

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Mental Health Response	NUMBER: GO 2-55
EFFECTIVE DATE:	REVIEW DATE: July 6, 2020
AMENDS/SUPERSEDES: GO 2-55 dated: December 7, 2018	APPROVED:  Sheriff
VLEPSC:	

1 **INDEX WORDS**

- 2
- 3 Crisis Intervention Team (CIT)
- 4 Crisis Intervention Team Assessment Center (CITAC)
- 5 Emergency Custody Orders (ECO)
- 6 Involuntary Commitment
- 7 Temporary Detention Orders (TDO)
- 8 TDO Transportation
- 9

10 **Policy**

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12 In accordance with the Mission Statement and values of the York –Poquoson Sheriff’s Office,

13 appointees shall be committed to the compassionate treatment of the mentally ill or persons

14 suffering from a mental health crisis. It is important for deputy sheriffs to understand that these

15 persons shall be treated with respect and dignity. It is important to understand that it may be

16 necessary to affect a criminal arrest; however, deputies shall strive to refer persons in a mental

17 health crisis for treatment when possible and appropriate. These referrals shall be made through

18 Colonial Behavioral Health, medical facilities or other appropriate Community Services Boards

19 as required by law. The Crisis Intervention Team Assessment Center (CITAC) shall be the

20 primary location for mental health assessments.

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22 **Purpose**

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24 The purpose of this General Order is to serve as a guide for deputy sheriffs who encounter

25 persons who are mentally ill or suffering from a mental health crisis. The response to these

26 situations must be in accordance with the Code of Virginia which governs mental health

27 detention processes.

28

29 **Definitions**

- 30
- 31 • Mental Illness
 - 32 ○ Conditions that may impair a person’s cognitive, behavioral or emotional functioning.
 - 33 The may be caused by a variety of factors such as: psychological, biomedical,
 - 34 genetics, substance abuse or other medical problems.
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 - 36 • Mental Health Crisis
 - 37 ○ A situation or series of events that cause a person to be unable to function at a normal
 - 38 level, possibly creating a risk of injury to themselves or other persons.

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- Petitioner
 - Any individual providing information to a magistrate, or other judicial official, that may cause an Emergency Custody Order (ECO) or Temporary Detention Order (TDO) to be issued.
 - Respondent
 - The subject who is alleged to be in immediate need of mental health services. The information provided by the petitioner must rise to the level of probable cause determining that the person in question is a danger to themselves, a danger to others or does not have the ability to provide themselves with basic human needs.
 - Community Services Board (CSB)
 - Local or regional state government organizations that provide comprehensive mental health, developmental and substance abuse services. They shall be the point of entry for publicly funded mental health, developmental and substance abuse services. Services provided by a CSB include emergency mental health services and case management services.
 - Colonial Behavioral Health
 - The proper name of the CSB which governs and provides mental health services in the County of York.
 - Emergency Custody Order (ECO)
 - A document issued by a magistrate, or other judicial official, after information is provided that established probable cause for a person to have an emergency mental health evaluation. The petitioner for an ECO may be a properly trained employee of a CSB, a law enforcement officer, a family member, any member of the community who may be concerned for the mental health welfare of another person or by a magistrate by their own motion. An ECO expires eight hours after its issuance if it is not served by a law enforcement officer. See Section [37.2-808](#), Code of Virginia.
 - Paperless ECO
 - The authority of a law enforcement officer to take into custody, a person, based on their personal observations or reliable reports from others and has probable cause to believe that a person meets the criteria for emergency custody in accordance with Section [37.2-808](#), Code of Virginia.
 - Temporary Detention Order (TDO)
 - A document issued by a magistrate, or other judicial official, upon the sworn petition of any responsible person, treating physician or upon their own motion after the evaluation by an employee or designee of a CSB who determines the person meets the criteria for temporary detention. TDO's expire if not executed within 24 hours or a shorter period of time as specified in the order. See Section [37.2-809](#), Code of Virginia.

- 85 • Crisis Intervention Team (CIT)
- 86 ○ A collection of officers who have completed specialized training in recognizing
- 87 mental health crises and symptoms of mental illness.
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- 89 • CIT Coordinator
- 90 ○ The person responsible for coordinating CIT training certification or CIT related
- 91 training.
- 92
- 93 • Crisis Intervention Team Assessment Center (CITAC)
- 94 ○ A facility or location designated by CBH, typically staffed by trained mental
- 95 health professionals and other staff who may assume custody of persons
- 96 suffering mental health issues for the purpose of evaluations under issued ECO's
- 97 or Paperless ECO's.
- 98

