



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: ***PERSONS IN MENTAL HEALTH CRISIS***

Chapter  
6

Number  
17

# Pages  
14

References:  
CALEA: 1.1.3, 41.2.7a-e  
VA State Code: §§ 16.1-40.1, 16.1-341(B), 16.1-340.3,  
37.2-808, 37.2-809, 37.2-1104

Related Orders: 01-13, 06-  
10, 06-18

Effective Date: ***07/08/2025***  
Revised by: PD-132  
Prv. Rev. Date: 03/13/2023

*If any provision of this General Order conflicts with any collective bargaining article,  
the collective bargaining agreement shall govern.*

Chief of Police:

## I. PURPOSE

The purpose of this directive is to establish the policy and procedure for the handling of ***persons in mental health crisis*** by members of the Richmond Police Department, service of ECOs and TDOs and any associated follow-up investigations.

## II. SUMMARY OF CHANGE

*This revision renames the policy, restructures the layout of information in the policy, expands definitions, discusses the use of the Co-Responder Team, clarifies custody and transport responsibilities between precincts and overtime or part-time officers, and adds language referencing escapes from custody. Modifications from a prior executive order pertaining to criminal offenses by persons under an emergency custody order or a temporary detention order have also been incorporated, and an index has been added. These changes are in bold and italicized text. Revisions were made to correct grammar, style, and formatting. These revisions are not in bold or italicized text.*

## III. POLICY

It is the policy of the Richmond Police Department to provide guidance to its sworn personnel regarding the ways to handle a situation involving a person ***in mental health crisis*** legally and procedurally.

## IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the division commander to ensure that any violations of policy are investigated and appropriate training, counseling, and disciplinary action are initiated.

This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. **ADULT EMERGENCY CUSTODY ORDER** – An emergency custody order (ECO) orders police officers to take into custody and transport the individual named in the ECO to a convenient location where they can be evaluated face to face by a person designated by the local Community Service Board who is skilled in the diagnosis and treatment of mental illness to determine whether the person meets the criteria for temporary detention pursuant to Virginia Code § 37.2-809.
- B. **PAPER ECO** – Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when they have probable cause to believe that any person:
  - 1. Has a mental illness and that there exists a substantial likelihood that, because of mental illness, the person will, in the near future;
    - a. Cause serious physical harm to themselves or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; or
    - b. Suffer serious harm due to their lack of capacity to protect themselves from harm or to provide for their basic human needs.
  - 2. Needs hospitalization or treatment; and,
  - 3. Is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.
- C. **PAPERLESS ECO** – A law enforcement officer who, based upon their observations or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody, as described above, may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. [CALEA 41.2.7a]
- D. **COMMUNITY SERVICE BOARD (CSB)** – The point of entry into the publicly funded system of services for mental health, intellectual disability, and substance abuse. CSBs provide pre-admission screening services 24 hours a day, 7 days a week.
- E. **CRISIS** – Common name for the organization within the Richmond Behavioral Health Authority (RBHA) that conducts pre-admission health screenings for patients accessing the publicly funded system of services for mental health, intellectual disability, and substance abuse.
- F. ***CRISIS TRIAGE CENTER (CTC)*** – *A collaborative, grant-funded center designed to facilitate the timely evaluation of persons being subjected to the ECO process. The*

*CTC is utilized when officers have taken someone into custody based on their own observations or other information where an officer feels they have probable cause to believe the subject meets the qualifying criteria listed in Virginia Code § 37.2-808 (paperless ECO).*

