals or teaming police with mental health workers or social workers. It is a practice that deserves attention and research. The proposals and existing programs must answer some basic questions:

Training

The glib statement that police “aren’t trained for this” or that the only tool we have is force is simply untrue. It is true that police officers have little mandated training in screening and intake at offices and facilities dedicated to mental health, or how to conduct substance abuse recovery programming. Conversely, how much training in dealing with extremely agitated, armed, psychotic persons in a decidedly non-clinical setting do NLE

workers have? Those who believe that de-escalation is the magic word for those charging or fleeing with weapons toward other vulnerable citizens are not dealing with the reality that police officers and experienced NLE field workers know. A [study](#) from George Washington University relates the various levels, practice, and education of those under the broad label of “social worker”.

Making the Scene Safe

NASW [recommendations](#) for worker safety include a panic button to summon police, and mobile GPS and recorders, along with ” The appropriate support may include being accompanied by a colleague or supervisor, being accompanied by law enforcement, changing the day or time of the visit, changing the site of the visit to a safer venue, or postponing the visit” – some things responding police simply can’t do to avoid danger. No one is pretending that that there are many calls that can be handled by non-law enforcement, but the calls that start with a criminal complaint or presence of a weapon will still require an armed officer.

Reporting of Crime

The confidentiality requirements and protections of mental health and social workers may preclude them from reporting other criminal activity they might encounter. Mandatory reporting of child abuse, and in some states domestic abuse, is clear enough. But the idea that the clientele is either/or is false. Criminal activity is an equal opportunity enterprise. Stolen

property, evidence of violent crime, and other serious criminal activity may be lost to the detriment of overall public safety.

Collecting data

In those cases where both police and NLE responders are on a scene that has a peaceful resolution, will the police ever get the credit? Do we have an accurate data set on the success of calls that can be “cherry picked” by the NLE personnel? If police are taken out of the response to non-violent calls, the percentage of use of force per contact will go up and provide a skewed indicator of the success of a program. As with any social research, there will be both bias and unmeasurable variables that produce the outcomes used to seek more funding, perhaps out of the budgets allocated to law enforcement.

Responder injury and assault

According to NASW “In 2018, the Bureau of Labor Statistics found that health and social service workers were nearly five times as likely to suffer a serious workplace violence injury than workers in other sectors.” In their own [safety report](#) “Are you faced with personal safety issues in your primary employment practice? a surprising 44 percent of the respondents answered affirmatively. Thirty percent of these social workers did not think that their employers adequately addressed the safety issues.”

Screening and selecting calls

Certainly dispatchers will need to gather more and perhaps different information for the decision to transfer a call away from a police response. Response time will necessarily be different for the non-law enforcement responders, which is an advantage that allows most situations to calm or resolve prior to their arrival. If police end up being needed at a scene, their response time will be added to the NLE call out and response time. Will frequent callers decide that a police response will address their inconvenience more quickly than the NLE that responded last time? Citizens have learned that claiming “shots fired” will get police to the annoying loud party next door, so it is a question worth answering.

Antogonism

The relationship between law enforcement and NLE is affected by the pre-training attitudes and post-training culture and experience. Although both professions are occupied by persons who genuinely want to help people, the aggregate political leanings and world views are likely very different. In the field, most of these practitioners in both professions work well together, but tensions exist and will have to be resolved in alternative response programs.

Police will remain

To the idealists who believe and promote the abolition of law enforcement, an increase in the use of NLE will

result in greater appreciation of law enforcement's role in responding to dangers unknown and in protecting our NLE colleagues.

Suicide by Cop

Suicide by cop (SBC), also known as a victim precipitated homicide, is an officer's nightmare. Despite public perception, the overwhelming majority of mental health calls, including suicidal persons, are handled by police officers without a major incident. An event in which a caller actually wants the police to kill them is hard to imagine, but about 100 persons per year are killed by police officers after the officers were faced with little choice.

A ten year study of the Los Angeles County Sheriff's Department (LASD) found that 13% of all fatal officer-involved shootings were classified by SBC.

Some agencies have begun to refuse to respond to calls of suicidal persons who are not immediately risking the lives of other innocent persons. Gone are the days of police officers surrounding a house where an individual is threatening to kill themselves, then making a forced entry to rescue a person from themselves. Absent a court order, these rescue efforts can result in injuries to the suicidal person or the officers which can result in lawsuits against the police agency.

