

# ORANGE COUNTY SHERIFF'S OFFICE



## GENERAL ORDER

<b>Effective Date:</b> April 6, 2023	<input checked="" type="checkbox"/> <b>Amends</b> – GO 6.2.1 (September 9, 2022)	<b>Number:</b> 6.2.1
<b>Distribution:</b> All Personnel	<b>Review Month:</b> April	<b>Reviewing Authority:</b> CIT/CISM
<b>Subject:</b> Mental Health Encounters / Baker Act		

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

### 1. Purpose

The purpose of this policy is to direct agency members when handling situations involving individuals in need of mental health services, especially in cases where an arrest may not be the best course of action. The purpose is to also provide safe transportation of individuals to mental health facilities for evaluation.

### 2. Policy

It will be the agency policy to provide training for agency personnel to recognize persons suffering from mental illness and access available community health resources. It will also be agency policy to transport individuals to receiving facilities in accordance with the following:

- A. FS [394](#) (The Florida Mental Health Act, i.e., The Baker Act) requires each county to designate a law enforcement agency that is responsible for transporting mentally ill individuals to a receiving facility for evaluation. The agency shall provide this service in unincorporated areas within Orange County.
- B. Individuals shall be transported to the nearest designated receiving facility. Several designated receiving facilities exist in Orange County. Communications Supervisors shall maintain a list of those designated facilities. Such facilities must accept Baker Act clients transported by law enforcement personnel.

### 3. Definitions

- A. 40-Hour Crisis Intervention Training– an education program that provides law enforcement based crisis intervention training for helping those individuals with mental illness and/or addictions.
- B. Crisis Intervention Trained Deputy (CIT Deputy) – a deputy who has successfully completed the 40-Hour Crisis Intervention training, approved by the Crisis Intervention Team Commander, or designee, and is not classified to receive specialty pay compensation.
- C. Crisis Intervention Trained Member (CIT Member) – an active CIT Team Member that receives specialty pay compensation in accordance with prescribed standards for active CIT participation.

- D. Crisis Intervention Team – a team of specially trained deputies who are designated to handle situations involving the mentally ill in crisis. CIT Members only handle those incidents that do not rise to a level of a high-risk incident. (See GO [6.2.8](#))
- E. CITD – an abbreviation used by all deputies when clearing a mental health call for service to document their involvement or assistance was requested. This designation assigned to calls for service will allow the Crisis Intervention Team Commander to complete a comprehensive annual report.
- F. Mental Illness – a range of conditions, each with its own specific characteristics, including:
  - 1. Schizophrenia
  - 2. Bipolar disorder (manic depression)
  - 3. Major depression
  - 4. Schizo-affective disorder
  - 5. Panic disorder
  - 6. Obsessive-compulsive personality disorder
  - 7. Borderline personality disorder, or
  - 8. Other mental illnesses as defined in the DSM-V (Diagnostic and Statistical Manual of Mental Disorders as published by the American Psychiatric Association, most current edition) that can cause disturbances in thinking, feeling and relating with others or the environment.

#### 4. **Procedures**

- A. Whenever possible, in accordance with GO [6.4.0](#), a CIT Deputy shall be dispatched to calls involving a confirmed or suspected mentally ill person in crisis.
- B. Deputies may transport individuals to mental health receiving facilities under the following provisions of the Baker Act:
  - 1. When the court issues an "Ex Parte Order for Involuntary Examination" ([CF-MH 3002](#)), deputies shall deliver the person named in the court order to the nearest facility for involuntary examination, unless the court order specifies a particular facility regardless of location.
  - 2. In compliance with FS [394.463](#), deputies shall take custody of and transport individuals to receiving facilities for involuntary examination when there is reason to believe the individual is mentally ill and because of that mental illness, having refused voluntary examination, is unable to determine for themselves whether an examination is necessary; and
    - a. Without care or treatment, they refuse to care for themselves or are likely to suffer from neglect; and that such neglect or refusal poses a real and present threat of substantial harm to their well-being; or
    - b. There is a substantial likelihood that without care or treatment, they will cause serious bodily harm to themselves or others in the near future, as evidenced by recent behavior.
  - 3. Deputies initiating or executing the Baker Act shall complete a Report of Law Enforcement Officer Initiation Involuntary Examination [CF-MH3052a](#)

form and the Transportation to Receiving Facility [CF-MH3100](#) form. Both forms are necessary for a valid commitment, mandating assessment of the person named. The report must include all emergency contact information for the person that is readily accessible, including information available through electronic databases maintained by the Department of Law Enforcement or by the Department of Highway Safety and Motor Vehicles.

