



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 406.9

Subject: Response to Selected Situations

Topic: Temporary Detention & Emergency Custody Orders

Accreditation: OPR.09.01

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Reaffirmed:

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I. PURPOSE

The purpose of this General Order is to establish basic policy and procedural guidelines for the proper handling of people with suspected mental illness.

II. POLICY

It shall be the policy of the Loudoun County Sheriff's Office to respond to all calls for persons displaying symptoms of mental disorders. Encounters with persons displaying symptoms of mental disorder require the use of extreme caution and adherence to established guidelines in order to protect the rights of the individual and to ensure public safety. Ideally, contacts with mentally disturbed persons will be resolved with referrals to appropriate facilities on a voluntary basis. If the mentally disturbed person is believed to pose a threat to himself/herself or others and refuses a voluntary committal, then involuntary detention must be employed. In all such events, a member of the crisis intervention team ("CIT") should make every effort to respond.

III. APPLICABLE STATE CODE

Virginia State Code §§ 37.2-808, 37.2-809 and 37.2-829

IV. PROCEDURES

A. Voluntary Admissions to Mental Health Facilities

1. Persons who appear to be in need of mental health treatment and do not pose an imminent danger to themselves or others should be referred to a mental health facility. A family member or other responsible person is often available to assist the disturbed person in seeking such treatment.
2. Those persons who do not pose an imminent danger to themselves or others and who have been, or are currently under, the care of a physician should be referred to that physician.

B. Involuntary Admissions

1. If no emergency exists, a relative or any responsible person may petition a judge of the Loudoun County General District Court, or a special justice, to order the detention of and a hearing for a person who is believed to be in need of mental health treatment.

2. During hours when the court is not in session, a Temporary Detention Order (“TDO”) or Emergency Custody Order (“ECO”) may be requested from the magistrate on duty. The magistrate is only authorized to issue a TDO after an employee or a designee of the local community services board, i.e. the Loudoun County Department of Mental Health, Substance Abuse and Developmental Services (“MHSADS”), has performed an evaluation.
 3. Deputies will initiate involuntary custody and evaluation when they determine that there is probable cause, based on personal observations or the reliable reports of others, to believe that any person:
 - a. Has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future:
 1. Cause serious physical harm to himself/herself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any.
 2. 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.
 - b. Is in need of hospitalization or treatment.
 - c. Is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. In this case, the deputy will transport such person to an appropriate location to assess the need for hospitalization or treatment as specified by MHSADS personnel.
- C. Custody and Transportation of Emotionally Disturbed Persons
1. When a deputy takes a suspected emotionally disturbed person into custody for the purposes of an involuntary emergency evaluation, the subject can be held for a maximum evaluation period of eight hours. At the end of the eight hour period, the subject must be released, unless a TDO has been obtained or is in the process of being issued. The evaluation period time limit goes into effect the moment the deputy places the subject into custody.
 2. Proper restraining devices will be used to prevent injury to the individual or the deputy.
 3. After the subject is taken into custody, a copy of the Explanation of Emergency Custody Order shall be provided to the subject.
 4. When transporting a subject for an involuntary emergency mental evaluation pursuant to an ECO, the deputy shall notify the ECC utilizing the in-car

computer when he/she is en route and upon arrival at the treatment facility with a subject. Deputies shall note the time that the custody began within the notes of the incident. The deputy shall immediately notify MHSADS that an individual is en route for an involuntary emergency evaluation pursuant to an ECO and the time that the subject was placed in custody. The deputy taking the subject into custody under an ECO shall make this notification to MHSADS by calling their emergency phone number on their agency issued phone.

5. Deputies intending to utilize the Crisis Intervention Team Assessment Center ("CITAC") shall follow the procedures in General Order 406.22
6. All persons transported for an emergency evaluation pursuant to an ECO will be taken to an appropriate location to assess the need for hospitalization or treatment as specified by MHSADS personnel.
7. Persons being transported upon service of a TDO or ECO will be taken to the facility specified in the order.
8. Persons taken into custody for a mental evaluation shall be transported in a cruiser equipped with a safety shield or a prisoner transport van. Extremely violent persons may require special restraints and/or transportation by ambulance. If ambulance transportation is used, one deputy will accompany the ambulance crew during transport in the ambulance.
9. When a deputy takes a person into custody, that person remains in the deputy's custody until he/she is accepted by a receiving facility or a TDO/ECO is denied. If a TDO is issued, the deputy will serve the order and the appropriate agency shall be required to transport the person to the facility designated.
10. The Sheriff's Office is responsible for transporting those persons suspected of being mentally ill and certified for admission to a hospital by a Loudoun County district court judge or special justice as part of a civil admission process. Once a person is committed to the custody of the Sheriff for transport to a receiving facility by order of the court or special justice, the transport must begin within six hours of when that custody began. This limitation applicable to the civil admission process is not to be confused with any limitations applicable to a TDO.

D. Service of Emergency Custody Orders and Temporary Detention Orders

1. If an ECO or TDO is issued for a person not currently in custody, the person will be taken into custody using normal agency arrest procedures.
2. All TDOs must be executed within twenty-four hours of issuance unless a shorter time limit is set in the order. If this twenty-four hour period or shorter

time limit expires and the individual has not been taken into custody, the order is no longer valid and is to be returned to the clerk's office of the issuing court, or the magistrate's office during the hours when the court is closed.

3. All ECOs must be executed within eight hours of issuance. If this eight hour period expires and the individual has not been taken into custody, the order is no longer valid and is to be returned to the clerk's office of the issuing court or the magistrate's office during hours when the court is closed.
4. When a deputy serves a TDO or ECO, it is imperative that he/she gives the detainee a copy of the order, as it has the individual's rights printed on the back of the form.
5. If a subject is taken into custody based on an ECO that has been issued and the evaluator determines that the subject is not in need of hospitalization, the subject is to be released from custody. In this instance, the deputy will mark the date and time and write a brief explanation of why the subject was released from the ECO. The deputy will then sign the order and make a copy for agency records and return the original to the evaluator.

E. Reporting Procedures

1. An IBR report will be submitted regarding all incidents dealing with a suspected emotionally disturbed person.
2. Whenever a deputy serves a TDO, ECO or both, whether the individual is committed to a treating facility or released, the deputy will make a copy of the order served and forward the copy to the Records Section where it will be maintained on file.