

June 9, 2022

The Honorable Bronna Kahle, Committee Chair
cc: House Health Policy Committee
Room 519, House Office Building
Lansing, MI

RE: Changes needed in HB 4414 and SB 101 to protect patient rights

Dear Representative Kahle and Members of the Committee:

SB 101 and HB 4414 have potential to address a need in transporting involuntary psychiatric patients. However, as they are presently written, both bills fail to adequately protect the rights of mental health recipients.

The House Health Policy Committee should not pass these bills until they are amended to adequately ensure that the rights of patients being transported are maintained.

- (1) The bills allow private security transport officers to take individuals with mental illness into “protective custody.” The bills designate that security transport officers “may use that kind and degree of force that would be lawful if the peace officer were effecting an arrest for a misdemeanor without a warrant”, in accordance with Sec. 427a.

Allowing this level of force by private transport officer when an individual with mental illness has committed no crime violates their right to be free from restraint in the absence of an immediate danger to self or others.

Private transport officers can alleviate the burden on police officers when transporting individuals with mental illness. However, private transport officers should not be permitted to use force, weapons, or restraint. If these measures are necessary, an individual with mental illness should be transported by police or ambulance.

SB 101 or HB 4414 should have Sec. 170(4)(g), that allows for use of force, removed.

SB 101 or HB 4414 should not be passed until they clearly state that a private security officer may not use physical force on an individual with mental health.

SB 101 or HB 4414 should be not passed until they clearly state that private security officers may not carry weapons, including non-lethal ones (e.g. tasers, pepper spray, firearms) while transporting patients.

SB 101 or HB 4414 should not be passed until they clearly state that private security officers may not use restraint, including handcuffs, while transporting patients.

(2) The bills do not acknowledge transport of patient property by private transport officers.

SB 101 or HB 4414 should not be passed until they clearly state that private security officers may transport a reasonable amount of personal items with the patients.

SB 101 or HB 4414 should not be passed until they clearly state that private security officers may not inspect a patient's personal belongings.

Thank you for your ongoing work in protecting the rights of Michiganders with mental illness.

Sincerely,

Amanda M. Absher