Mental Disorders & Emergency Petitions

.01 Policy
Any individual may be affected by a mental disorder. Dealing with these individuals presents law enforcement officers with unique challenges. The Department acknowledges that mental disorders are not the result of weakness, lack of character, or poor upbringing. Mental illness can disrupt a person's thinking, feeling, moods, and capacity for coping with the demands of life. They are generally treatable with medication and supportive counseling.

The Department's policy is to provide a comprehensive response to individuals who display symptoms of a mental disorder. Where the requirements of the law are met, the responding officer will file a request for an emergency evaluation petition for the individual.

.02 Terms
Designated Hospital: A medical facility within Prince George's County that is designated by the Department of Health and Mental Hygiene, Mental Hygiene Administration, to provide emergency psychiatric services. Communications maintains a list of designated facilities.

Emergency Evaluation Petition: A process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting.

Mental Disorder: A physical or psychological impairment manifested by behavioral symptoms that indicate a clear disturbance in mental functioning; mental retardation is not a mental disorder.

Mobile Crisis Team: The primary outreach component for the Prince George's County Crisis Response System. Members of the team are trained mental health professionals who provide assistance to officers in dealing with persons with mental disorders and others in crisis. Team members may provide immediate intervention for families in crisis, assistance in making referrals to hospitals or other psychiatric care, or, as appropriate, with filing an emergency evaluation petition.

Petitioner: Any of the following individuals who, after examination or observation, request an emergency evaluation of an individual:
- Mental health professionals (physicians, psychologists, licensed clinical social workers, licensed clinical professional counselors, health officers or designee's of health officers);
- Law enforcement officers; and,
- Any other interested person.

Psychological Services: Provides comprehensive services to all Departmental personnel and their families who request professional intervention.

.03 Governing Legislation and Reference
Governing Legislation:
Maryland Health General Article, §10-620 through §10-626.
Forms:
Maryland District Court Form #DC 13.
Maryland District Court Form #DC 14.
Reference:
Training Bulletin #2010-02, Suicide Emergency.

.04 Procedure
In accordance with officer safety techniques, steps that can be taken to de-escalate a situation involving a person suspected of having a mental disorder include:
- When possible, turn off emergency;
- Lights and sirens;
- Disperse crowds;
- Assume a nonthreatening manner when approaching the individual;
- Communicate with the individual in a calm fashion and attempt to determine what is bothering them; and,
- Always be truthful when dealing with an individual with a mental disorder, if he or she becomes aware of deception, he or she may withdraw in distrust or retaliate in anger.
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A. Symptoms

Some symptoms of a mental disorder include, but are not limited to:

- Disorientation;
- Loss of memory regarding their identity, time, or place; Displaying inappropriate or impulsive behavior;
- Hallucinations or feelings of persecution;
- Paranoia;
- Talking to themselves; and,
- Describing unrealistic physical symptoms.

Officers responding to calls involving subjects with these symptoms shall use extreme caution because their behavior may be unpredictable.

Maryland law recognizes that law enforcement officers are not trained in medicine or psychology. It merely requires that the officer have reason to believe that the individual: (1) has a mental disorder, and, (2) presents a danger to the life or safety of himself or herself or others.

Officers shall establish this belief based on observation of the subject, or on information they obtain that is pertinent to the circumstances giving rise to the petition such as the statements of witnesses. Officers may file petitions on individuals whose symptoms are only known via credible witness accounts. Officers may also consider the physical aftermath of the individual's behavior, such as wounds inflicted on himself or herself or others, or property damage.

B. Arrest Alternatives

Arrest is the least desirable alternative when dealing with an individual who is believed to be suffering from a mental disorder.

Based on the circumstances, officers should consider initiating an emergency evaluation petition instead of filing criminal charges. This consideration applies only when dealing with minor violations, and is not appropriate when the subject has committed a serious crime. If criminal charges have been filed, and the officer believes that mental health treatment is necessary, he or she may initiate an emergency evaluation petition in addition to the criminal charges.

The determination whether or not to commit a subject is made by a physician.

Officers shall articulate the totality of the circumstances that led to the arrest or petition in their documentation.