*[CALEA 1.1.3]*

- G. **JUVENILE EMERGENCY CUSTODY ORDER** – *An ECO orders police officers to take into custody and transport the individual named in the ECO to a convenient location where they can be evaluated face to face by a person designated by the local CSB, who is skilled in the diagnosis and treatment of mental illness to determine whether the person meets the criteria for temporary detention pursuant to Virginia Code § 16.1-340.1.*
- H. **PAPER JUVENILE ECO** – *Any magistrate shall issue, upon the sworn petition of a minor's treating physician, parent, or, if the parent is not available or is unable or unwilling to file a petition, by any responsible adult, including the person having custody over a minor in detention or shelter care pursuant to an order of a juvenile and domestic relations district court, or upon their own motion, an emergency custody order when they have probable cause to believe that:*
  - 1. *Because of mental illness, the minor:*
    - a. *Presents a serious danger to themselves or others to the extent that severe or irreparable injury is likely to result, as evidenced by recent acts or threats; or*
    - b. *Is experiencing a serious deterioration of their ability to care for themselves in a developmentally age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control.*
  - 2. *The minor needs compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. Virginia Code §16.1-340.*
- I. **PAPERLESS JUVENILE ECO** – *A law-enforcement officer who, based upon their observation or the reliable reports of others, has probable cause to believe that a minor meets the criteria for emergency custody as stated above and may take that minor into custody and transport that minor to an appropriate location to assess the need for hospitalization or treatment without prior authorization.*
- J. **EXECUTION OF ECO OR TDO** – *The instance at which the person who is subject to the paper **or paperless** ECO or TDO is initially taken into custody and served with the*
- K. **RICHMOND BEHAVIORAL HEALTH AUTHORITY** – *The CSB for the City of Richmond. They are located at 107 South 5<sup>th</sup> Street (Basement Level). RBHA will conduct mental health evaluations. Their 24-hour number is (804) 819-4100. **From this point forward, all references to RBHA will be referred to as CSB to reduce confusion.***

- L. ***TEMPORARY DETENTION ORDER (TDO)*** – *A TDO authorizes a law enforcement officer to take into custody the person named in the TDO and to deliver them to a facility designated in the TDO. A TDO may also authorize transport for emergency medical evaluation or treatment. Virginia Code § 37.2-809; Virginia Code §16.1-340.1.*  
*[CALEA 41.2.7c]*

## VI. PROCEDURE

### A. *Adult* Emergency Custody Orders:

1. Paper ECO – *To execute the ECO, the law enforcement officer must serve the document (DC-492) on the person subject to the ECO. ECOs must be executed within 8 hours from issuance and should be served as soon as possible. The law enforcement officer serving the ECO shall complete the box on the top left of the second page of the form denoting the date and time of execution, name of officer taking respondent into custody, and the officer's badge number, agency, and jurisdiction. If the officer cannot execute the ECO in 8 hours, the officer shall notify the CSB and return the order to the Magistrate's office. Once the ECO is executed, it is valid for 8 additional hours.*
2. Paperless ECO – A paperless ECO execution occurs at the time the person is taken into custody after the officer has observed those factors denoted in section V(A)(2) of this general order.

NOTE: A law enforcement officer shall not proceed with executing a paperless ECO at the direction of *the* CSB, or if the officer has not established the person's need for treatment or hospitalization based on the officer's own personal observations and consideration of the factors listed in the preceding definitions section.

- a. If the officer takes the person into custody based on their observations or other information (paperless ECO), ***they should contact the CSB as soon as practical by calling (804) 819-4100.*** They should then follow the instructions of the CSB evaluator.
3. Any person taken into custody, pursuant to Virginia Code § 37.2-808, shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures. (Explanation of Emergency Custody Procedures, Form DC4050)  
<http://www.courts.state.va.us/forms/district/dc4050inst.pdf>
4. The person shall remain in the custody of the officer until the ECO expires, a temporary detention order is issued, or until the CSB evaluator determines that the person may be released. If a temporary detention order is not issued, the officer shall transport the individual, if the individual agrees to the transport, to the original location where the person was located, if deemed a safe place, or to the nearest safe place to that original location.

### B. *Juvenile* Emergency Custody Orders

1. *Juveniles under the age of 14 do not need an ECO or TDO to be placed into a mental health facility. The parents or legal guardians have the authority to place their own child into the facility. An ECO or TDO may be issued for juveniles under the age of 14 in instances where the juvenile is beyond the control of the parent or guardian and transportation of the juvenile might put the safety of individuals involved at risk. Virginia Code § 16.1-338.*
2. *If an officer has probable cause to believe the juvenile meets the criteria for emergency custody as established in Virginia Code § 37.2-808, they may take the juvenile into custody, even if it is without the consent of the parent, or legal guardian. The officer will then contact the CSB as soon as practicable so that an evaluation can be done.*
3. *Parents or legal guardians must accompany the juvenile to the treatment facility. In the event a parent or legal guardian refuses to accompany their juvenile, or cannot be located, the officer will contact Child Protective Services.*

