

Mental Health Evaluations

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under temporary custody for an involuntary mental health hold at an appropriate facility.

409.2 POLICY

It is the policy of the Elkton Police Department to protect the public and individuals through legal and appropriate use of the mental health hold process.

409.3 AUTHORITY

An officer may take a person into temporary custody for transfer to an appropriate facility if the person has a mental disorder and the person presents a danger to the life or safety of themselves or others (Md. Code HG § 10-622).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental health hold, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the individual so desires, the officers should (Md. Code HG § 10-609):

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health hold.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission. Documentation through the CAD system is sufficient.

If at any point the individual changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary emergency mental evaluation, if appropriate.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who qualifies for a mental health hold should personally observe the individual or his/her behavior indicating that the individual has a mental disorder and presents a danger to the life or safety of him/herself or others. The officer may also use other pertinent information, including observations and information from other credible sources, in making a determination regarding a petition for emergency evaluation (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The officer who makes the decision to petition for an emergency evaluation shall complete and sign the petition, which will include all of the pertinent observations by the officer or other interested persons.

If the individual is taken into temporary custody from another person who is the petitioner for an emergency evaluation, the officer shall explain to the petitioner the meaning, content, and seriousness of the petition (Md. Code HG § 10-622(d)).

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Mental health holds and placements should be preferred over arrest for individuals with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

An officer shall transport an individual with an emergency evaluation to the nearest emergency facility when the officer has a petition that (Md. Code HG § 10-624(a)(1)):

- (a) Has been endorsed by a court within the last five days.
- (b) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or a peace officer.

Transport for any individual for a mental health hold shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Should a physician, physician assistant, nurse practitioner, or other advanced practice professional working at an emergency facility determine that the individual transported to the facility is violent and request that an officer be present, an officer is required to remain at the facility (Md. Code HG § 10-624(a)).

The officer shall complete a Return of Service by Peace Officer Form (CC-DC 27), as appropriate, and have the facility sign the form.

409.7 DOCUMENTATION

The officer shall complete the following forms for evaluation and treatment, provide the forms to the facility staff member assigned to the individual and retain a copy for inclusion in the case report:

- Petition for Emergency Evaluation Form (CC-DC 13)
- Certification by Peace Officer Form (CC-DC 14)
- Order for Emergency Evaluation of an Arrested Individual (DC 15)
- Return of Service by Peace Officer Form (CC-DC 27)

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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The officer shall include in the narrative sections of the Petition for Emergency Evaluation and the Incident Report the facts, observations and information known to the officer, or provided by others, that the individual is suffering from a mental disorder and warrants the issuance of the Petition for Emergency Evaluation, including:

- Symptoms of mental disorder
- Dangerous behavior
- History of mental disorder psychiatric hospitalization or treatment
- Statements made by the individual

409.7.1 CONFIDENTIALITY

Records relating to mental health evaluations are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as allowed by law (Md. Code HG § 10-630).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a mental health hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a mental health hold has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the mental health hold.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a mental health hold.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

The court may issue emergency evaluations for arrested individuals and, unless the court directs otherwise, an officer shall stay with the arrested individual until he/she is either admitted to an appropriate facility, or is returned to the court or an appropriate jail (Md. Code HG § 10-626(c)).

If the arrested individual does not meet the requirements for involuntary admission, the examining physician shall send a brief report of the evaluation to the court and the officer shall return the arrested individual, the court order and the report of the examining physician to the court. If the court is not in session, the officer shall take the arrested individual to an appropriate jail and,

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before the end of the next day that the court is in session, return the individual and the report of the examining physician to the court (Md. Code HG § 10-626(d)).

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a mental health hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with a mental disability, mental health holds, and crisis intervention.