



Newport News Police Department - Operational Manual

OPS-645 - MENTAL DISTURBANCE CASES

Amends/Supersedes: OPS-645 (11/17/2014)

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I. GENERAL

- A. Officers shall attempt to seek non-arrest resolutions of mental cases when possible, with the referral to appropriate facilities on a voluntary basis being the desired result. [1.1.3]
- B. Involuntary detentions, or emergency custody orders, will be sought when the safety of the public, or the individual involved is at risk. Involuntary detentions, or emergency custody orders, will be obtained in accordance with §§37.2-809, and 37.2-808 of the Code of Virginia.

II. PROCEDURE

- A. Communications will attempt to dispatch an officer who has received Crisis Intervention Team (CIT) training to mental disturbance case calls for service.
 - 1. A current listing of CIT-trained officers is available on the Department's Common Drive.
 - 2. The listing is maintained by the Newport News Law Enforcement Training Academy.
 - 3. CIT officers will indicate "CIT" on the CADS sign-in screen.
- B. Officers should use the following to determine whether a person is in need of emergency services. If the person has a mental illness, and, as a result of that illness: [41.2.7(a)]
 - 1. Appears to be imminently dangerous to himself or others; or
 - 2. Appears to be unable to care for himself (e.g., unable/refuses to accept intervention to meet minimum needs of food, clothes, shelter or physical well-being); or
 - 3. Appears to be suffering substantial mental deterioration and exhibits an inability to function.
- C. Voluntary Admissions to Mental Health Facilities [41.2.7(c,b)]
 - 1. Persons appearing in need of mental health treatment and not posing an imminent danger to themselves or others should be referred to a mental health facility. A family member or other responsible person should be provided with the information necessary to secure aid. [1.1.3]

NOTE: Most referrals are made to the Hampton-Newport News Community Services Board (CSB) and the Office of the Crisis Counselors at Riverside Regional Medical Center.

- 2. Persons who have been or are under the care of a private physician should be referred to that physician if possible.
- 3. Officers may provide a person with a courtesy transport to Riverside ER (Section II.F.)
 - a. Riverside ER's back entrance will be utilized.

- b. The Officer will ensure ER staff is aware of the person's presence and needs before leaving them.

D. Execution of Emergency Custody Orders (ECO)

1. Emergency Custody Orders (ECOs) shall be executed as set out in §37.2-808 of the Code of Virginia.
2. An ECO is valid for eight hours from the time the person is taken into custody.
 - a. The officer will ensure the original ECO is returned to the magistrate, after its execution by a mental health professional (i.e. Riverside psychiatric technician, CSB employee, doctor). The remaining three copies will be administered by the facility where the subject is being evaluated.
3. Upon execution of an ECO by an officer:
 - a. the officer will contact a CSB crisis counselor through Communications as soon as practicable; and
 - b. the officer will ensure that any person served with an ECO receives a copy of their procedures and statutory protections involved (Virginia Form DC-4050).
4. When the ECO expires (issued or non-judiciary), the person must be:
 - a. released from emergency custody; or
 - b. medically admitted to a mental health or medical facility through a Temporary Detention Order (TDO) or Medical Detention Order (MDO).

NOTE: Only a mental health professional may obtain a TDO.
5. Any ECO not executed within eight hours of its issuance becomes void, and will be returned to:
 - a. the office of the issuing court, if during the court's business hours; or
 - b. the office of the magistrate for the issuing court.

E. Involuntary Admissions

[41.2.7(b,c)]

1. If the subject poses no immediate threat to self or others, a relative or other responsible person may petition a District Court judge to order the detention of, and a hearing for, the person who is believed to be in need of mental health treatment.
2. When the court is not in session, persons may petition for an emergency custody order (ECO) from the Magistrate on-duty.

NOTE: This is regardless of whether a previous emergency custody order (ECO) was issued.

3. Police officers should refrain from initiating involuntary admissions unless a relative or other responsible person is not available and/or the officer has probable cause to believe the suspected mentally ill person appears to be a potential danger to himself or others.