SBCs are like other suicides in that they can be spontaneous and impulsive, they can be well planned and very intentional, while many suicidal persons are ambivalent, as if to allow fate to decide. Some of these events may not be classified as suicides due to the complications of an event and a lack of clear intent by the person killed by police.

Officers may not know that they are engaging with a mentally unstable or suicidal person. The caller may just report that a person is acting erratically, has a weapon displayed, or was just involved in a domestic dispute. The suicidal person may be making the call themselves in order to ambush responding officers and force a deadly confrontation.

Guidelines for officers include the first consideration to be officer safety. Giving explicit direction to officers to avoid death and injury from a suicidal subject is not merely self-preservation. A disabled officer means that more weapons could become available to the person, the officer's rescue will remove not only themselves as an asset but take additional resources and attention away from the suicidal party, and if a suicidal person injures an officer, they may become aware of some unintended consequences of their behavior and become more highly agitated. The loss of an officer can result in more threats to the general public if the suicidal person cannot be isolated.

When a police officer realizes that this is an SBC attempt, they may be tempted to turn away from self-preservation and shift into counselor mode. This can result in them letting their guard down and approaching the person from an unsafe position in order to establish trust and rapport. Trust and rapport are important, but one cannot assume that a suicidal person will act rationally even after a personal connection is made. The person may have disordered thinking due to brain illness, or, since the majority of suicides are by people

under the influence of alcohol or other drugs, their state of mind can shift quickly.

Large police agencies will have resources that simply aren't available to smaller departments. The public expects the availability of less than lethal tools, crisis intervention teams, and lots of back up officers. These may not be available or, if so, not immediately. Having back up officers is no guarantee that the chance of a violent encounter is less. Civilian crisis intervention teams may have to be kept at a distance if a firearm is involved.

About half of SBCs present a firearm to engage officers. Nearly one in five weapons displayed in these situations in the LASD study were replica weapons, along with some others that were unloaded or nonfunctional. The psychological toll on an officer who is forced to shoot a person who turns out to have had a non-functioning weapon is immense. The public relations impact is worsened by critics who will scoff at the fact that the SBC "didn't even have a real gun".

Edged weapons and blunt objects are also used to provoke officers to use deadly force in an SBC. While officers may be able to get closer to a person who does not appear to have a firearm, these weapons can be deadly, and there is no guarantee that there isn't a firearm present also. The distance between the officer and the SBC can be traversed very quickly and attacking or fleeing persons with mental illness into a populated area beyond the secure perimeter presents a complicated decision for officers. An SBC can be

precipitated by the subject threatening an innocent bystander or family member.

SBCs present one of the most challenging calls an officer can handle. The chance to save a life is high, but the chance that others' lives are at risk is very real. Most situations are resolved without deadly force. That decision is ultimately up to the person who wants to die.

Praise and Caution for Social Worker Response Plans

According to a Washington Post database, police officers have fatally shot nearly 1400 people with mental illness since 2015. The interpretation of that data by critics has yielded the presumption that the police faced with those encounters are not competent to deal with the mentally ill. Police leaders have long recognized that many of the calls that come to the police do not require the services of an armed government agent, but that the 24/7 availability, fast response time, and easy 911 call have evolved police to be the community catch-all for any complaint or problem.

Somewhere in between the accusation that police officers are ill-equipped to deal with the mentally ill and the reality that many calls could safely be diverted from a police response, many agencies are experimenting with alternate responses using mental health workers. These experiments are a good way to determine whether the public is safer when police stay away, but studies of the programs may be missing important information.

Social research is very different from “hard science” research such as chemistry. The scientific method begins with a hypothesis that is very narrow in scope. That hypothesis is then tested by conducting an experiment that is designed to look at identifiable outcomes. For example, if a researcher believes that a new drug’s effectiveness is affected by temperature, the

drug can be tested at various temperatures to measure what, if any, differences exist when that influence changes. If the outcome of the experiment remains consistent when the experiment is duplicated, researchers can make a definitive statement that pill X works equally well whether stored in the refrigerator or on the shelf. Many of the elements of such an experiment will be based on known characteristics in science based on unchanging laws of physics.

In social research individual characteristics are very difficult to isolate. Philosophically, it has been said that no one steps into the same river twice, since the constant flow creates a new set of conditions every moment. Similarly, it is said that when we examine an apple by cutting into it, we fundamentally change the apple. So when social worker response is declared a success, what research justifies that claim?

