



Ministry of Health and Culture
Government Administration Building
Grand Cayman, KY1-9000
Tel: 345-244-2374
Email: mhc@gov.ky



ROLES AND POWERS OF THE CONSTABLE UNDER THE MENTAL HEALTH LAW



Ministry of Health and Culture
Government Administration Building
Grand Cayman, KY1-9000
Tel: 345-244-2374



Powers under the Law

A constable **may take a person into protective custody** and bring the person before **a government medical doctor** where it appears that the person is suffering from a mental impairment or serious mental illness and is a danger to self or others [section 7 (1)].

A constable **shall** take a person into protective custody and bring the person before a government medical doctor if the patient violates an assisted outpatient treatment order [section 12 (5)].

Powers under the Regulations

In accordance with Regulations, the constable must complete Form 2 (Request for an Emergency Detention Order, Mental Health Regulations, 2013) when taking a person into protective custody. The information requested includes name of constable, badge number, description of behavior, place, time and witnesses, if any.

DEFINITIONS

Constable – means a police officer of the rank of constable of any grade and includes a recruit constable, auxillary constable and community support officer.

Mental health professional – means a practitioner registered in a mental health category under the Health Practice Law (2005 Revision).

Mental Impairment – means a state of arrested or incomplete development of mind, which may or may not be due to a trauma or injury and includes significant impairment of intelligence and social functioning and which may or may not manifest itself in abnormally aggressive or seriously irresponsible conduct.

Nearest Relative – a person of at least eighteen years of age, whether or not living in the Islands, who is-

- a) spouse or common law partner
- b) son or daughter
- c) parent or legal guardian
- d) brother or sister
- e) grandparent
- f) grandchild
- g) uncle or aunt
- h) nephew or niece
- i) a social worker or probation officer employed in that capacity in government or a statutory body

- j) attorney at law of the person concerned
- k) the mental health professional treating the person concerned
- l) close friend

Place of safety – means a place declared under section 20 for purposes of receiving and caring for persons.

Serious mental illness – a substantial disorder of thought, mood, perception, orientation or memory which-

1. grossly impairs a person's –
 - i) judgement
 - ii) behaviour
 - iii) capacity to recognise reality
 - iv) ability to meet the ordinary demands of life **OR**
2. poses a danger to the person concerned or others

but does not include a sole diagnosis of alcoholism or drug abuse, that is, a diagnosis of alcoholism or drug abuse without any other ailment of a mental nature.

The constable is allowed to detain a person if they believe that the person has a mental impairment or a serious mental illness and he/she may cause harm to self or others.