C. Interrogation

An officer interrogating an individual may not know that the person has a mental disorder until after the interrogation has begun. If an officer suspects that a person to be interrogated has a mental disorder, special precautions must be taken to ensure that any statements made are volunteered and credible.

Efforts should be made to gather information about the person's mental condition from credible sources such as witnesses and family members, or reports of forensic analysis. Officers shall corroborate the individual's statements with information obtained from these sources.

D. Mental Health Professionals as Petitioners

A physician, psychologist, licensed clinical social worker, professional counselor, or a health officer or his or her designee may complete an emergency evaluation petition. The law obligates an officer to serve a petition when presented to him or her by a physician.

When providing assistance at a physician's office or health clinic, sufficient officers will be dispatched to restrain and transport the individual to the nearest designated hospital.

If a mental health professional completes a petition, the officer shall:

- Question the petitioner to ensure that the individual is a danger to the life or safety of himself or herself or others;
- Ensure that the petition is completed and signed;
- Explain the content and meaning of the petition;
- Advise the petitioner of the serious nature of the petition, and sign the document in the space provided; and,
- Attach a copy of the petition to the Case Report.

Individual on the Scene

If the individual is present, the officer will take custody of him or her, and transport him or her to the closest designated hospital.
Individual Not On The Scene

If the individual is not present, the officer will obtain all available information concerning the situation, and the individual's likely location.

The officer will then notify his or her supervisor. Upon obtaining supervisory approval, the officer shall attempt to locate and take custody of the individual.

There is no expiration date when a mental health professional or law enforcement officer signs the petition.

E. Petition Unavailable to Physician

When a petition is not available to the mental health professional, he or she should be requested to accompany the officer and individual to the closest designated hospital to complete one.

If he or she is unable to do so, and circumstances indicate that the individual is a danger to the life or safety of himself or herself or others, the officer will take custody of the individual and transport him or her to the closest designated hospital.

F. Law Enforcement Officer as Petitioner

When an officer has reason to believe that an individual has a mental disorder, the officer shall immediately stabilize the situation and take steps to ensure his or her safety and that of the public.

An officer may be the petitioner when he or she has personally observed the individual or the individual's behavior, has reason to believe that the individual has a mental disorder, and presents a danger to the his or her life or safety or that of others. If an officer does not have reason to believe this as required by Maryland law, the officer shall not initiate a petition.

In non-emergency situations, officers shall attempt to locate family members and ensure that they are aware of the services of Assessment Stabilization Center at Prince George's Hospital and the Mobile Crisis Team, and encourage them to contact either for assistance. Officers shall notify the Mobile Crisis Team through Communications while on scene, and may telephone either for assistance with determining the best course of action.

If the officer must act as the petitioner, he or she shall notify the designated hospital prior to transport to ensure that the required facilities are available.

The following procedures shall be followed:

- Obtain supervisory approval to initiate the petition;
- Take custody of the individual in the same manner as a prisoner;
- Obtain the assistance of a second officer to facilitate transport;
- Transport the individual to the closest designated hospital;
- Consult with the hospital staff and complete a petition for emergency evaluation using Maryland District Court Forms #DC13 and #DC14;
- Remain with the individual until a physician has taken custody of him or her, unless the physician requests that the officer remain because of the violent nature of the individual;
- Complete a Case Report; and,
- Obtain a copy of the petition and attach it to the reports.

It is necessary to obtain supervisory approval to remain with the individual. State law requires that if the individual is violent, the supervisor shall allow the officer to remain with him or her. State law further requires that physicians examine the individual as promptly as possible if the officer is required to remain.

When an individual is refused evaluation at any facility, the officer shall request a supervisor to respond. The supervisor will speak with the hospital officials and attempt to have the individual admitted for evaluation. If the facility still refuses, the officer will transport the individual to the next closest designated hospital. The supervisor will document the refusal on a Case Report and transmit a copy to the Chief of Police.