A recent press release on the Denver Support Team Assistance Response (STAR) program reported that their pilot study showed the team responding to 748 calls with no arrests and no police presence. This proclamation of success, while encouraging, must be tempered by a close examination of the cost and benefits of the program. In some jurisdictions, police budgets are being reduced in order to transfer funds to a non-police response. A shifting of funds belies claims that removing some calls for police services will “free up” officers to handle serious criminal calls. If police staffing is reduced in order to fund social worker response, this advantage falls away. The STAR program gets referrals from the law enforcement dispatch center where communication personnel screen incoming

requests. During the six-month pilot period, there were 95,000 emergency calls of which 2,500 met the STAR criteria even though the supplemental service team responded to fewer than a third of those.

From these initial numbers, the heralded STAR team responded to less than 1% of total calls, and assuming eventual capacity to respond to all calls fitting their criteria, would be responding to 3% of calls.

Another question is whether the program evaluators are assuming that there would not have been an equally peaceful resolution of the calls had uniformed officers responded. Despite claims to the contrary, police officers are very capable of calmly dealing with persons in a variety of crises. The STAR program states that no arrests were made on the calls they handled. Of course, no one on the STAR team could make an arrest anyway, and that doesn't mean that an arrest would have been appropriate in some of their responses. If likely crimes are observed by non-law enforcement responders, do these offenses simply go unaddressed? If, in order to maintain the trust of the civilian responders they must ignore criminal activity, what is the ultimate cost of non-enforcement? For better or worse, the criminal justice system has been a major portal to mental health services. Judges often order evaluations or treatment, which will not happen if the justice system is not involved. That may be a good thing or not, but it is something that those evaluating the program should measure.

Observers must consider the favorable conditions under which a program such as STAR operates. The

Denver model is currently only available from 10 a.m. to 6 p.m. on weekdays. Working day shift, as every cop knows, is different than nights and weekends. If the program's availability is expanded, the time of day of incidents must be measured. Another factor is that STAR team members have no legal obligation to remain at a dangerous scene and, in fact, are not summoned to known dangerous scenes. This makes the success numbers a lot easier to accumulate than the police officers who have to go to any call, any time, regardless of the risk. STAR type programs are not likely to save lives, because the calls are not determined to be high-risk calls where weapons, assaults, and serious property damage has occurred.

Keeping officers doing what they are legally bound to do and are best trained and equipped to do is a great objective. We just need to be sure we don't diminish their capacity to take the hard calls.

Canceling Protect and Serve

Discussions about the roles of policing that might be shifted to non-law enforcement are very important. A recent survey of officers and civilians showed that the majority of police officers and civilians have confidence in law enforcement responding to mental health crisis calls. While there is also significant support for additional mental health support services and training, the role of police as caretakers of the community has a long history in practice and in case laws.

The concept of community caretaking has been taking a beating in recent months, including a U.S. Supreme Court decision *Caniglia v. Strom*. Officers had responded to the home of a man who was apparently suicidal at the request of his wife whom he had asked to shoot him after laying a handgun on the table between them. The wife left the home to stay elsewhere and asked the police to check on her husband after being unable to contact him.

When officers arrived, they arranged for medical transport for the man, whom they found sitting on the porch of his residence. After he was taken for evaluation, the officers became concerned about the firearm still in the home and entered to retrieve it for safekeeping, specifically against the wishes of the man before he was transported for evaluation of his suicidality. The Supreme Court sided with the man, who had sued the officer for violating his 4th Amendment right to be free from unreasonable searches and seizures.

Attorneys for the officers argued that a previous case in which a firearm was removed from an unattended vehicle for safekeeping was determined to be a lawful exercise of the community caretaking function of law enforcement officers. In that case, the gun recovered in order to keep it from falling into unknown hands, was subsequently determined to be evidence in a murder case. The Court said that a home had more Constitutional protection than a vehicle and rejected the community caretaking argument for the seizure of the suicidal man's gun inside his home.

While it would be foolish to argue against a 9-0 decision, and it would be unwise to open the community caretaking argument to abuse by government agents, the case has already been seized upon as an erosion of law enforcement's ability to do anything other than purely criminal investigation and response. In an opinion article by Cornell law professor Sherry F. Colb titled "Supreme Court Takes a Step toward Defunding Police", it is clear that anti-police advocates are already claiming this case supports moving funding from policing to mental health.

