

43.8 Health of Persons in Custody – CRITICAL STANDARD

OPERATIONS

STANDARD 43.8 **The agency has a written directive that outlines a response to medical and mental health of persons in custody pursuant to New York Civil Rights Law Article 3 §28 and in accordance with the MPTC Use of Force Model Policy.**

Commentary: *New York Civil Rights Law Article 3 §28 was enacted to ensure that when a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. See also, Standard 20.1 Use of Force and the MPTC Use of Force Model Policy.*

Compliance Verification Strategies

Assessors may seek to verify compliance with this standard by using one or more of the strategies listed below. There may be other strategies identified by the agency which could also be acceptable.

1. A copy of the directive should be available for review; and
2. Interview(s) with agency personnel to verify their knowledge of and understanding of the directive.
3. Review of incident reports.