C. Crisis Triage Center (CTC)

[CALEA 1.1.3]

1. *Once an officer has taken someone into emergency custody, they shall contact the CSB at (804) 819-4100 and ask if the CTC is available, and appropriate. The officer shall then follow the guidance given by the CSB evaluator to where the evaluation will be conducted.*  
[CALEA 41.2.7b]
2. The CTC is staffed by RBHA members, Chesterfield Behavioral Health Authority, Richmond Community Hospital, and the Richmond Police Department.
3. The CTC is located at 1500 North 28<sup>th</sup> St. next to the triage window.
4. Officers who are directed to the CTC shall search the person before transporting them to Richmond Community Hospital.
5. The search is for anything the person could potentially use to harm themselves or others. If contraband is found on the person, it is to be turned into the **Property and Evidence Unit** before the end of the officer's shift. No charges should be filed until the officer has discussed the case and received guidance as to how to proceed with charges from a representative of the Commonwealth's Attorney's Office.
6. Upon arrival at the hospital, the officer shall bring the person to the new patient triage window located at the front entrance to the emergency room.
7. The officer will provide the staff with the person's name and date of birth (DOB) so they can be registered for medical clearance before being directed to the CTC.
8. Upon arrival at the CTC, the officer will contact the CTC officer and start the exchange of custody procedure. The transfer of custody form will be completed by the initiating officer. It will be reviewed by the CTC officer to ensure accurate time of custody and that the probable cause has been documented.

9. It will be at the discretion of the CTC officer to relieve the initiating officer and any additional officers that assisted in transporting the person. This will be based on the behavior of the person and the number of current patients at the CTC.
10. The person will be triaged by medical personnel and the ECO evaluation will be done by the assigned CTC mental health professional.
11. CTC patients who are residents of the City of Richmond and are going to be placed in another facility other than Richmond Community Hospital will be transported by the precinct that initiated the ECO or TDO process.

D. **Adult** Temporary Detention Orders:

[CALEA 41.2.7c]

1. A TDO must be executed within 24 hours of issuance. If not executed within the mandated 24-hours, the expired TDO shall be returned to the Magistrate's Office and a new TDO must be obtained. ***To execute the TDO, the law enforcement officer must serve the document (DC-894A) on the person subject to the TDO. The law enforcement officer serving the TDO shall complete the box at the bottom of the form denoting the date and time of execution, name of temporary detention facility, date and time respondent delivered to facility, name of officer taking respondent into custody, and the officer's badge number, agency, and jurisdiction.***
2. If the CSB evaluator cannot locate a temporary detention facility before the ECO expires, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the TDO.
3. If the transporting officer has transferred custody over to the original facility, the CSB evaluator may notify the magistrate who, in turn, will enter an order for an alternative transportation provider.
4. If no alternative transportation provider is available, the law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall provide transportation.

NOTE: No officer shall transport the subject of a TDO to a state facility or any other facility until it has been confirmed by ***the CSB*** that the receiving facility is indeed the final point for treatment of the subject of the TDO, and the officer has patient discharge paperwork in their possession.

State Facilities Are:

Hospital	Address	Distance from RPD HQ	Estimated Drive Time
Northern Virginia Mental Health Institute	3302 Gallows Road Falls Church, VA 22042	102 <i>Miles</i>	1 <i>hour</i> 38 <i>minutes</i>
Eastern State Hospital	4601 Ironbound Road Williamsburg, VA 23188	50.3 Miles	49 <i>minutes</i>
Central State Hospital	26317 W. Washington St. Petersburg, VA 23803	31.3 Miles	33 <i>minutes</i>
Piedmont Geriatric Hospital	5501 E. Patrick Henry Hwy. Burkeville, VA	56.6 Miles	1 <i>hour</i> 6 <i>minutes</i>
Commonwealth Center for Children and Adolescents	1355 Richmond Road Staunton, VA 24401	105 miles	1 <i>hour</i> 36 <i>minutes</i>
Southwestern Virginia Mental Health Institute	340 Bagley Circle Marion, VA	280 miles	4 <i>hours</i> 6 <i>minutes</i>