Despite claims that police should become hands-off on calls that may involve mental health issues, the demand for police assistance will never go away. Even in this case, had a social worker been asked to handle the call that involved a weapon, any sensible protocol would have prohibited a non-law enforcement (NLE) response. Secondly, since the initial report from the wife here reported an argument involving a firearm, there may have been a domestic violence criminal charge to

investigate. NLE personnel would have no authority (or training) to investigate criminal activity or seize any weapons. Thirdly, while a mental health referral and subsequent recommendations might occur, had an arrest been appropriate (which wasn't apparent in this case, but no one will know until they get to the scene), the arrestee might be required as part of a criminal process to get an evaluation or complete treatment under court order rather than being able to merely walk away from an NLE responder.

The notion that if we send NLEs rather than police officers to certain calls that money for the NLEs can be taken from police budgets erroneously assumes that law enforcement won't need the money but NLE staffing will. Demand for police response will remain high, requiring staffing and equipment that should not be diverted. If the argument for NLE response is that police shouldn't be doing these services in the first place, then budgeting for mental health services shouldn't be connected to policing at all, including being the source of revenue for NLE response.

If the community caretaking function is severely eroded, does that mean that no highway patrol officer should stop to assist a motorist for fear that they might discover criminal activity? Should a police officer on patrol drive past a woman distraught and crying on the sidewalk for fear that it would lead to an abuser's arrest? The public has, does, and will expect police officers to attend to people in need. We continue to expect our police officers to care for their communities in many ways that their gun and badge do not necessarily represent. God forbid the day when we

must erase “To Serve and To Protect” from our police mission.

Policing: Still the Gateway to Social Services

Some positive conversations about non-law enforcement (NLE) response are ongoing in the aftermath of cries for police reform. The mythology that often underpins these conversations is that police have no skills or training to deal with persons in a mental health crisis and are prone to using deadly force unnecessarily.

Some of these NLE reforms have included adding social workers as car partners to respond to calls likely to involve a mental health crisis, or sending another professional without any law enforcement response. Unless something bad happens of course.

Some programs pre-existed the no-cops wanted movement, notably Eugene, Oregon's social worker response alternative that has been working for over three decades. Even this program, at least as of last year when this author visited on site, is not available every day at all hours. A recent boast from Denver, Colorado's NLE reported that they have resolved many cases, saving police the trouble. While this is laudable, the calculus of the expense of the program compared to just having cops handle things as always wasn't clear. The Denver program also operates on limited hours and, as all NLE response programs, would not deal with known violent situations, reducing the number of situations that these programs would handle.

NLE response programs may very well have their place. The celebratory articles, however, should be considered in context and with supporting, valid data, that shows their effectiveness in contrast to law enforcement response. Certainly, at least one advantage is that taking some of the burden of these calls away from the police could potentially provide relief for understaffed agencies suffering backlogs of 911 calls.

The worst of these NLE programs are funded by transferring chunks of police budgets. Reducing funding for law enforcement not only creates a negative value for the alleged cost and time savings from relieving police from mental health response, but it also creates additional risks for NLE who find out they need a police presence on some of their calls.

Many agencies have long had specially trained police officers on so-called Crisis Intervention Teams (CIT). These are lauded by some and criticized by others. Some CIT outcomes have resulted in death or injury to disturbed persons and, therefore, the cops are to blame according to critics. Never mind that many are medical emergencies requiring custody for treatment, many involved drug use that creates hallucinations, violence, and unresponsiveness to verbal commands and pain compliance, and many have involved weapons. Again, these are calls that would never be handled by NLE units alone. They would never be dispatched to them or they would, wisely, retreat and call for law enforcement.

Estimates on the percentage of police calls for service are a result of mental health crises vary, but the American Psychological Association cites the rate at 20

percent. What percentage of those calls could be handled by NLEs is speculative, as many would involve violent behavior or access to weapons which would rule out NLE response. Talking calmly, being empathetic, and making eye contact is not hypnotism and won't de-escalate someone out of touch with reality or unable to process the need for rational behavior.

Another concern is that criminal behavior and mental illness are not always separate from each other. Drug dealing, theft, sexual assault, and domestic violence can co-occur with those in a mental health crisis (a term with ambiguous meaning). If a crime is discovered by NLE teams would it be recognized or reported? Domestic violence, according to a U.S. Department of Justice report, can constitute between 15% and 50% of calls to police, with up to 35% of those involving a chargeable offense. Can NLE response draw the line?

Most social workers eventually come to understand the police role and respect the officers they end up working with. There exists, however, some palpable distaste among some idealists whose opposition to the very existence of police (because they believe police are a root cause of problems) can create a chasm between social services and law enforcement access to criminal investigations. As an example of this hostility, this writer spoke to a national convention of victim advocates on the topic of police officers who are victims of crime. During the question-and-answer period, one social worker declared that she would never help a police officer who was a crime victim.