99 **Special Considerations**

- 100 • Law enforcement contact with person in a mental health crisis, or those suffering from
- 101 mental illness, is commonplace.
- 102 ○ Deputy Sheriffs must be cognizant while dealing with these persons it carries a
- 103 potential for violence.
- 104 ○ Deputy Sheriffs will often be required to make difficult judgements relating to a
- 105 person's mental state and his / her intent.
- 106 ○ Special attention on how to effectively and legally deal with these persons must be
- 107 considered.
- 108 ○ When possible, a Sheriff's Office CIT officer should be dispatched to handle mental
- 109 health related calls for service.
- 110 ○ A current list of CIT trained officers shall be provided to the 911 Communications
- 111 Center on a quarterly basis or sooner if the roster of trained personnel changes.
- 112 ○ Supervisors should be familiar with who the CIT trained officers are on their
- 113 respective shifts and when possible direct those officers to mental health related calls.
- 114 ○ CIT officers are trained in areas of diversion and other options for persons
- 115 suffering from mental health crises. Because of this, they are able to provide
- 116 better services to members of our community who are in mental health crisis and
- 117 to mitigate difficult situations.
- 118
- 119 ○ Officers must consider the totality of the circumstances and that it may be appropriate
- 120 to divert mentally ill persons from the criminal justice system for mental health
- 121 treatment.
- 122 ○ Deputy Sheriffs must keep in mind that persons with mental illness can be
- 123 unpredictable and violent.
- 124 ○ Deputy Sheriffs should never compromise or jeopardize their own safety, or the
- 125 safety of others, when dealing with persons displaying symptoms of mental illness or
- 126 emotional instability.
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129 **Transportation of Persons Subject to Temporary Detention Order (TDO)**

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- 131 • In accordance with [37.2-810.](#), Code of Virginia, In cases where a magistrate issues a
132 TDO, the magistrate shall specify in the TDO that the primary law enforcement agency
133 of the jurisdiction where the person, subject to the order, reside as being responsible for
134 the transportation of such person to the designated facility unless:
 - 135 ○ Another law enforcement agency has agreed to provide transportation; or
 - 136 ○ If the jurisdiction where the person subject to the order resides is further than 50
137 miles from the nearest boundary where such person is currently located, in which case
138 the primary law enforcement agency where the person is currently located shall be
139 responsible for the transportation.
 - 140 ○ The magistrate has authorized transportation by an alternative transportation provider.
 - 141 ▪ In the event an alternative transportation provider is unable to continue/complete
142 the transportation to the designated facility, the primary law enforcement agency,
143 in the location where the alternative transportation provider determines they are
144 unable to complete/continue the transportation, shall be responsible to complete
145 the transportation to the designated facility.

146 **Crisis Intervention Team (CIT)**

- 147 • The York-Poquoson Sheriff's has instituted a Crisis Intervention Team (CIT) program in
148 accordance with Section [9.1-187](#), Code of Virginia.
- 149 • The primary goals of the CIT program shall be:
 - 150 ○ Providing immediate response by specially trained deputy sheriffs.
 - 151 ○ Reducing the amount of time deputies spend out of service awaiting assessment
152 and disposition.
 - 153 ○ Reducing the likelihood of physical confrontations.
 - 154 ○ Decreasing arrest and use of force.
 - 155 ○ Decreasing the use of arrest and detention of persons experiencing mental health
156 or substance abuse crises by providing better access to timely treatment.
 - 157 ○ Affording persons with mental illness, substance abuse problems or both, a sense
158 of dignity and linking them to the appropriate care.
 - 159 ○ Providing support and assistance for mental health professionals.
 - 160 ○ Decreasing injuries to law enforcement officers during crisis events.
 - 161 ○ Reducing inappropriate arrests of individuals with mental illness in crisis
162 situations.
- 163 • The Sheriff or his designee shall designate a CIT liaison who shall be responsible for the
164 following:
 - 165 ○ Point of contact between CSB and CITAC personnel for law enforcement related
166 issues involving persons with mental health or substance abuse issues.
 - 167 ○ Coordinate training for CIT certified deputies with CSB or other mental health
168 and substance abuse providers.
 - 169 ○ Assist in identifying deputy sheriffs to attend CIT certification training.
- 170 • Supervisors shall:
 - 171 ○ Be familiar with deputies assigned to their shifts who are CIT certified.

- 176 ○ Assign a CIT certified deputy to all calls involving persons in mental health or
- 177 substance abuse crisis, whenever possible.
- 178 ○ Identify deputy sheriffs assigned to their shift that would be good candidates for
- 179 CIT certification training and provide their names to the CIT liaison.