***Non-State Facilities Are:***

Hospital	Address	Distance from RPD HQ	Estimated Drive Time
<b><i>TriCities Hospital</i></b>	411 W Randolph St Hopewell, VA 23860	23.4 miles	27 minutes
Southside Regional Medical Center	200 Medical Park Petersburg, VA 23805	29.1 miles	32 minutes
Poplar Springs	350 Poplar Drive Petersburg, VA 23805	28.8 miles	32 minutes
Spotsylvania Regional Medical Center	4600 Spotsylvania Pkwy Fredericksburg, VA 22401	53.1 miles	50 minutes
Snowden Hospital	1200 Sam Perry Blvd Fredericksburg, VA 22401	57.6 miles	56 minutes
The Pavilion at Williamsburg Place	5477 Moorestown Road Williamsburg, VA 23188	48 miles	46 minutes
Southern VA Regional Medical Center	727 N Main St Emporia, VA 23847	65.5 miles	1 hour 2 minutes
Rappahannock General	101 Harris Road Kilmarnock, VA 22482	73 miles	1 hour 25 minutes
Riverside Behavioral Health Center	2244 Executive Drive Hampton, VA 23666	74.2 miles	1 hour 9 minutes
UVA Hospital	1215 Lee Street Charlottesville, VA 23908	73.2 miles	1 hour 9 minutes
Catawba Hospital	5525 Catawba Hospital Dr Catawba, VA 24070	192 miles	2 hours 54 minutes
Southern Virginia Mental Health Institute	382 Taylor Drive Danville, VA 24541	147 miles	2 hours 41 minutes

***E. Juvenile Temporary Detention Orders (TDOs), Virginia Code §16.1-340.1:***

1. TDOs for minors must be executed within 24 hours of issuance, or within a shorter period specified in the order and should be served as soon as possible.
2. ***Once executed***, a TDO shall be effective until the juvenile and domestic relations court serving the jurisdiction in which the minor is located conducts a special



justice hearing, pursuant to *Virginia* Code §16.1-341 (B). The minor shall remain in custody no longer than 96 hours before this hearing. If the 96-hour period terminates on a Saturday, Sunday, or legal holiday the minor may be detained until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to *Virginia* Code §16.1-340.3, before the 96-hour period has terminated.

F. ***Custody of Subjects Under ECO or TDO***

When the ***Department of Emergency Communication, Preparedness and Response (DECPR)*** assigns an officer to pick up an ECO or TDO, the officer should respond directly to the Magistrate's Office. If the person is not in custody, the residential address listed on the ***ECO or TDO*** will determine which precinct is responsible for taking custody of the individual and providing transportation. If the person is not a resident of the City and is not within the 50-mile radius for another jurisdiction to handle the transport, the current location of the person will determine the precinct responsible for transporting (e.g., a person located at Chippenham Hospital is handled by 3<sup>rd</sup> Precinct).

1. ***ECOs (paper and paperless) will be handled by the dispatched or initiating precinct officers until the person is released or a TDO is issued.***
2. ***TDOs will be handled by officers from the precinct where the person resides. If the person is homeless or lives further than 50 miles from the City of Richmond, then the dispatched or initiating precinct will maintain custody.***
3. ***If an officer outside of a patrol assignment initiates a paperless ECO (e.g., Major Crimes detective, school resource officer, or extra-duty assignment), the officer will ensure the subject is taken into custody, contact the CSB, notify DECPR to dispatch a precinct officer, and arrange for transport to the designated facility. The appropriate precinct will take over custody of the subject once the initiating officer has communicated all necessary information to the log officer.***
4. ***Overtime and part-time personnel working the ECO/TDO assignment (380 units), if available, will respond and relieve patrol units of custody of subjects under an ECO or TDO. If there are multiple subjects under ECOs or TDOs at the same time, the overtime or part-time personnel will first take the ECO or TDO call within the city limits that has been active the longest, but they are not responsible for any transport between facilities.***
  - a. ***ECO/TDO units will mark on Channel 3 but are available to all police channels to assist with ECO and TDO custody.***
5. Transferring Custody to Another Jurisdiction's Law Enforcement Agency:
  - a. Upon issuance of an ECO or TDO that lists another jurisdiction's law enforcement agency as the primary law enforcement agency responsible for executing an ECO or TDO or transporting the person who is subject to an ECO or TDO, if an RPD law enforcement officer has custody of this person, an RPD law enforcement officer shall ***notify DECPR to contact*** the law



enforcement agency named on the ECO or TDO to begin the immediate transfer of custody of the person.