Ultimately most NLE personnel lack the authority to immediately compel persons to get treatment and care. Relying on voluntary entry into programs to help has obvious failure rates. When law enforcement brings cases to court, access to treatment can be compelled by a judge with enforceable consequences. Before the development of social welfare networks, the primary access to help was through the compulsion of the courts. Police leaders are happy to hand off responsibility to those who are better equipped, whether that be helping a stranded traveler or homeless person, arranging care for an abandoned child, or counseling a suicidal person. But acting as a social worker will always be in the police officer's job description under "other duties as assigned", and they do a good job at it.

The Naked Truth About the Unclothed

Ever since Adam and Eve looked down and realized they were naked and that was somehow not quite right, most of humanity has insisted on covering up. When law enforcement officers encounter a nude individual, the presumption is that there is something very wrong.

How much clothing is the subject of cultural debate, but pure nakedness is generally universally deemed a legitimate taboo. Americans criticize the cultures requiring the covering of the body and the face, such as the Islamic burqa, but in the history of Jewish, Christian, and Hindu, head coverings from hats to hijabs have been symbols of modesty.

Anyone who perused National Geographic magazines in 7th grade knows that covering the genitals is typical but covering the female breast is optional in a lot of places. (I read the NG for the articles, just FYI). Europe's nude beaches and bare breasts and buttocks on the telly are often tittered about by travelers from North America. Tourists are either embarrassed or join in with the natives, in either case often becoming red in the cheeks.

A federal judge in Colorado ruled in a 2017 case that police could no longer enforce ordinances that banned the baring of breasts. The case came from the city of Ft. Collins which defended their ordinance but lost in what became known as the "free the nipple" case, despite concerns about the possibility of exposure to children, at places of worship, and in businesses.

When it comes to American law enforcement, police are often called to reports of indecent exposure. These may be as innocent as a person relieving themselves somewhere before their bowel or bladder erupts in an emergency. One prosecutor in a college town stopped prosecuting students for urinating in the alley in a section of downtown with many bars because he did not want an indecent exposure charge on their criminal record. Police started citing the offenders for littering instead.

But other cases of indecent exposure, for the male population at least, are indicators of illegal sexual behavior that can become dangerous. Sex offenders are predatory. Their behavior typically increases in frequency and severity as they learn what boundaries they can push. If they can leave their zipper down while walking around a store and, if caught, just act embarrassed and apologize, they have learned something about what they can get away with. Campus police are alert for “stack peepers” who stalk targets in college libraries, peeking through bookshelves to take photographs or masturbate.

While not all minor sex offenses lead to sexual assault, most rapists started with these “testing the waters” behaviors, learning how to disguise their behavior, justify it, or get away with it.

A major concern with those who disrobe in public in erratic ways is their mental status. Especially in younger persons, removing clothing may indicate a developmental delay or regressive behavior inconsistent with their chronological age such as autism

where the awareness of the social taboo of nudism is not present.

Elderly persons with Alzheimer's may disrobe because they are uncomfortable and can't communicate that to caregivers, due to hallucinations that it's time for bed or that bugs are on them, or to fondle themselves while unaware of their surroundings. Disrobing or sexually acting out in public can also be a manifestation of schizophrenia seen in a small minority of those diagnosed. Drug use, often accompanied by mental illness in addition to substance abuse disorder, can result in hallucinations and erratic public behavior.

While most disrobing due to mental illness is not committed by dangerously violent persons, their state of mind may make it impossible for them to recognize and comply with law enforcement officers. If such a person needs to be redirected or taken into protective custody, they may fight out of confusion or panic, creating a real challenge for officers to get them to help without getting themselves or the citizen hurt. In Chicago, a police officer is now recovering from being run over by a woman laying naked in the street whom the officer had stopped to check on. The woman stole the officer's patrol car and struck the officer while fleeing.

The most dangerous naked person that attracts the attention of law enforcement is the person in a condition of Excited Delirium. Although some researchers deny that such a thing exists, police officers, ambulance personnel, and hospital emergency departments will certainly attest to its reality. The

condition, usually associated with illegal substances but may be a metabolic disorder. It manifests with erratic behavior, high body temperature (thus the disrobing), and loss of pain response. The superhuman capacity to resist police and emergency medical workers who must restrain the patient in order to get immediate medical help to avoid a fatal result comes from a sense of panic.