4. Officer Initiated Non-Judiciary Emergency Custody - If the officer believes that the criteria for an ECO has been met (§37.2-308 of the Code of Virginia), the officer may take the person into emergency custody and transport the person to the appropriate medical facility on a non-judiciary order, to assess the need for hospitalization or treatment.
 - a. The period of this custody shall be no longer than eight hours from the time an officer takes the person into emergency custody. The time that emergency custody begins shall be noted in CAD, and provided to any attending CSB or medical facility staff involved;
 - b. If the officer is unsure whether the person meets the non-judiciary emergency custody requirements set out in §37.2-808, the officer will contact a CSB crisis counselor through the Communications Division.
 - 1) The officer will remain with the subject until contacted by the crisis counselor, who will screen the subject and determine what hospital, if any, the subject will be transported to.
 - 2) Proper restraining devices, to include handcuffs, will be used if necessary to prevent injury to the individual or the officer.
 - 3) Should the person's exhibited potential for violence be such that officer believes the use of handcuffs will be insufficient, he should request the assistance of Fire Department Paramedics, advising them of the problem and the need for additional restraining devices (i.e. a stretcher with restraint straps and/or strait jacket). [70.2.1; 70.3.1]
 - 4) The CSB counselor may authorize the officer to transport the subject to a health care facility for evaluation without a custody order.
5. Most court orders for mental detentions will be served by the Newport News Sheriff's Department. Should Police Department personnel be requested to assist, they shall render whatever aid is necessary to ensure everyone's safety.
 - a. If the Sheriff's Office response time will be outside the set legal limit, the officer may pick up and serve the TDO with supervisory approval.
6. When the request is for transportation of the detainee, the officer shall receive verbal authority from his supervisor, confirm the court order, take the person into custody, and proceed to the facility designated for detention by the court order.

F. Transport of Mentally Disturbed Persons [41.2.7(c); 70.3.2]

1. Persons taken into custody shall be transported in a unit equipped with a safety shield. If possible, two officers should handle the custody and transport of mentally disturbed persons. If transportation by ambulance is required, one officer shall accompany the ambulance crew during transport.
2. Persons taken into custody in apparent need of medical treatment independent of their mental disorder, or requiring a medical evaluation prior to admission at the mental detention facility, must be taken to a medical facility (e.g., Riverside Regional Medical Center, Mary Immaculate Hospital, etc.) prior to being taken to the detention facility. (§37.2-808C Code of Virginia)

NOTE: The Sheriff's Department will not accept the person until he has received medical treatment.

3. Persons taken into custody and transported shall remain the responsibility of the transporting officer until custody is assumed by the receiving personnel at the detention facility.
4. The officer transporting the detainee shall advise Communications of his destination and estimated time of arrival so the receiving facility may be made aware that a mentally disturbed person is enroute.

G. Execution of Temporary Detention Orders (TDO's) [74.2.1]

1. Officers called upon to execute temporary detention orders shall do so pursuant to §37.2-809 of the Code of Virginia.
2. The officer shall respond to the health care facility on the order and verify with the mental health care worker that the person detained at the facility is the same person named on the order, executing it upon verification.
3. The officer will keep the original copy of the order and return it to the Magistrate. The other copy is given to the mental health care worker to provide the detainee.

NOTE: The officer does not have to personally deliver the detainee's copy. This keeps the officer from having to enter a secure mental health area for that purpose.

4. The Officer will ensure that any person served with a TDO receives a copy of Virginia Form DC-4050 "Explanation of Emergency Custody Procedures".

