

I. **PURPOSE**

To provide operational guidelines and responsibilities for the members of the Crisis Intervention Team.

II. **POLICY**

It is the policy of the Fairfax County Sheriff's Office that Crisis Intervention Team (CIT) deputies will provide support to the extent possible to the Fairfax-Falls Church Community Services Board (CSB) and its staff, located both at the Adult Detention Center (ADC) and the Merrifield Crisis Response Center (MCRC), when responding to mental health crisis situations involving the Sheriff's Office within the ADC and in the community. The mission of the CIT deputies is to intervene before a crisis becomes acute, to offer mental health services to those without current providers, to reduce the use of force incidents and to utilize other internal or external supports to facilitate recovery for each person served.

III. **DEFINITIONS**

Crisis Intervention Team (CIT) Deputy - A deputy who has received and has successfully completed crisis intervention team training at the Fairfax Criminal Justice Academy in accordance with the Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT), the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014), and, in addition, has demonstrated the ability to:

1. Recognize the symptoms of mental illness and identify a person with mental illness and/or who is suffering a mental health crisis; and
2. Effectively communicate with that person so as to assist in the de-escalation of a potentially dangerous situation.

When possible or practical, CIT deputies will be the "first responders" for reported incidents involving persons with mental illness or experiencing a mental health crisis.

Mental Illness (adult) – for a person 18 years or older, means a disorder of thought, mood, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and requires care and treatment for the health, safety, or recovery of the individual or for the safety of others. Va. Code § 37.2-100.

Mental Illness (juvenile/minor) – for a person less than 18 years of age, means a substantial disorder of the minor's cognitive, volitional, or emotional processes that demonstrably and significantly impairs judgment or capacity to recognize reality or to control behavior. "Mental illness" may include substance abuse, which is the use, without compelling medical reason, of any substance which results in psychological or physiological dependency as a function of continued use in such a manner as to induce mental, emotional, or physical impairment and cause socially dysfunctional or socially disordering behavior. Intellectual disability, head injury, a

learning disability, or a seizure disorder is not sufficient, in itself, to justify a finding of mental illness within the meaning of this article. Va. Code § 16.1-336.

Mental Health Crisis – A person is experiencing a mental health crisis when that person's judgment, behavior, capacity to recognize reality, or ability to address basic life necessities is significantly impaired and, as a result, creates a risk of harm to themselves or others.

Person/Respondent in need of mental health services – The adult or juvenile/minor alleged to be mentally ill and/or is alleged to be experiencing a mental health crisis.

Petitioner – The fact witness who has first-hand knowledge of the information about the respondent: "Probable Cause" to believe that the respondent meets the criteria under the law for involuntary custody or detention. The petitioner may be a law enforcement officer.

Clinician/Certified Pre-screener – A Fairfax-Falls Church Community Services Board (CSB) employee who is skilled in the diagnosis and treatment of mental illness, and is certified by the Virginia department of Behavioral Health Services to perform the prescreening required by law to assess the need for the respondent to be involuntary detained and/or hospitalized.

Va. Code § 16.1-340(A).

Emergency Custody Order (ECO) Form – Three (3) part (white), Civil Mental Emergency Custody Order (ECO), (Form DC-492) - This Order is completed and issued by the magistrate when he or she finds probable cause has been presented by anyone on the DMH 1006 form. The ECO may also order the law enforcement officer who has custody of the respondent to take the respondent for an emergency medical evaluation or for emergency medical treatment prior to pre-admission screening. The ECO once issued by the magistrate allows a law enforcement officer to maintain custody of the subject of the ECO for no longer than eight (8) hours from the exact time listed in the ECO.

Va. Code §§ 37.2-808 and -810; §§ 16.1-340 and -340.2.

Paperless ECO – exists when a law enforcement officer has probable cause to believe that a person meets the criteria for emergency custody which is listed above under "Probable Cause." The officer 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. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the exact time the law-enforcement officer takes the person into custody.

Va. Code §§ 37.2-808(G) and (L); §16.1-340(G) and (L).

Under a Paperless ECO, a law-enforcement officer who is beyond the territorial limits of the county, city, or town in which he serves and who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation, may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines:

1. that the person has invoked consent to be transported to a facility for the purpose of assessment or evaluation, and
2. based upon his/her observations, that probable cause exists to believe that the person meets the criteria for emergency custody.

The period of custody shall not exceed eight hours from the exact time the law enforcement officer takes the person into custody.