Officers often have to get multiple helpers to restrain the person for emergency medical treatment and are thus accused of excessive force by bystanders ignorant of the fact that the patient's life is at stake without advanced medical treatment. What may cause the average citizen a chuckle when seeing a naked man directing traffic on the roadway could present a life-threatening situation to the naked person and their rescuers.

The Challenge of Diagnosing Mental Health Issues

Police agencies have been criticized for their handling of calls regarding people with mental illness. The major problem is not the ignorance of police officers in dealing with the mentally ill. The challenge is knowing if someone has a mental illness at the time of the police contact.

If we broadly define mental health as the ability to maintain emotional and behavioral stability in a way that does not interfere with one's health, finances, relationships, and daily activity that would include almost every person on a 911 response. Even normally emotionally healthy persons have transient periods of high anxiety, depression, substance abuse, and other markers of poor mental health. Even a person in extreme crisis who is acting very calmly and rationally may be in a state of mental dysfunction.

For specific, medical diagnoses of mental illness, even the professionals can struggle. The book that is used to describe, define, and label mental issues is the Diagnostic and Statistical Manual, now in its 5th edition. The DSM5 uses clusters of symptoms and behaviors to guide licensed practitioners to a diagnosis. Even so, it is not as easy as checking boxes.

A diagnosis of Post Traumatic Stress Disorder (PTSD), for example, involves at least eight different categories with a total of 27 possible criteria of which at least eight

of which must be present. That doesn't count the footnotes and exceptions. As helpful as these criteria are, the matrix and mathematics of it is complex. That's just for one diagnosis. There are over 900 pages to the DSM.

Many who claim to have PTSD do not meet the DSM criteria. The same is true with many mental disorders that friends, relatives, and 911 callers may claim that the disruptive person has. If a caller says that a person has PTSD and is experiencing violent flashbacks, the officers can't make the assumption that this really reflects what is going on. With psychological jargon in the public arena, persons are often labeled narcissistic, bi-polar, or schizophrenic with no full understanding of that means. This poses danger to the responding officer and the subject.

A study published by the National Institute of Health recently revealed that medical doctors have a low rate of accuracy when diagnosing mental health issues. Based on comparing the initial physician diagnosis with a subsequent psychiatric diagnosis. Depression was misdiagnosed about half of the time, cognitive disorders were accurate only 60% of the time and substance abuse about a third of the time. Psychosis was almost never accurately diagnosed by doctors. A final diagnosis by a psychiatrist would be agreed upon by others.

There are two additional things that responding police officers probably won't know. One is what's known as co-morbidity, the existence of multiple disorders at one time. A person may be operating under more than one

illness keeping them from thinking and behaving rationally.

Compound this problem with the fact that many mental illnesses are mimicked by the influence of narcotics and other substances. There are so many variables that even a clinical diagnosis may have little relevance to a real-world event on any given day.

Social and cultural changes can result in new eras of diagnosis. For example, homosexuality was officially a mental illness in the 1970s. Gender dysphoria is a diagnosable disorder, or we can just accept an 11 yr old's declaration that they are different than their birth sex. Pedophilia is becoming more acceptable, with some clinicians preferring that they be called "minor-attracted persons". If the DSM changes and mental health professionals have variations in their diagnoses, what chance does a police officer have to know what's going through anybody's mind?

Finally, an officer can only base their assessment of the situation on the behavior they observe. If a person is about to strike someone with a knife, their mental state is irrelevant. If they have a gun and are a threat to others, that behavior must be addressed immediately without the benefit of a diagnosis. These immediately dangerous behaviors will not (or should not) be the ones answered by co-responders or social workers. These life and death decisions will be made by law enforcement responding to an urgent call of a potentially violent situation.

Specialized Public Safety Units Protect Citizens, Assure Nature's Bounty

A few years ago, I wrote an article titled "All Kinds of Police." The piece explored the wide array of law enforcement agencies spanning our nation, from [railroad police](#) to [postal service cops](#) to [law enforcement officials securing our U.S. Mint](#) and national assets.

Among the specialties in law enforcement are environmental and agricultural niches.

These "specialized" cops apply, go through processing like every other aspiring law enforcement officer, and endure either a federal or state-certifying police training academy to garner the requisite skills and know-how to be among professional public safety entities employing and deploying guardians of the Constitution and the land upon which we co-exist.

Largely exclusively, these uniquely oriented police officials concentrate on preserving lands and all life upon it, both human and animal, often joining the police profession as a naturalist with an extraordinary passion for environmental sustainment and ecosystem integrity.

