


<b>LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 220	Section: OPERATIONS	Effective Date: SEPTEMBER 2022
Title: <b>EMOTIONALLY DISTURBED PERSONS</b>		
Accreditation Standards: OPR.08.02		
Review Date: JANUARY 2024	Total Pages: 3	Chief of Police: 

I. EMOTIONALLY DISTURBED PERSONS

A. General.

Police encounters with emotionally disturbed persons require the exercise of extreme caution and adherence to established guidelines to protect the rights of individuals and ensure public safety. It is the policy of the Leesburg Police Department that officers attempt to seek resolutions alternative to arrest whenever possible in cases involving emotionally disturbed persons. In all such incidents, a Crisis Intervention Team (CIT) trained officer should make every effort to respond.

B. Voluntary Admissions.

Individuals who appear to be in need of mental health treatment, but do not meet the criteria for involuntary admission or Emergency Custody Orders, should be referred primarily to a private mental health provider or secondarily to the Loudoun County Department of Mental Health, Substance Abuse & Developmental Services (MHSADS) Crisis Intervention Team Assessment Center (CITAC). A family member or other responsible person is often available to assist the person in crisis with seeking such treatment. Persons who have been or are under the care of a private mental health provider should be referred to that provider.

C. Involuntary Admissions.

If no emergency exists, a relative or any responsible person may petition a magistrate for an Emergency Custody Order (ECO) to order the detention and a hearing for a person who is believed to be in need of mental health treatment. The magistrate may issue a Temporary Detention Order (TDO) after an employee or a designee of the local community services board, i.e. MHSADS, has performed an evaluation.

D. Emergency Custody Orders.

The Code of Virginia §37.2-808, sets forth the procedures to be followed regarding the emergency involuntary detention of emotionally disturbed persons. Officers will initiate emergency involuntary custody and evaluation when the officer determines that there is probable cause, based on personal observations or the reliable reports of others, to believe that any person:

1. Has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future:
  - a. Cause serious physical harm to himself/herself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information
  - b. Suffer serious harm due to his/her lack of capacity to protect himself/herself from harm or to provide for his/her basic human needs.
2. Is in need of hospitalization or treatment
3. Is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

E. Custody and Transportation of Mentally Disturbed Persons.

1. Individuals who are in need of mental health treatment or assessment will be evaluated by officers to determine their eligibility to be taken to the CITAC.
  - a. Individuals who present with the following conditions will be transported to the Inova Loudoun (Cornwall) Medical Campus Emergency Room or other emergency room designated by MHSADS:
    - 1) Suspected to be under the influence of either alcohol/narcotics
    - 2) Have known or suspected medical issues
    - 3) Are combative or considered a flight risk
  - b. If the individual does not present with any of the above exclusionary criteria, the CITAC is the preferred location for an evaluation by MHSADS Emergency Services between the hours of 7:00am-11:00pm, 7 days/week.
  - c. An individual, who is voluntary, may request to go to the Emergency Room instead of the CITAC. The individual has the right to access the Emergency Room and be evaluated by Inova staff and not MHSADS Emergency Services.
2. If an individual is being transported to the emergency room, the on-duty or on-call MHSADS Emergency Services Clinician must be notified.
3. If an individual is eligible to be taken to the CITAC, officers will contact MHSADS at (703) 777-0320 as soon as practical and prior to transport. MHSADS will confirm if the CITAC is the appropriate location for the individual or they will redirect the officer to a designated emergency room. Once at the CITAC, the officers will confer with the Loudoun County Sheriff's Office (LCSO) deputy working at the CITAC and advise them of the situation/status. The LPD Officer and LCSO deputy will confer with the MHSADS Emergency Services Clinician working at the CITAC regarding the individual. The MHSADS Emergency Services Clinician will then have the FINAL decision as to whether or not to accept the individual at the CITAC or route them to the Emergency Department.
4. Only one transfer of custody for an ECO will take place at a time, however; there may be additional ECO's brought to the CITAC. When a transfer of custody is not an option (i.e., the capacity of the CITAC, transfer of custody already occurred with another ECO, and so forth), the LPD officer must remain with the individual they brought to the CITAC as per statute. The MHSADS Emergency Services Clinician will have the FINAL decision as to whether or not transfer of custody between LPD and LCSO can occur. A "transfer of custody" log will be maintained at the CITAC and completed in each case involving such. NOTE: Should the individual already have a beneficial rapport with the officer, consideration will be made on how the individual in crisis may respond to having the initial LEO transfer his/her custody to another LEO.
5. Pursuant to the Code of Virginia §37.2-808, when an officer takes an individual into custody for the purposes of an emergency involuntary evaluation, the officer must give the individual a written summary of the emergency custody procedures and the statutory protections associated with those procedures (Form DC-4050 Explanation of Emergency Custody Procedures).
6. When an officer takes an individual into custody for the purposes of an emergency involuntary evaluation, the subject can only be held for a maximum evaluation period of eight hours. At the end of the evaluation period (eight hours), the subject must be released, unless a Temporary Detention Order has been obtained or is in the process of being issued (i.e. it is being typed at that time or is enroute to the individual's location). The evaluation period time limit goes into effect the moment the officer places the subject into custody.
6. The individual must remain in custody until a Temporary Detention Order is issued or until the person is released. The officer must remain at the evaluation facility with the individual.
7. When a Temporary Detention Order is issued for a Leesburg resident at an evaluating facility, the individual will be transported to the treatment facility by LPD, per statute, regardless of the location of the treatment facility. If the individual is not currently in the custody of an LPD officer, the LPD would be requested to respond to the evaluating facility to assume custody for the transport.
8. If a Temporary Detention Order is issued for any individual and LPD is designated as the serving agency, LPD must serve the order and transport the individual as ordered.

9. The use of restraints when transporting an emotionally disturbed person shall be in accordance with General Order 214 – Prisoner Transportation.
- F. Service of Emergency Custody Orders and Temporary Detention Orders on Persons Not in Custody
1. All ECO's must be executed within eight hours of issuance. If this eight-hour period expires and the individual has not been taken into custody, the document is no longer valid and is to be returned to the clerk's office of the issuing court or the magistrate's office when the court is closed.
  2. All TDO's must be executed within twenty-four hours of issuance unless a more restrictive time limit is placed on the order. If this twenty-four-hour period or imposed time limit expires and the individual has not been taken into custody, the document is no longer valid and is to be returned to the clerk's office of the issuing court or the magistrate's office when the court is closed.
  3. When an officer serves a TDO or ECO, it is imperative that the serving officer gives the individual their copy of the order as it has the individual's rights printed on the back of the form.
- F. Commitment Hearing Following Involuntary Detention.
1. Once an individual is committed to a treatment facility under a Temporary Detention Order, a commitment hearing will be held within 72 hours.
  2. The officer executing a Temporary Detention Order is not required to attend the commitment hearing unless they are named as the petitioner and are specifically requested to appear. This should only occur in extremely limited circumstances when immediate detention is necessary, no family member or other responsible person is available to request detention and it is required by the jurisdiction in which the individual is detained.
  3. Officers required to attend a commitment hearing, may be able to testify via cellular video technology, but arrangements to do so must be made in advance in coordination with the MHSADS Emergency Services Clinician facilitating the issuance of the TDO.
- G. Reporting Procedures.
- All incidents involving emergency involuntary detention of an individual for mental health evaluation or the execution of an ECO or TDO shall be documented in an IBR Case Report by the executing officer.