Va. Code §§ 37.2-808(H) and (L); 16.1-340(H) and (L).

Custody – for the purpose of this SOP, a person who suffers from mental illness and/or is experiencing a mental health crisis is in the custody of the law enforcement officer once that officer has determined that such person is not free to leave the presence of the officer. Once the determination has been made that the person is not free to leave the officer's presence, that person is in the officer's custody, whether or not the person is handcuffed or otherwise restrained from being free to leave in any way by the officer or others. Any type of restraint of the person from being free to leave in any way is an indicia that the person is in the officer's custody.

Temporary Detention Order (TDO) Form – Four (4) part (white), Civil Mental Temporary Detention Order (TDO), (Form DC-894 A (for adults) or DC-894 J for juveniles/minors) - This order is entered by the magistrate after the magistrate determines from whatever source that he/she has probable cause to believe that the person meets the criteria for temporary detention in an inpatient hospital facility. The TDO may also order the law enforcement officer who has custody of the respondent to take the respondent for an emergency medical evaluation or for emergency medical treatment. The law enforcement officer who has custody of the respondent must execute the TDO on the respondent within 24 hours from the exact time listed in the TDO or it is void, and the TDO and the law enforcement officer must return the unexecuted TDO to the office of the clerk of the issuing court or, if the office is not open, to the Magistrate's Office. Va. Code § 37.2-809; §16.1-341.

Emergency Custody Order (ECO) - An execution of order (Va. Code §37.2-808 for adults; §16.1-340 for juveniles).

A magistrate shall issue upon the sworn petition of any responsible person, treating physician, or upon his/her own motion, an emergency custody order when he/she has probable cause to believe that the person is having a mental health crisis and that there exists a substantial likelihood that, as a result of the mental health crisis, the person will, in the near future:

1. cause serious physical harm to him/herself or others;
2. suffer serious harm due to his/her lack of capacity to protect him/herself from harm or to provide for his/her basic needs; and
3. is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

Temporary Detention Order (TDO) is an involuntary detention order (Va. Code § 37.2-809 for adults; § 16.1-340.1 for juveniles).

- A. A magistrate may issue upon the sworn petition of any responsible person or upon his/her own motion and only after an in-person evaluation by an employee or designee of the local Community Services Board, a temporary detention if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that person:
 - 1. is having a mental health crisis
 - 2. presents an imminent danger to himself or others as a result of mental crisis or is so seriously mentally ill as to be substantially unable to care for him/herself
 - 3. is in need of hospitalization or treatment, and,
 - 4. is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

- B. A magistrate may issue a TDO without an emergency custody order proceeding and without a prior in-person evaluation if:
 - 1. The person has been personally examined within the previous 72 hours by an employee or a designee of the local Community Services Board or,
 - 2. There is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

Inpatient psychiatric hospital admission from local correctional facility is a Jail Transfer (Va. Code §19.2-169.6).

Any inmate of a local correctional facility who is not subject to the provisions of (Va. Code §19.2-169.2) may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under a criminal charge.

Criminal Temporary Detention Order is in lieu of a Jail Transfer also found in (Va. Code §19.2-169.6).

Any inmate of a local correctional facility who is not subject to the provisions of (Va. Code §19.2-169.2) may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under a criminal charge if:

- A. Upon petition by the person having custody of an inmate, a magistrate finds probable cause to believe that (i) the inmate is having a mental health crisis; (ii) there exists a substantial likelihood that, as a result of a mental crisis, the inmate will, in the near future:
 - 1. cause serious physical harm to him/herself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or,
 - 2. suffer serious harm due to his/her lack of capacity to protect him/herself from harm as evidenced by recent behavior and any other relevant information.

- B. The inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate

conducted in-person or by means of a two-way electronic video and audio communication system as authorized in §37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness.

- C. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813.
- D. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Probable Cause (adult) – exists to detain an adult person under a paperless ECO or to seek an ECO issued by a magistrate when it appears, from all evidence readily available, that the respondent/person:

- 1. Is having a mental health crisis and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future:
 - a. cause serious physical harm to him/herself 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 his/her lack of capacity to protect him/herself from harm or to provide for his/her basic human needs,
- 2. is in need of hospitalization or treatment, and
- 3. is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

Va. Code § 37.2-808(A).