Rather obscure (which is why NPA is emphasizing these uniquely-qualified police heroes for your knowledge base) when compared to metropolis municipal law enforcement activities often boldly out in the open,

environmental-based cops often work in mostly desolate terrain, in areas largely uninhabited by humans and abundantly populated by all sorts of wildlife and intriguing creatures.

The paucity of physical presence by humans logically attracts criminals undesirous of an witnesses.

The jurisdictional scope of enviro cops is vast, meaning they may not necessarily have back-up nearby when the dung hits the fan and the element mentioned above goes bonkers out of sheer desperation when confronted.

“Protected lands” is the typical beat of these police officers and requires a rugged rig to traverse accordingly.

Having explained the general composition of an environmental police officer and his/her pursuits, here is a real-time example announced today.

The Hillsborough County Sheriff’s Office has among its almost 4000-sworn contingent both an Agricultural Crimes Unit (ACU) and an Environmental Enforcement Unit (EEU) consisting of deputies possessing honed skills in criminal investigation of agricultural complaints to include livestock theft and [illegal dumping](#).

To effectively navigate the lands upon which they patrol and investigate matters, each ACU and EEU deputy is assigned [fully-marked and outfitted pickup trucks](#), representing the county-level with regard to enforcing public safety features.



(Photo courtesy of the Hillsborough County Sheriff's Office.)

Although larger law enforcement agencies are adequately equipped with the training and tools necessary to combat certain unique crimes occurring out in the sticks, they often partner with environmental cops and civilian scientists working for the state.

In the following case, the [Florida Department of Environmental Protection](#)'s law enforcement division cops (FDEP Police pictured in our feature photo) worked in tandem with county deputies to assist in the processing, investigation, identification, and apprehension of a suspect who dumped volumes of oil into otherwise pristine waters sustaining foliage, flora and fauna.

An HCSO press release explained the chronology pertaining to how the environmental crime was

committed, how it was investigated, the subsequent arrest of a felonious suspect, and what mitigations were employed to help reinvigorate the tainted land:

The sheriff's office "arrested [Omar Hernandez](#), 33, after he illegally dumped oil which caused thousands of dollars in damages to wetlands in Plant City." That means tax dollars to maintain it, and additional tax expenditures to clean it all up.

Fundamental evidence photographed on scene is called a "dip test" whereby environmental protection police personnel dip a piece of light-colored board into suspected contaminated waters:



(Photo courtesy of the Hillsborough County Sheriff's Office.)

“If it looks like a duck and quacks like a duck” methods apply. Eureka, it’s oil...in a bad way!

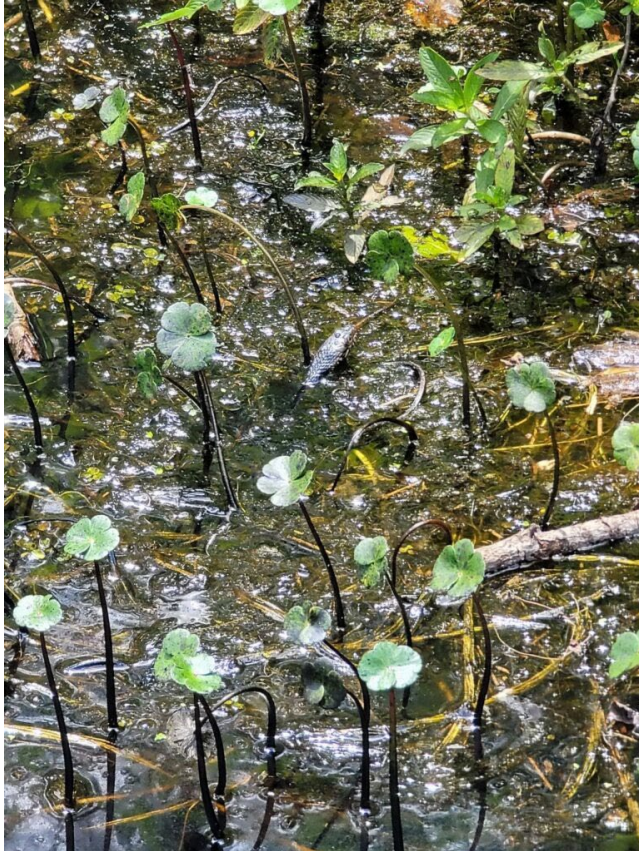
The odor and color of crude oil are rather distinct, and the dip-test technique is a “field test” modality and preliminary piece in the overall collection of evidence in

the investigation and toward eventual arrest of suspect(s).