- b. If an RPD officer encounters any difficulty with the other jurisdiction's law enforcement agency responding to take custody or provide transportation, the law enforcement officer shall contact their immediate supervisor or Unit 9 for assistance with resolution.

6. Transportation Within the City Limits:

- a. If medical attention is needed before admission to the mental health facility on the TDO, the officer will secure medical attention for the individual in accordance with General Order 06-10, Restraint **and** Transportation of Custodial Arrestees. The transporting officer will remain with the individual until transport is made to the final destination on the TDO.
- b. Once the RPD officer picks up the TDO and arrives at the medical or psychiatric facility with the person, they shall execute the TDO. The officer shall maintain custody until custody has been accepted by the appropriate personnel designated by the facility identified in the TDO.

7. Transportation Outside the City Limits:

- a. Virginia Code § 37.2-810 states that the magistrate shall specify in the TDO the law enforcement agency of the jurisdiction in which the person resides, or any other willing law enforcement agency that has agreed to provide transportation, to execute the order, and, in cases in which transportation is ordered to be provided by the primary law enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.
- b. Pursuant to Virginia Code § 37.2-810, a law enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which they serve to any point in the Commonwealth to execute any TDO pursuant to this section.
- c. Any transports to a facility outside the City limits will be conducted by two RPD officers and will require approval by a precinct sergeant or above. The transporting officers will notify **DECPR** of their beginning mileage and destination and will provide a contact mobile phone number for supervisors. Once they arrive at their location, **DECPR** will be notified of the ending mileage (by phone if necessary).

G. ***Using the Co-Responder Team:***

***The Marcus Alert's Community Response Team (CRT) consists of a RBHA clinician and a Richmond police officer, also referred to as the Co-Responder Unit.***

*The CRT may be dispatched to mental subject calls, may reference calls, or may respond to assist officers upon their request via DECPR. The CRT's responsibility is not to take over ECO and TDO calls for service, but to assist and potentially expedite the TDO process, or provide alternatives to an arrest or ECO and TDO if the situation warrants.*

#### H. Restraining and Transporting Subjects under an ECO or TDO:

The procedures pertaining to transporting an arrestee shall also apply to transporting a mentally ill subject under an ECO or TDO. (See General Order 06-10, Restraint *and* Transportation of Custodial Arrestees).

The transporting officer shall ensure that the interior of the transporting vehicle is thoroughly searched and that the individual is also carefully searched for instruments, and or any other items that they could possibly use to inflict harm to themselves or others. If contraband is found on the person, the officer shall submit the evidence to property and submit the appropriate Incident Based Report (IBR) before the end of the officer's shift. The officer will consult with the Commonwealth's Attorney before charging the individual for any offense discovered because of custody for a mental health evaluation, ECO, or TDO.

#### I. *Offenses by Subjects in Medical Facilities:*

1. *When an officer encounters a person in a medical facility who is alleged to have committed a criminal offense and who, based on the information known to the officer or relayed to the officer by medical personnel: (1) is subject to an ECO, TDO, or other committal order; or (2) has been admitted to the medical facility due to mental health concerns, the officer shall consider the totality of the circumstances before executing an arrest, including:*
  - a. *Is the person who I am considering arresting subject to an ECO, TDO, or other committal order?*
  - b. *This question must be affirmatively asked of hospital personnel and a conclusion determined. Did the offense that I am considering arresting the alleged offender for take place in my presence? If the offense occurred in the officer's presence, then Virginia Code § 19.2-81(B) provides that an officer "may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence."*
  - c. *Should I take the complaint, write a report, provide the complainant with a report number, and refer the complainant to the magistrate to swear out their own warrant?*
  - d. *What is the nature of the alleged conduct leading to the potential arrest (e.g., felony aggravated assault versus a misdemeanor assault and battery)?*