Probable Cause (juvenile/minor) – exists to detain a juvenile/minor under a paperless ECO or to seek an ECO issued by a magistrate when it appears, from all evidence readily available, that the minor:

- 1. because of mental illness
 - a. presents a serious danger to him/herself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or
 - b. is experiencing a serious deterioration of his ability to care for him/herself 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; and

2. is in need of compulsory treatment for a mental health crisis and is reasonably likely to benefit from the proposed treatment.

IV. PROCEDURE

The Sheriff's Office will only assign deputy sheriff(s) to the Merrifield Crisis Response Center (MCRC) who have successfully completed crisis intervention team training in accordance with the Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT), the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014).

The primary duty of the MCRC deputy will be to maintain the safety and control of the person in his/her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. At the discretion of the CIT Coordinator and in conjunction with the CSB Director of Emergency Services, and in coordination with the Sheriff's Office, other law enforcement services may be provided.

The deputy's responsibility is to provide for the safety of the person in crisis and any other persons in the area. A person in crisis may exhibit signs that they:

- a. may be suffering from a mental illness
- b. are a danger to themselves or others, or
- c. are unable to protect themselves from harm or care for their basic needs.

Areas of responsibility, include, but are not limited to the:

- a. Fairfax County Courts
- b. Adult Detention Center
- c. Alternative Incarceration Branch and,
- d. Merrifield Crisis Response Center

If deputy sheriffs become involved with a person in crisis, while performing duties outside of these areas, the deputy shall take appropriate and legal steps to reduce the immediate risk to that person. This may include taking emergency custody of that person and transporting them to the MCRC for the mental health evaluation required by law.

It is understood that the CSB Mental Health staff member(s) employed by the CSB and assigned at the ADC are primarily responsible for assessing an individual in crisis at the ADC. A CIT deputy will be the first responder to a mental health crisis event when possible. The below procedures will govern only when such mental health staff or other mental health professionals are not readily available, and only with approval of the on duty supervisor:

- A. A CIT deputy will handle an inmate experiencing a mental health crisis. A CIT deputy(s) will offer ADC mental health resources or community resources and provide a plan of assistance using such resources or other health related providers as needed.

- B. The CIT deputy will ensure that the inmate is referred to ADC Mental Health staff and provide such staff with complete and accurate information.
- C. The CIT deputy will generate a CIT Timeline on individuals experiencing a mental health crisis, as directed by the supervisor on duty.
- D. The CIT deputy will monitor the inmate in crisis throughout his/her shift, and will provide pass on information to the oncoming squad supervisor and CIT deputy(s).

V. RESPONSIBILITIES OF CRISIS INTERVENTION TEAM DEPUTIES

- A. Crisis Intervention Team Coordinator
 - 1. Reviews monthly reports submitted by CIT deputies.
 - 2. Provides oversight of the CIT deputies.
 - 3. Approves training requests.
 - 4. Maintains CIT deputies contact information.
- B. CIT Deputies
 - 1. Initiates contact as a first responder in handling an inmate experiencing a mental health crisis when CSB Mental Health staff assigned to the ADC are not readily available.
 - 2. Generates and closes CIT Timelines.
 - 3. Reports all information to the squad supervisor and oncoming CIT deputy(s) at the end of the shift.
 - 4. Performs duty assignments at the MCRC.
 - 5. Attends Quarterly training as required.
 - 6. Assists with the transport of all mentally ill inmates/persons in crisis to a designated hospital or mental health facility, as directed.

VI. SELECTION PROCESS

- A. CIT Deputy Selection
 - 1. CIT Deputy Selection will be announced through numbered Command Staff memoranda.
 - 2. Minimum Qualifications of Prospective CIT Deputy
 - a) Full-time deputy sheriff with at least 2 years sworn experience.
 - b) No formal disciplinary actions within the last 2 years.
 - c) No record of excessive use of force.
 - 3. Interested deputies must submit a letter of interest through their chain of command to the Division Commander to be considered for a CIT Deputy assignment.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 532
SUBJECT: CRISIS INTERVENTION TEAM**

4. A selection panel consisting of the Squad/Section Commander and CIT Coordinator, will review the submissions for consideration and selection.
 5. Deputies must successfully complete the 40 hour certified crisis intervention team training in accordance with the Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT), the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014), provided at the Fairfax Criminal Justice Academy.
- B. Quarterly training of certified CIT Deputies will consist of:
1. Legal Updates
 2. Best Practices reviews



**STACEY A. KINCAID
SHERIFF**

**03/16/16
DATE APPROVED**

**04/01/16
EFFECTIVE DATE**

Revised: June 2017