

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject MENTAL HEALTH PETITIONS	Policy Number EE-4
		Effective Date 05-26-22
Related Information Arizona Revised Statutes (ARS) EA-11, <i>Arrest Procedures</i> EA-19, <i>Juvenile Operations</i> GE-3, <i>Property Management and Evidence Control</i> GF-5, <i>Incident Report Guidelines</i>	Supersedes New Policy	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures regarding the documentation and execution of mental health petitions.

POLICY

It is the policy of the Office for deputies to execute mental health petitions according to state law and to protect individuals exhibiting signs of mental illness or who are in crisis from harming themselves, others, or property.

DEFINITIONS

Computer Aided Dispatch (CAD): An incident management software that features complete integrated capabilities for call handling, dispatching, intelligent mapping, field communications, data reporting and analysis, and application integration.

Crisis Intervention Team (CIT): The Crisis Intervention Team (CIT) is a trained first responder with an understanding of the model of law enforcement-based crisis intervention with community, health care, and advocacy partnerships. A CIT provides law enforcement-based crisis intervention for assisting those individuals with a mental illness or who are in crisis and improves the safety of deputies and members of the public within the community.

Deputy: Any sworn law enforcement officer employed by the Office, and reserve deputies.

Emergency Pick-Up Without Court Order (EPWCR): A mental health pick-up order issued by a mental health admitting officer based upon the review of an application for emergency evaluation.

Mental Health Admitting Officer: A psychiatrist or other, physician, or psychiatric and mental health nurse practitioner with experience in performing psychiatric examinations who has been designated as a mental health admitting officer by the person in charge of the mental health evaluation facility. Per ARS 36-524 (E), only a mental health admitting officer of an evaluating facility has the authority to advise a law enforcement officer to pick up an individual for an emergency evaluation.

Non-Emergency Mental Health Orders of Detention (NEMHOD): A Maricopa County Superior Court Order, signed by a commissioner or judicial officer of the court, ordering the detention and transportation of an individual for a mental health care evaluation.

Search: For the purpose of this policy a person who is lawfully detained may be searched to ensure the person is not in possession of weapons or other items that may pose a danger to the deputy’s safety.

PROCEDURES

1. **Mental Health Petitions:** Mental health petitions may be ordered by a mental health admitting officer or by the Maricopa County Superior Court.
 - A. **Emergency Pick-Up Without Court Order (EPWCR):** An EPWCR is issued by a mental health admitting officer from a mental health evaluation agency and may request an emergency pick-up prior to the Maricopa County Superior Court issuing a Non-Emergency Mental Health Order of Detention (NEMHOD). Deputies are used for the transportation of a petitioned individual for an emergency mental health evaluation, as specified in ARS 36-524 and ARS 36-525.
 1. This type of petition may be initiated by:
 - a. A relative or friend of the individual, a mental health admitting officer, or another responsible person; or
 - b. A deputy, if it is determined the individual displays signs of a mental illness in the deputy’s presence, is in crisis, and is unable or unwilling to voluntarily admit themselves for mental health treatment.
 2. The application for an EPWCR will be on a prescribed form and include the following:
 - a. A statement from the applicant which includes the applicant’s personal observation that the individual, as a result of a mental illness, is a danger to self or others and is likely without immediate hospitalization to suffer serious physical harm or illness or likely inflict serious physical harm upon another person;
 - b. The specific nature of the danger;
 - c. A summary of the observations upon which the statement of danger is based; and
 - d. The signature of the applicant who requested the petition.
 3. A telephone application may be made no more than twenty-four hours prior to a written application. A telephonic application shall be made by or in the presence of a deputy unless the application is made by a health care provider who is licensed pursuant to ARS Title 32, Chapters 13, 15, 17, or 19.1 and who is directly involved with the care of the individual being petitioned who is in a health care facility licensed by the state of Arizona.
 4. If the individual to be admitted is not already present at the evaluation agency and if the mental health admitting officer, based upon review of the written or telephonic application and conversation with the applicant and deputy, has reasonable cause to believe an emergency examination is necessary, the mental health admitting officer may advise the deputy sufficient grounds exist to take the individual being petitioned into custody and to transport the individual being petitioned to the evaluation agency.
 - B. **Non-Emergency Mental Health Orders of Detention (NEMHOD):** A NEMHOD is a court order mental health petition from the Maricopa County Superior Court directing a law enforcement

agency to apprehend a designated individual identified with a mental illness from a specific address and transport them to a predetermined mental health treatment facility as per ARS 36-525 and ARS 36-540.