*NOTE: Pursuant to Virginia Code § 19.2-81.3(B) and (C), officers are required to make an arrest of an offense not committed in their presence in cases where probable cause exists to believe a person has committed domestic assault in violation of Virginia Code § 18.2-57.2 or disobeyed a protective order in violation of Virginia Code §§ 18.2-60.4 or 16.1-253.2.*

- e. *Is it apparent that the alleged offender is experiencing a mental health crisis?*
- f. *Is the individual apparently incoherent (e.g., appears not to understand commands or otherwise exhibiting behavior that would indicate a lack of comprehension)?*
- g. *Does RMS or LInX denote a history of mental illness?*
- h. *Is the medical facility willing to continue treating the alleged offender?*
- i. *If the medical facility is willing to continue treating the alleged offender, then the officer may take the steps prescribed above in section c.*
- j. *Has the alleged offender been formally discharged from the hospital?*

***NOTE: The officer shall always obtain paperwork documenting a patient's discharge and document the name of the hospital staff member who advises that a patient has been discharged, their title, contact phone number, and the time of that advisement.***

- 2. *After considering the preceding questions, once an officer decides to make a custodial arrest, before transporting any person from a medical facility who is known or suspected to have been at the medical facility: (1) pursuant to an ECO, TDO, or other hospital committal order; or (2) for other mental health treatment, the officer shall request a supervisor to report to the medical facility. The supervisor's role shall be to:*
  - a. *Review the circumstances that the officer believes requires the custodial arrest and removal of the person from the hospital setting.*
  - b. *Review the committal status and mental health history of the person intending to be arrested.*
- 3. *If there is any uncertainty about a person's commitment status or mental health history, the supervisor shall call RBHA at (804) 819-4100 and provide the person's name and other pertinent identifying information to determine whether the person is subject to an ECO, TDO, or other commitment order, or has any history of mental illness.*

#### J. Use of Force & Custody Medical Procedures:

- 1. A law enforcement officer shall adhere to General Order 01-05, Use of Force when determining when it is appropriate, if at all, to use force. After consideration of the parameters for the use of force, as governed by General Order 01-05, if a law enforcement officer determines that use of force is appropriate either to affect or maintain custody, a law enforcement officer shall only use force that is proportionately responsive to the actions of the person and their level of resistance. In all instances where a person *in mental health crisis* is present, officers shall be continually mindful of their personal safety including the retention of their "use of force options," particularly their firearm.

**NOTE:** In accordance with General Order 01-21, Conducted Energy Weapons, officers should avoid using repeated drive-stuns on any person who has a known or

suspected mental illness if compliance is not achieved. ***Drive-stuns are unlikely to gain compliance of individuals experiencing a mind-body disconnect, such as a psychotic episode.***

2. A law enforcement officer shall not use force to assist medical staff to complete medical procedures absent an active danger to officers, citizens, staff, the detainee, or others.
3. If force is used to take a person into custody under an ECO and it is later determined that the behavior is due to another medical condition, RBHA shall still conduct a screening to ensure that person's due process ***rights***. If force is used to detain the person or stop their action, the person must be ***evaluated by the CRB*** and cannot be allowed to go voluntarily to the hospital.

**K. *Escapes from Custody***

1. ***When a person is under an ECO or TDO and still in the custody of law enforcement (has not been admitted to the facility) and escapes, the law enforcement officer shall immediately secure a warrant charging the person with escape from custody (Virginia Code § 37.2-833).***
2. ***Additionally, the involved officer(s) shall immediately notify their supervisor, who will oversee efforts at apprehension and investigation of the escapee's possible locations. The supervisor will submit an escape from custody cover letter detailing the circumstances of the escape, through channels to the respective major, and initiate any discipline, as appropriate.***

**L. Interview and Interrogation of Mentally Ill Persons:**

1. Interviews and interrogations of persons believed to be mentally ill that are suspected of committing a criminal offense will be conducted in the same manner as for all other suspects. A person who is determined to be mentally ill can still knowingly and voluntarily give a reliable statement.
2. To assist in the prosecution of such an individual, the officer or detective conducting the interview or interrogation shall pay specific attention to and take note of whether the subject answers basic questions appropriately, remains alert at the time that questioning takes place, and demonstrates any indication of confusion.
3. If an officer or detective believes that the subject's mental state outweighs the seriousness of any applicable criminal charges, involuntary commitment may be sought according to the procedures listed above.

