

Arizona Criminal Justice Commission

Criminal Justice Systems Improvement Program



Mental Health Indicator to Law Enforcement Bulletin

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the criminal justice system in Arizona.

July 2016

Legislative History of the Mental Health Indicator (MHI)

In 2014, the Arizona Legislature amended A.R.S. §13-609, §36-540, §14-5304 and §14-5307 allowing the Arizona Supreme Court (ASC) to transfer case information on certain mental health court orders and verdicts to the Arizona Department of Public Safety (DPS). In turn, the DPS would transmit the information to the FBI's National Instant Criminal Background Check System (NICS) for federal firearm licensee background checks on prospective firearms purchasers. In 2015, with the support from the ACJC, Senate Bill 1373 was enacted amending Title 41 by adding A.R.S. §41-1729. A.R.S. §41-1729 requires the DPS to provide a law enforcement agency with access to case information it receives from the Supreme Court for the purpose of enforcing a court order, assisting in an investigation, or returning property.

What Will Officers See?

Case information includes the following: 1) the subject's name, sex, and date of birth; 2) the last four digits of the subject's social security number, if available; 3) the court case number; and 4) the court originating agency identification number. Certain cases will include the date of the person's incompetency finding or guilty verdict. This information and the court's email address are provided in the MHI (see below).

MHI Message in the ACQW

AOC.NICS.RESPONSE

COURT MENTAL HEALTH INFORMATION

SENT [AOC SEND DATE/TIME] FOR [ACQW QUERY CRITERIA]

WARNING – THIS IS COURT MENTAL HEALTH INFORMATION. DO NOT SEARCH, DETAIN, OR ARREST BASED SOLELY ON THIS INFORMATION

CONTACT THE COURT TO CONFIRM STATUS AND TERMS OF MENTAL HEALTH INFORMATION

THE EXISTENCE OF A MENTAL HEALTH ORDER RELATED TO THIS INFORMATION MAY PROHIBIT AN INDIVIDUAL WITH THIS NAME FROM POSSESSING A FIREARM.

OPI/ [OPERATOR ID] ORI/ [ORIGINATING AGENCY ID] OCA/ [ORIGINATING AGENCY CASE NUMBER]

NAM/ [LAST, FIRST MI] SEX/ [SEX] DOB/ [DATE OF BIRTH MMDDYYYY]

RAC/ [RACE CODE] HGT/ [HEIGHT FEETINCHES] WGT/ [WEIGHT] EYE/ [EYE COLOR] HAI/ [HAIR COLOR]

SOC/ [SOCIAL SECURITY NUMBER] POB/ [PLACE OF BIRTH] SOR/ [STATE OF RESIDENCE]

MIS/ [MISCELLANEOUS INFORMATION FROM NICS ADD MESSAGE]

TO CONFIRM THE EXISTENCE AND/OR STATUS OF A MENTAL HEALTH ORDER,
CONTACT [COURT NAME] DURING BUSINESS HOURS
AT [COURT EMAIL ADDRESS]

What Should Law Enforcement Know?

1. Talk to your Legal Advisor.

Work with your agency's legal advisor to create a set of protocols and policies, if your agency has not done so already. It is important that all officers know what to do when you encounter an individual with an identified mental health order and the individual is in possession of a weapon.

2. Contact the Court to Verify.

The originating court is the only agency that will verify the mental health court order and the type (i.e., Title 14, Title 36 or Rule 11). Since courts will only be accessible during regular business hours, officers are encouraged to use the email address provided to contact the court.

3. The MHI Is Information-Only.

While your agency protocols may require action in certain situations, the intent of the MHI is to provide mental health information for officer safety. The MHI is not to be treated as a pick-up order.

What Mental Health Orders Are Included?

Incompetency orders (Rule 11), guilty except insane verdicts, involuntary orders to mental health treatment (Title 36) and guardianship orders relating to mental incapacity (Title 14) are included in the mental health repository at the ASC. Subjects with Title 14 orders **may not** be state-prohibited firearm possessors. As a result, officers should contact the court to confirm and verify the type of mental health court order identified in the MHI.

Frequently Asked Questions

Q: *Is information removed once a court determines an order to be inactive?*

A: Yes. When an individual petitions the court to have their weapon rights restored and the court grants the petition the prohibition is removed from the MHI at the Arizona Supreme Court. The court order will no longer show in the MHI.

Q: *How often is the information from the ASC updated to the DPS?*

A: Mental health information from the ASC is uploaded to the DPS at 7pm each night Monday through Friday. As a result, any mental health finding or verdict is updated to the MHI after the court's close of business each night.