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181 **Involuntary Commitment Initiated by a Deputy Sheriff**

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- 183 • Paperless ECO's are governed by Section [37.2-808](#), Code of Virginia. This section
- 184 provides law enforcement officers with the authority to take a person into non-judicial
- 185 custody for the purpose of a mental evaluation when probable cause exists.
 - 186 ○ A law-enforcement officer who, based upon their observations or the reliable
 - 187 reports of others, has probable cause to believe that a person meets the criteria for
 - 188 emergency custody as stated in this section may take that person into custody and
 - 189 transport that person to an appropriate location to assess the need for
 - 190 hospitalization or treatment without prior authorization.
 - 191 ○ A law-enforcement officer who takes a person into custody pursuant to this
 - 192 section may lawfully go or be sent beyond the territorial limits of the county, city,
 - 193 or town in which they serve to any point in the Commonwealth for the purpose of
 - 194 obtaining the assessment. The period of custody shall not exceed eight hours
 - 195 from the time the law-enforcement officer takes the person into custody.
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- 197 • Deputy Sheriffs, who take person into custody under the authority of a Paperless ECO,
- 198 shall contact Colonial Behavioral Health as soon as practical.
- 199 • Deputy Sheriff's should transport the person in custody to the CITAC or other location as
- 200 directed by the emergency crisis worker from Colonial Behavioral Health.
- 201 • There may be occasions when Deputy Sheriffs may have to travel to jurisdictions outside
- 202 of York County where a different CSB is responsible for Mental Health evaluations.
- 203 Under these circumstances, the Deputy Sheriff shall contact that CSB for guidance.

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205 **Emergency Custody Orders issued by a Magistrate or other Judicial Official**

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- 207 • Section [37.2-808](#), Code of Virginia, regulates ECO's issued by Magistrates and other
- 208 Judicial Officials.
- 209 • This section is very comprehensive and outlines several issues that directly impact
- 210 Sheriff's Office activities. It provides details on authority within, and outside, the
- 211 territorial limits of York County. It also provides detail information related to time
- 212 constraints and the expiration of orders.
- 213 • These regulations tend to change through new or changing legislation. Deputy Sheriffs
- 214 shall refer to Section [37.2-808](#), Code of Virginia shall a question arise regarding their
- 215 legal authority.

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217 **Temporary Detention Orders**

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- 219 • Section [37.2-809](#), Code of Virginia regulates involuntary temporary detention.

- 220 • This section details several jurisdictional issues and time constraints. It also details legal
221 authority and responsibility relating to the execution of a TDO and the transport of the
222 Respondent to a mental health facility.
- 223 • Deputy Sheriffs should refer to Section [37.2-809](#), Code of Virginia, shall a question arise
224 regarding their legal authority.

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226 **Crisis Intervention Team Assessment Center (CITAC)**

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- 228 • The CITAC location shall be designated by Colonial Behavioral Health.
- 229 • It shall be used as the primary location of emergency mental health evaluation unless
230 otherwise directed by CBH.
- 231 • CITAC has established hours of operation which may change due to financial funding.
- 232 • CITAC provides Security Officers who are sworn special Conservators of the Peace
233 during designated operating hours.
- 234 • CITAC security officers may accept custody of persons who are the subject of an ECO or
235 a Paperless ECO.
- 236 • A [Transfer of Custody form](#) must be completed and signed by the transporting Deputy
237 Sheriff and CITAC Security Officer.
- 238 • CITAC security officers will not accept custody of juveniles.
- 239 • The CITAC Security Office may deny the Transfer of Custody if the person is violent or
240 presents a safety risk.
- 241 • The person, who is the subject of an ECO or Paperless ECO, shall remain in the custody
242 of the Deputy Sheriff, or the CITAC Security Officer throughout the evaluation process.
- 243 • If a Deputy Sheriff retains custody and is advised by the CBH evaluator that he / she will
244 not be seeking a TDO, then the Deputy Sheriff shall immediately release that person from
245 their custody. If necessary, the deputy sheriff with the person may transport the person
246 back to the location where they were taken into custody if no other transportation can be
247 arranged.
- 248 • In accordance with Section [37.2-810](#), Code of Virginia, the magistrate shall designate the
249 law enforcement agency of the jurisdiction where the person resides as being responsible
250 for transportation of the respondent upon issuance of a TDO.
- 251 • The magistrate may designate the law enforcement agency where the person is located
252 when the jurisdiction where they reside in is more than 50 miles from the nearest
253 boundary of the jurisdiction where they are located.
- 254 • The magistrate may also designate another person or entity to conduct the transport in
255 accordance with the requirements of Section [37.2-810](#), Code of Virginia.
- 256 • If a TDO is issued, the Deputy Sheriff shall retain custody of the Respondent and notify
257 the on duty supervisor of the location where the respondent is to be transported to and the
258 law enforcement or other entity or agency designated to conduct the transport.
- 259 • The on duty supervisor shall:
- 260 ○ Direct the deputy who has custody of the respondent to transport him / her as
261 governed by Section [37-2.810](#), Code of Virginia, or,
- 262 ○ Direct the deputy who has custody of the respondent to retain custody until the
263 law enforcement agency or other designated individual as designated by the
264 magistrate takes custody of the respondent, or,

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- Direct another on duty deputy or call in an off duty deputy to conduct the transport in accordance with Section [37.2-810](#), Code of Virginia, or assume custody of the respondent until custody is transferred to the law enforcement agency or other individual as designated by the magistrate.