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## Mental Commitments, Voluntary and Involuntary

### 408.1 PURPOSE AND SCOPE

This policy provides guidelines for deputies handling voluntary admissions and involuntary commitments and transportation matters related to commitments.

### 408.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to protect the public and individuals through legal and appropriate use of both the voluntary admission and involuntary commitment process.

### 408.3 COMMITMENTS

All admissions and commitments shall be accomplished under conditions that protect the dignity and constitutional rights of the individual.

### 408.4 VOLUNTARY ADMISSIONS

If a deputy encounters an individual who he/she suspect may qualify for involuntary commitment, they may inquire as to whether the person desires to voluntarily be evaluated for admission at an appropriate facility. If the individual so desires, the deputies should, if no other source of transportation is available or appropriate:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation, and
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission in the CAD under calls for service notes.

### 408.5 INVOLUNTARY COMMITMENTS

Involuntary commitments may be either related to mental illness or substance abuse.

- (a) An individual is subject to be involuntarily committed when the individual:
  1. Is mentally ill;
  2. Is dangerous to self or others; or
  3. Is in need of treatment to prevent further disability or deterioration which could lead to the individual being a danger to self or others.
- (b) An individual is subject to be involuntarily committed when the individual:
  1. Is a substance abuser, and
  2. Is dangerous to self or others.

#### 408.5.1 NON-EMERGENCY PROCEDURE

Any person, including a deputy, who has knowledge of an individual who is mentally ill and a danger to self or others may execute an affidavit that includes the person's reasonable belief that the individual may require involuntary commitment.

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The affidavit shall then be presented to an appropriate judge, clerk or magistrate for consideration of whether a commitment custody order is appropriate.

#### 408.5.2 SPECIAL EMERGENCY PROCEDURE

Anyone, including law enforcement officers, who has knowledge of an individual who is subject to inpatient commitment and who requires immediate hospitalization to prevent harm to self or others, may transport the individual directly to an area facility or any other facility for the mentally ill for examination by a physician or eligible psychologist.

#### **408.6 CONSIDERATIONS AND RESPONSIBILITIES**

If feasible, a CIT-trained Deputy shall be dispatched to any call involving an individual known to have or suspected of having a mental illness.

Any deputy handling a call involving an individual who may have a mental illness should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of themselves and others.

#### **408.7 TRANSPORTATION**

A deputy shall take a respondent on into custody within 24 hours upon receipt of a commitment order issued by a judicial official.

The deputy shall transport the respondent to an area facility for an examination by a physician or eligible psychologist without unnecessary delay and, to the extent feasible, shall dress in plain clothes and drive unmarked vehicles.

The deputy driving should be the same sex as the respondent when feasible, unless the deputy allows a family member of the respondent to accompany the respondent. The transporting deputy may have dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the respondent and whether any special medical care is needed.

If a physician or eligible psychologist is not available in the area facility, a deputy shall take the person to any local physician or eligible psychologist. If a physician or eligible psychologist is not immediately available, the respondent may be temporarily detained in an available area facility. The respondent shall not be detained in a jail or other penal facility.

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Individuals being transferred for an involuntary commitment shall be restrained in accordance with waist restraints, leg shackles, and handcuffs. The person shall not be transported to a jail or other penal facility if not under arrest for a crime.

Should the respondent require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, the deputy shall accompany the respondent.

#### **408.8 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into an area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the appropriate forms.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy must remain with the individual at the facility.

If the physician or eligible psychologist recommends outpatient treatment, deputies shall return the person to his/her residence or, with the person's consent, to the home of a consenting third party. If inpatient commitment is recommended, deputies shall transport a person taken into custody under a court order to a 24-hour facility.

#### **408.9 CRIMINAL OFFENSES**

Deputies investigating a person who is suspected of committing an infraction, and who is being taken into custody on an involuntary commitment, should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for an involuntary commitment has committed a serious criminal offense that would normally result in an arrest and appearance before a magistrate, the deputy should:

- (a) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the involuntary commitment.
- (b) With supervisor approval, petition a superior court clerk or magistrate to issue an order to take the person into custody for examination by a physician or eligible psychologist. If so ordered by the clerk or magistrate, the deputy will transport the respondent in accordance with this Policy. If the petition for commitment is denied, the deputy should consult with the appropriate supervisor, legal counsel and/or prosecutor on the propriety of seeking criminal charges.
- (c) Thoroughly document in the related reports the circumstances that indicated the reason the individual qualified for an involuntary commitment.
- (d) At the conclusion of any involuntary commitment proceedings, consult with the appropriate appropriate supervisor, legal counsel and/or prosecutor on the propriety of seeking criminal charges.

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#### **408.10 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an involuntary commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with State law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant or other court order may be needed before seizing weapons or entering a residence or other place to search.

Should a deputy reasonably believe that it is urgently necessary to save life, prevent serious bodily harm or avert or control public catastrophe, the deputy may take one or more of the following actions:

- (a) Enter buildings, vehicles and other premises.
- (b) Limit or restrict the presence of persons in premises or areas.
- (c) Exercise control over the property of others.

This authority does not justify any action taken to enforce the law or to seize a person or evidence.

