

CENTRAL STATE HOSPITAL  
POLICY/PROCEDURE

SUBJECT: **CRIMINAL PROSECUTION OF AN INDIVIDUAL**

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ANNUAL REVIEW MONTH: October

RESPONSIBLE FOR REVIEW: CSH Police Chief

LAST REVISION DATE: January 2011

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**I. CHARGES PURSUANT OF CRIMINAL PROSECUTION INITIATED BY THE RHA**

When the Regional Hospital Administrator decides that any act(s) of an individual may warrant possible criminal prosecution, the following steps shall be initiated:

The Police Chief shall initiate an investigation to determine whether the alleged acts justify prosecution. If the police chief determines that evidence is sufficient for prosecution, he/she will notify the Regional Hospital Administrator (RHA), Director of Legal and Special Services(LSSO), and the appropriate Service Chief. The Service Chief shall arrange for the individual's treatment team to examine the individual and provide recommendations if criminal charges should be pursued. The treatment team shall advise the Service Chief and the Director of LSSO as to whether the individual was responsible for his/her behavior and whether he/she is competent to stand trial. The Director of LSSO shall notify the Regional Hospital Administrator and Police Chief of the results.

If the individual is thought to be responsible and competent to stand trial, and the RHA desires to proceed with charges, the Police Chief shall initiate a warrant for the individual and notify the District Attorney/Solicitor's office that the individual is thought to be responsible and competent to stand trial. (Several tasks relating to pressing criminal charges against an individual are outlined in the attached procedure.)

**II. INJURY OF CSH EMPLOYEES BY INDIVIDUAL**

Any employee that sustains an injury from an individual shall be offered immediate medical alternatives, if warranted, and if necessary shall be offered medical services from a designated workers' compensation provider. The employee's supervisor shall ensure that all of the appropriate documents are completed in accordance with DHR Personnel Policy, 1701 Workers' Compensation and Special Injury Return-to-Work Program and DHR Personnel Policy 1702, Leave and Payment for Workers' Compensation and Special Injury Claims if appropriate. Additionally, CSH supervisors shall ensure staff and hospital evaluation reports are completed and distributed accordingly.

### III. PROCEDURE

<u>Responsible Employee</u>	<u>Tasks to be Completed</u>
Designated Supervisor	<ol style="list-style-type: none"><li>1. Ensure any injured party is provided medical attention.</li><li>2. Complete all necessary personnel documents to include incident report and staff incident report if applicable.</li><li>3. Immediately contact CSH Police Department and request an officer to report to the scene .</li></ol>
CSH Police CSH, Reporting Officer	<ol style="list-style-type: none"><li>1. Immediately report and conduct an initial investigation to include taking statements from staff involved and any individual (s). NOTE: Individuals must be mirandize when interviewed by CSH police officer.</li><li>2. If warranted, take photographs of any injuries of participants involved.</li><li>3. Forward all preliminary investigative reports to the CSH Police Chief.</li></ol>
CSH Police Chief	Within five (5) business days of the of the event, conduct a full investigation and forward report to the Director of LSSO.
Director of LSSO	<ol style="list-style-type: none"><li>1. Review all investigations and incident reports.</li><li>2. If the event involves criminal conduct by the individual, within 2 business days of receipt of the report, consult the RHA to determine if evaluation of the individual's competency is warranted.</li></ol>

3. If determination that an evaluation is warranted, contact the appropriate Service Chief where the event occurred to coordinate the individual's competency assessment by the individual's treatment team.

Service Chief

Immediately arrange for the individual's treatment team's completion of assessment.

Individual's Treatment Team

Within five (5) business days of the request to conduct the assessment, submit recommendation to the appropriate Service Chief and Director of LSSO.

Director of LSSO

1. If the individual is believe to be competent to stand trial by the treatment team, inform the RHA and determine if criminal charges will be pursued.
2. If a decision is made to pursue criminal charges, immediately contact the CSH police to consult with the local District Attorney/Solicitor for further action. NOTE: If determination is made not to pursue criminal charges, contact the appropriate service chief.

CSH Police Chief

Immediately contact the local District Attorney/Solicitor and forward the investigative reports to determine if criminal charges will be lodged against the individual.

**Approved:**

**This policy has been approved by the RHA and the CSH Clinical Director.**

#### **IV. CRIMINAL PROSECUTION OF INDIVIDUALS BY STAFF PROCEDURES**

Obtaining a warrant for prosecution of individuals must be based upon the information presented to the Baldwin County Magistrate Court by the individual requesting a Warrant. Without access to all available information and a belief the suspect charged did commit the offense, and the individual is competent to stand trial, no warrant will be issued.

- (1) Any person, desiring the issuance of a warrant of arrest for a criminal offense shall personally appear and make a complaint before the Baldwin County Magistrate Court before an official authorized to issue a warrant.
- (2) Staff will obtain a copy of the Police Report from the Central State Hospital Legal Service Department to present to the Magistrate Court Judge.
- (3) If the Police Report states the essential facts constituting a criminal offense by one or more persons named or described in the report (Please note, however, that due to confidentiality laws, no client names will appear), and if, in the opinion of the Magistrate Judge, there is probable cause to believe or strongly suspect that the offense complained of has been committed by such person or persons, the official may issue his warrant for the arrest of such person or persons.
- (4) Employees are urged to talk to the Director of Legal and Special Services and/or the CSH Police Chief prior to filing for a warrant against an individual being served by CSH to determine whether the case is one, in which the hospital intends to file a warrant.