4. The patient's emergency contact information is confidential and exempt and can only be released in accordance with this General Order and FS [119.0712\(2\)\(d\)](#) and [394.463\(2\)\(a\)](#).
  5. All Baker Acts completed by the Orange County Sheriff's Office will be documented in the BRU [BIS](#) by the deputy initiating the baker act.
  6. Deputies initiating or executing a Baker Act on a child shall make reasonable efforts to notify the child's parents or guardians of the circumstances.
  7. Mental illness does not include intellectual disability, developmental disability, simple intoxication, conditions manifested only by antisocial behavior, or drug addiction. Individuals exhibiting such behavior without the circumstances listed above do not meet the Baker Act criteria.
  8. A physician, psychiatric nurse, clinical social worker, or a clinical psychologist may complete a "Certificate of Professional Initiating Involuntary Examination" ([CF-MH 3052B](#)), usually referred to as a Professional Form 52. Deputies shall take into custody the person named in the certificate and deliver him/her to the designated Orange County receiving facility. Deputies shall not transport to facilities outside of Orange County without a court order or approval of the Watch Commander or equivalent. The deputy shall complete the Transportation to Receiving Facility Form [CF-MH3100](#) indicating the time and date the subject was delivered.
- C. Transporting deputies shall use discretion regarding the use and degree of restraints when transporting mentally ill individuals.
1. Prior to transporting an individual to the nearest designated receiving facility, deputies shall determine if a medical clearance will be required. Examples of conditions requiring medical clearance include, but are not limited to, known unmanageable or uncontrolled hypertension, known unmanageable or uncontrolled diabetes, wounds which require more than dry dressing changes, known severe infections which require close medical management, any condition requiring intravenous fluid and/or oxygen, conditions which require specialized treatment such as renal dialysis or chemotherapy, severe acute alcohol intoxication and/or drug impairment in which the person is not responsive or not ambulatory and a medication overdose in which the patient has not been medically observed for at least 24 hours. Designated receiving facilities will not accept a patient if medical

attention is needed. If medical treatment is needed, deputies shall verify that the individual is treated at the nearest hospital. Following medical treatment, deputies shall transport Baker Act clients to the nearest designated receiving facility in the event that the treating emergency room is not a Baker Act facility.

2. When transporting an individual from a medical facility to a designated receiving facility, deputies shall obtain proper supporting documents showing the individual has been medically cleared for transport. Without proper documentation, the patient may not be accepted by a receiving facility.
3. No ammunition, firearms, electronic control devices (ECDs), knives, chemical agents and expandable batons are allowed inside the mental health facility per FS [394.458](#) and GO [8.1.1\(V\)](#). All weapons must be secured in a weapons locker before entering any holding facility, or in the deputy's vehicle in accordance with GO [9.1.1](#). Some facilities will have a weapons locker outside of the receiving facility.

#### D. Firearms

It shall be the policy of the Orange County Sheriff's Office to safely seize, store, and return (when applicable) firearms and ammunition as may be required under a Baker Act (FS [394.463](#)). The seizure of firearms and/or ammunition during a Baker Act is authorized in certain situations (FS [394.463\(2\)\(d\)](#)).

1. When a deputy is taking a person into custody for a Baker Act, whether by ex parte order of the court or self-initiated, the deputy may seize a firearm and/or ammunition in the person's possession at the time of taking them into custody if:
  - a. The person poses a potential danger to himself/herself or others; and
  - b. The person has made a credible threat of violence against another person.
2. If a deputy takes a person into custody for a Baker Act at the person's residence and has already seized a firearm and/or ammunition from the person (as provided in paragraph 1 above), the deputy may ask the person to voluntarily surrender any other firearms and/or ammunition kept in the person's residence.
3. All firearms or ammunition seized shall be documented on a property receipt with a copy given to the person. The deputy shall check the 'other' box on the property receipt and write in Baker Act.
4. The deputy shall document in his/her report the specific facts supporting the seizure of any firearms and/or ammunition.
5. Deputies encountering people suffering from mental illness, whether it be related threats to self or others, shall consider whether a Risk Protection Order should be initiated. Refer to GO [6.2.31](#) Risk Protection Order (RPO).

E. Voluntary Admissions

When deputies encounter an individual who desires voluntary admittance and is in need of transportation, deputies may provide this service.

1. When providing transportation for voluntary clients to the designated receiving facility, deputies shall use discretion with regard to restraints.
2. Deputies shall inform the receiving facility staff of the circumstances under which the individual was taken into custody. Under no circumstances will deputies leave an individual at a receiving facility without notifying the staff.

F. Deputies have complied with FS [394](#) when the individual has been delivered to the designated receiving facility and the proper forms have been completed.

G. Training

1. Agency personnel who may come in contact with persons suspected of suffering from mental illness shall receive entry level training regarding interaction with persons suspected of suffering from mental illness.
2. Training for dealing with persons suspected of suffering from mental illness will be reviewed and updated every three (3) years and provided to agency personnel.