Although I am no chemist, from what I understand via an online commenter, there is a “DNA marker to track oil” elements, potentially aiding the case against the arrested polluter. That’s where forensic scientists come in handy, ala “Forensic Files” sleuthing.

Another citizen’s suggestion was for the county deputies and state environmental cops to bring in federal agents from the U.S. Environmental Protection Agency whose [criminal enforcement division](#) cops can charge Hernandez under the [Federal Water Pollution Control Act](#) or any of its [water integrity legislative acts](#).

Speaking of water integrity, environmental crime police and scientists on scene were able to photograph a lone snake sluggishly slithering through the now-sludgy ecosystem, compliments of a lazy, malicious illegal dumper:



(Photo courtesy of the Hillsborough County Sheriff's Office.)

The sheriff's office press release continued: "HCSO, in cooperation with the Florida Department of Environmental Protection (DEP), investigated the incident, which occurred over a period of time in April 2021 [...] DEP units tested the substance and verified it to be oil. The large dumping measured approximately 80 feet long and 12 feet wide. Due to the spill, fish,

vegetation, and wildlife had all been affected in the immediate area.

“Following a thorough investigation, deputies within HCSO’s Environmental Enforcement Unit (EEU) identified and arrested Hernandez. It is estimated that the dumping caused more than \$10,000 in damages. Based on the size of the dumping, the DEP requested an emergency clean-up and contracted” an outside company which specializes in mitigating environmental messes.

For his reckless behavior and ill-concern for environmental sanctity, Hernandez was booked into county jail and faces a felony charge of Causing Pollution That Harms Or Injures Human Health Or Welfare.

That’s just one caper having to do with cops overseeing the environmental landscape and the ecosystems sustained. In a population explosion in an area like mine, illegal dumping cases have burgeoned, keeping law enforcement extremely busy with an ever-increasing caseload. See something, say something always applies.

It’s not always about agricultural crime, though. Sometimes it consists of civil matters, like taking a bull by the horn— (ahem), getting it safely back to the owner’s ranch after a corral breach and errant stroll.



(Photo courtesy of the HCSO Agricultural Crimes Unit aka Reunification Unit.)

A similar niche police unit entails sworn state cops responsible for agricultural commerce which, besides excess tonnage of livestock and wholesale plants and produce being transported to retail markets, sometimes nabs drug-running operations craftily concealing narcotics amid Granny Smith apples or crates of juicy citrus or whatever.

Pretty much every state has its own component of a commercial enforcement unit comprising road patrol cops charged with commercial transportation laws. These police units also work major cases of large-scale drug interdiction stemming from an unsecured load or some other traffic law violation leading to a roadside stop and drug-trafficking busts.

In Florida, there is a Department of Agriculture and Consumer Services (DACS) [law enforcement division](#) whereby instead of cops patrolling the interstates and thruways looking for truckers' transportation violations (typically done by the Florida Highway Patrol's Office of

[Commercial Vehicle Enforcement troopers](#)), these agri-cops staff the numerous weigh stations/interdiction sites at state line borders and have the [truckers funneled into procession for inspections](#) and tonnage assessments.



Florida's Office of Agricultural Law Enforcement (OALE) "investigates crimes involving agriculture and those occurring on property owned or operated by FDACS" while also "participating in all seven regional Domestic Security Task Forces statewide." This agriculture police force also "partners with federal, state, and local law enforcement agencies" and helps "coordinate the [Domestic Marijuana Eradication Task Force](#)."

Incidentally, post-9/11 era sinister actors upped the ante on bomb-making materials being transported via trucks, so these agricultural cops have that challenge (Domestic Security Task Force mentioned in their mission statement).

And, yes, these agri-cops employ hyper-sniffing police canines, especially given the volume of commercial trucks passing through their screening stations on a 24/7/365 basis with the overall potential to smuggle contraband of all sorts.



(Photo courtesy of the Florida Department of Agriculture and Consumer Services law enforcement division.)

I'm sure cartels detest these specialized cops snooping through otherwise organic products in efforts to unearth their synthetic poisons destined for street markets throughout the states.

As you can see, there are niche services provided by law enforcement entities across America, with specialized cops overseeing ecosystems, safeguarding conduits, protecting citizens, ensuring organic nature is not bastardized, and arresting bad actors who traipse upon God's good earth with ugly, slick intentions.

About The Author



This series is authored by [Chief Joel F. Shults, Ed.D.](#) Joel is a retired police chief. He is an award-winning writer, college professor, trainer, and first responder chaplain.