
Mental Health Evaluations

411.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under temporary custody for an involuntary mental health evaluation / Petition for Emergency Evaluation at an appropriate facility.

411.2 POLICY

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

411.3 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 him/herself or others.

411.3.1 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.

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.

411.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who qualifies for a Petition for Emergency Evaluation (EP) 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 an (EP) (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The officer who makes the decision to petition for an EP shall complete and sign the petition which will include all of the pertinent observations by the officer or other interested persons. The original EP paperwork must stay with the patient/individual for which the petition was written. A copy of the petition should be obtained at the medical facility for reporting purposes.

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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)).

Completion of an EP 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.

411.4.1 HEALTH PROFESSIONAL INITIATED EMERGENCY EVALUATIONS

- (a) Certain licensed health professionals (see definitions) may initiate a Petition for Emergency Evaluation (EP) based on their personal observations of an individual or the individual's behavior. The health professional must present the original, signed copy of the EP in person at the Police Department. A faxed, photocopied, or PDF/electronic copy are not acceptable. The health professional shall be required to present official identification and license number, confirming his/her official certifications.
- (b) Licensed Certified Social Workers-Clinical (LCSW-C) and Licensed Clinical Professional Counselors (LCPC) information shall be verified by logging onto the following links and entering the provider's name and license number:
 - (a) LCSW-C:<https://mdbnc.dhmh.md.gov/bsweverification/>
 - (b) LCPC:<https://mdbnc.dhmh.md.gov/pctverification/>
- (c) Upon confirming the health professional's credentials and the completeness of the Petition for Emergency Evaluation (EP), a supervisor shall instruct the health practitioner to complete and sign the bottom section of the CC-DC 14 (Certifications by Other Person Qualified Under HG § 10-622 and Peace Officer).
- (d) The supervisor shall assign an officer to attempt to serve the EP as soon as practical. If the EP cannot be served, it shall be passed along to the next shift for attempted service.
- (e) The supervisor shall enter the EP information into a service log. The Police Department will retain possession of the EP until it is served or expires.
- (f) If the assigned officer serves the EP, the individual shall be transported for evaluation. The officer shall also complete an incident report (FBR) and attach a scanned copy of the EP and any other related paperwork.
- (g) If the EP cannot be served after five (5) days of issuance, it expires and becomes invalid.
- (h) Upon expiration, a supervisor shall contact the initiating health professional to advise him/her that attempts to serve the EP were unsuccessful and to determine the disposition of the EP (i.e. initiating health professional will pick up, mail back, shred, etc.).

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411.4.2 COURT ORDERED EMERGENCY EVALUATIONS

On rare occasions, officers may be tasked to serve court-ordered emergency evaluations. Prior to any service attempts, confirmation will be made with the Harford County Sheriff's Office Records Section regarding status.

If the assigned officer serves the court ordered EP, the individual shall be transported for evaluation. The officer shall also complete an incident report (FBR) and attach a scanned copy of the court ordered EP and any other related paperwork and notify Harford County Sheriff's Office Record Section.

411.5 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.

When transporting any individual for a mental health hold, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed (Md. Code HG § 10-624).

Officers may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

411.6 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 original 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.

411.7 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:

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- 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.

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

411.7.1 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).

411.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for an EP should resolve the criminal matter by issuing a citation to appear in court at a later date and release as appropriate.

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

- (a) Apply for charges via an application for statement of charges, obtaining a warrant or summons for the appropriate charges
- (b) For more serious offenses, arrest the individual when there is probable cause to do so.
- (c) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the EP.
- (d) Facilitate the individual's transfer to jail.
- (e) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an EP.

In situations involving felony crimes or violent crimes, the supervisor may consider consultation with the State's Attorney's Office and the Inter-agency Processing Center (IPC). Consideration should be given to the seriousness of the offense, the treatment options available, the ability of

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this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making most appropriate charging and detention 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, 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)).

411.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an EP, 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.

411.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, Petitions for Emergency Evaluation, and crisis intervention.