Admission Authorized

If the individual is admitted, the officer shall leave the individual and the original copy of the petition at the hospital. The officer will clearly articulate the behavior exhibited by the individual in the petition. A court appearance will not be required of the officer.
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**Admission Denied**

Based on their evaluation, if the hospital staff denies admission of the individual, the officer may return him or her to the location of their initial contact.

The officer must complete an Case Report including the:

- Name of the evaluating physician;
- Name of the facility;
- Circumstances of the contact; and,
- The address the individual was returned to, if applicable.

**Arrest**

When an arrest and processing are necessary, the officer shall:

- Advise the duty supervisor of the circumstances and obtain approval prior to transport;
- Articulate his or her observations regarding the arrestee’s mental condition in the probable cause section of the charging document;
- Advise the District Court Commissioner regarding his or her observations of the arrestee’s mental condition; and,
- Advise correctional officers of the arrestee’s mental condition prior to transferring custody.

**G. Transport by Police Officer**

Police transports are authorized only when the officer is:

- The petitioner;
- Serving a petition signed by a mental health professional; or,
- Serving a court order.

If the individual to be transported is non-compliant, standard arrest procedures shall be followed.

Officers shall not transport an individual that has been committed from a designated hospital to any other facility.

**Individual Transported to a Non-Designated Hospital**

If for medical reasons, an individual is transported to a medical facility other than a designated hospital, officers shall determine whether the individual will be treated and released within a reasonable amount of time. If so, the officer will await the individual's release, and then take him or her to the nearest designated hospital for evaluation. If the individual is admitted, the officer shall attempt to notify interested persons such as the complainant or family members.

The officer shall also notify the hospital staff that he or she believes the individual is in need of an emergency evaluation based on the circumstances known to the officer.

If the individual is transported to a hospital in another jurisdiction, the officer will contact the local law enforcement for assistance.

Officers shall note the name, address, and telephone number of each person notified on the Case Report. This includes hospital staff members, and any law enforcement officers when in another jurisdiction.

**Reporting**

A Case Report will be completed whenever:

- The officer completes a petition; the name of the supervisor approving the petition must be documented in the Case Report;
- An officer presents a civilian petitioner and a petition before a judge; or,
- Hospital staff decline a petition after an officer has taken custody of a person. In each instance, a copy of the petition shall be attached to the Case Report.

**H. Interested Parties as Petitioner**

Citizens requesting information regarding emergency evaluation petitions will be referred to the Assessment Stabilization Center at Prince George's Hospital.

Unless a judge has referred an individual to the Assessment Stabilization Center for screening, interested parties requesting commitment of a family member must complete an emergency evaluation petition obtained from a District Court Commissioner, and present the petition to the court for review. It is not the officer's responsibility to do so.

The Office of the Sheriff for Prince George's County serves petitions signed by a judge, which are valid for five days from the date they are signed.
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I. Suicide Attempts

Communications is responsible for receiving and classifying calls for service. Calls for service will be prioritized based on the call taker's conversation with the complainant. Questions concerning the legitimacy of a suicide threat shall be resolved in favor of a higher priority response.

Upon arrival at the scene, officers shall locate and take custody of any firearms on the premises, and determine whether the individual intentionally ingested medication or foreign substances.

If any substance was intentionally ingested, officers shall:

- Locate and take custody of the container(s) of the substance(s);
- Follow the procedures for an emergency evaluation petition in this section; and,
- Notify hospital staff regarding substances that may have been ingested by the individual.

J. Escaped Mental Patients

A mental patient who has been criminally charged and committed by a court of competent jurisdiction that escapes from confinement may be arrested. The escaped mental patient will be charged with escape.

K. Voluntary Admissions

If an individual wants to be voluntarily admitted, officers should attempt to arrange transportation to an appropriate medical facility for the individual. An officer will not transport an individual seeking voluntarily admission.

If the mental condition of the individual is severely disturbed, transportation by ambulance may be appropriate. In cases of suicide threats, officers should consider initiating an emergency evaluation petition for the individual's safety.

Civilly or voluntarily committed individuals who leave an institution without authorization are not subject to arrest, but may be detained for criminal violations.

HISTORY: Adopted July 1, 2012

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:

Charles L. Owens
Chief of Police