**M. RPD officers shall adhere to the guidelines provided in General Order 01-13, Hospital and Emergency Room Regulations.**

**N. Training:**

1. Mental ***health*** training is conducted in conjunction with the local CSB. Department members shall receive documented entry level training in recognizing

and handling persons suffering from mental illnesses *and in mental health crisis*.

[CALEA 41.2.7d]

2. Members shall receive documented Mental ***Health*** refresher training courses annually.

[CALEA 41.2.7e]

O. Reporting:

1. In all instances where an individual is taken into custody *for a mental health evaluation or the execution of an ECO or TDO*, no matter how brief that custody may be, the officer will complete an IBR before their shift ends.
2. *An officer who executes either an adult or juvenile ECO or TDO shall document the execution of the order, not only on the requisite ECO and TDO document, but also add this information and the date and time when the person's custody is transferred to another facility in an IBR or supplement.*
3. Once the ECO or TDO is served, the officer who served the ECO or TDO will fax or hand deliver the completed copy of the paper to the Warrant and Information Services Unit for entering the data into ONESolution Records Management System (RMS) no later than the end of their tour.

VII. FORMS

- A. Emergency Custody Orders (***DC-492***)
- B. Temporary Detention Orders (***DC-894(A), DC-895***)
- C. Explanation of Emergency Custody Procedures (DC-4050)
- D. IBR

## **Form DC-4050 EXPLANATION OF Form DC-4050 EMERGENCY CUSTODY**

PROCEDURES DISTRICT COURT FORMS PDF INSTRUCTIONS JULY 2014

### **Using This Form**

This form, which is a summary of the emergency custody procedures and the associated statutory protections, is required to be given to any person taken into emergency custody pursuant to Virginia Code § 37.2-808.

## **EXPLANATION OF EMERGENCY CUSTODY PROCEDURES**

Commonwealth of Virginia VA. CODE §§ 37.2-808, 37.2-817.2

To the Respondent:

You are a person who has been taken into emergency custody pursuant to Va. Code § 37.2-808 or § 37.2-817.2.

You were taken into emergency custody because a judge, special justice, or magistrate issued an emergency custody order, a law-enforcement officer believed that you met the criteria for emergency custody, or because you voluntarily consented to be transported for assessment or evaluation, you then revoked your consent, and the officer believed that you met the criteria for emergency custody.

You were taken into emergency custody because the judge, special justice, magistrate or law-enforcement officer decided that there was probable cause to believe that:

1. You have a mental illness and there exists a substantial likelihood that, as a result of mental illness, you will in the near future a. cause serious physical harm to yourself or others as evidenced by your recent behavior causing, attempting or threatening harm and other relevant information, OR  
b. suffers serious harm due to your lack of capacity to protect yourself from harm or to provide for your basic needs, AND
2. You are in need of hospitalization or treatment, AND
3. You are unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

While you are in emergency custody, you will be transported by a law-enforcement officer or an alternative transportation provider to a convenient location to be evaluated to determine whether you meet the criteria for temporary detention, and to assess the need for you to be hospitalized or treated. You may also be transported to a medical facility if it is determined that emergency medical evaluation or treatment is necessary, or if a doctor at the hospital where you may be detained requires a medical evaluation before you can be admitted.

You will remain in custody until a temporary detention order is issued, until you are released, or until the emergency custody order expires. The maximum amount of time that you could remain in emergency custody is 8 hours.

If you were taken into emergency custody as a result of an emergency custody order, the order must have been executed within 8 hours after the order was issued or the order is void. An emergency custody order is executed when a law-enforcement officer takes you into custody under the order. When the emergency custody order is executed or a law-enforcement officer takes you into custody without an order, the law-enforcement officer must then notify the community services board right away.

FORM DC-4050 REVISED 07/14