H. Investigations Involving Persons Suspected to Be Mentally Ill [41.2.7(c)]

1. The Americans with Disabilities Act (ADA) entitles people with mental illness or disabilities the same services and protections provided to anyone else. This may involve modification in routine practices and procedures, requiring extra time and/or sensitivity. This may include:
 - a. Having a guardian or support person present to assist communications with the individual;
 - b. Contacting the Hampton/Newport News office of the National Alliance for the Mentally Ill (NAMI) for specific guidelines on how to proceed with a person who is suspected of having mental illness, autism, or mental retardation.
2. Personnel will note any signs of mental illness exhibited by victims and suspects during any field interviews, questioning, or interviews, and make mention of this when noting the person's demeanor.
3. If the person being interviewed or questioned is suspected to be mentally ill, interview or interrogation techniques may be modified to include:
 - a. Requesting a member of the Crisis Intervention Team respond. If no CIT member is available, a back-up officer should be requested, if one is not already on scene;
 - b. Notifying a supervisor;

- c. Taking steps to calm the situation, if possible through assuming a quiet non-threatening manner when approaching the person;
- d. If family or friends are present, used as information sources, or as a calming presence;
- e. Removing distractions, upsetting influences and disruptive people from the scene;
- f. Attempting to reassure the person that no harm is intended, and we are present to assist them;
- g. If the person exhibits signs that they are a danger to themselves or others, the officer will proceed accordingly.

NOTE: For additional information regarding interviews/interrogations, **See Also:** OPS 403 “Constitutional Requirements & Judicial Guidelines for Investigations”.

I. Training

- 1. Initial, upon hire [41.2.7(d)]
 - a. All sworn personnel shall receive documented training on the procedures for recognizing and dealing with mentally ill individuals in the academy training.
 - b. All non-sworn personnel shall receive documented training and/or information on recognizing and dealing with mentally ill individuals, as it relates to general public contact.
- 2. Police personnel shall receive documented refresher training in dealing with mentally ill individuals at least once every three years. [41.2.7(e)]

III. EXCITED DELIRIUM

A. Recognizing Excited Delirium Syndrome (ExDS)

- 1. Excited Delirium Syndrome (ExDS): A medically life-threatening condition characterized by agitation, aggression, acute distress and sudden death. (A/K/A “agitated delirium”)
- 2. Exhibited Symptoms - Some, or all, of the following symptoms will typically be exhibited by an individual suffering from ExDS:
 - a. Bizarre or irrational behavior;
 - b. Removal of clothing, public nudity;
 - c. Aggressive and violent behavior;
 - d. Hyperthermia (i.e. an extreme elevation in body temperature);
 - e. Imperviousness to pain;
 - f. Aggression towards inanimate objects (particularly glass or mirrors);
 - g. Hallucinations;
 - h. Extreme strength or endurance;
 - i. Acute onset of paranoia;
 - j. Impaired thinking and disorientation;
 - k. Incoherent speech;
 - l. Difficulties breathing.
 - m. Incredible strength/endurance.

3. Factors which may contribute to ExDS include:

- a. Alcohol intoxication;
- b. Drug use (particularly cocaine);
- c. Obesity;
- d. Mental illness.
- e. Medical condition, or other physical factor.

B. Handling Persons Exhibiting ExDS

Officers should be aware of the behavioral characteristics of ExDS, due to the fact that it can be imminently life-threatening. It is not incumbent upon Officers to differentiate true ExDS from other behaviors that mimic it. When an Officer reasonably believes that an individual may be experiencing ExDS, the individual is to be treated as if he is in a medical crisis, requiring medical attention. Upon encountering an individual exhibiting ExDs, if time permits, the officer should:

1. Notify a supervisor;
2. Request a CIT officer respond, when available;
3. Request police backup;
4. Request EMS presence;
 - a. EMS personnel on scene will determine:
 - 1) Required medical treatment; and
 - 2) Whether the subject requires ambulance transport to a hospital.
5. Efforts should be focused on getting the subject under control as quickly and as safely as possible to allow medical treatment to be administered.
 - a. Officers should avoid laying the subject on their stomach, or exerting excessive downward pressure on the upper torso.
 - b. Any use of force will follow OPS-110 "Use of Force".
 - c. Officers will to assist them in treatment.

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