1. The deputy shall transport the petitioned individual to a predetermined screening agency unless the condition of the petitioned individual or the agency's location or hours makes such transportation impractical, in which the petitioned individual shall be transported to the nearest evaluation agency.
2. The NEMHOD will expire if the petitioned individual is not taken into custody or the evaluation is not initiated within 14 calendar days from the date of the order.

2. **Deputies Responsibilities When Initiating an EPWCR:** As specified in ARS 36-525 B, a deputy may take into custody any individual they have probable cause to believe is, as a result of a mental illness, a danger to self or others, and that during the time necessary to complete the prepetition screening procedures set forth in sections ARS 36-520, and ARS 36-521 the individual is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person. The deputy shall transport the individual to a screening agency unless the individual's condition or the agency's location or hours makes such transportation impractical, in which event the individual shall be transported to the nearest evaluation agency.

A. Depending on the circumstances, deputies may need to complete an EPWCR.

1. Deputies may contact the Arizona State contracted behavioral health agency in order to obtain more information in completing EPWCR.
2. Completion of the involuntary custody petition/EPWCR may be required when the individual displays signs of a mental illness or is in a state of crisis and is unable or unwilling to voluntarily admit themselves.
3. **Deputies do not have the authority to petition a juvenile.**
4. If a crime has been committed, the deputy shall properly document the incident in an Incident Report (IR), and determine the appropriate course of action, such as arrest, cite and release or voluntary/involuntary commitment. There should be notification/discussion with the deputy supervisor and release or voluntary/involuntary commitment.
5. If a deputy is unable to make a determination as to whether an individual meets the criteria of an EPWCR, or needs guidance during a mental health contact, the deputy may contact the Arizona State contracted behavioral health agency. The contracted agency has a hotline which can be utilized by deputies 24-hours a day, seven days a week. Deputies shall contact the Communications Division for assistance with the hotline information.

B. Deputies may call the Maricopa Crisis Line to request assistance for juveniles who appear to have a mental illness.

1. Parents, legal guardians, or the Arizona Department of Child Safety (DCS) have the authority to place a juvenile into a mental health treatment facility for treatment.
2. In incidents where a parent, legal guardian, or DCS is requesting the assistance of deputies in transporting a juvenile to a mental health treatment facility, deputies shall obtain supervisor approval.

3. If the juvenile has committed an offense, deputies shall follow procedures, as specified in Office Policy EA-19, *Juvenile Operations*.
3. **Communications Division Responsibilities:** Upon receipt of either an EPWCR or NEMHOD, the Communications Division shall:
 - A. Confirm the order by contacting the issuing party. This includes verifying the name of the petitioned individual, date of birth, address, and the petition number.
 1. If confirmed, the Communications Division will enter a 918P Mental Health Petition call for service into the Computer Aided Dispatch (CAD) system and notify the appropriate district's on-duty supervisor.
 2. The Communications Division will fax the order to the appropriate district with jurisdiction.
 - B. If needed, notify the responding deputy of the list of available members of the Office's Crisis Intervention Team (CIT). A list of CIT trained deputies is maintained by the CIT Commander or designee.
 - C. When necessary, make available the contact information for the contracted behavioral health authority which provides guidance for deputies.
4. **Deputy Responsibilities When Responding to a Mental Health Petition Call For Service:**
 - A. Prior to contacting the petitioned individual, deputies shall review the EPWCR or NEMHOD for accuracy.
 - B. Deputies should investigate any available information regarding potential violence, weapons, the subject's history, notes available regarding past contacts, and any other circumstances that may assist in transporting the petitioned individual.
 - C. If available, two or more deputies and/or the on-duty supervisor should respond to a 918P Mental Health Petition call for service.
 - D. Deputies will make reasonable attempts to contact, detain, handcuff, search, and transport the petitioned individual to the location of the specified mental health treatment facility listed on the EPWCR or NEMHOD.
 - E. If deputies believe the petitioned individual is inside the address listed on the EPWCR or NEMHOD and are denied entry, every effort shall be made to confirm the petitioned individual is not a threat to others. If the petitioned individual is not a threat to others, deputies will discontinue contact and make an entry into the incident history of the CAD system.
 - F. If deputies are denied entry to make contact with the petitioned, deputies will **NOT** treat the situation as a barricade situation unless a separate crime has occurred and there is probable cause in which a search warrant can be authored.
 - G. **Transportation Considerations:**
 1. If the petitioned individual has a transportation restriction, the method of transportation shall be based on their needs. If the deputy is unable to transport the petitioned individual because of their restrictions, they shall notify their supervisor.

2. If the petitioned individual is found to be in immediate possession of a weapon, the weapon shall **NOT** be impounded **unless specified in a court order or the petitioned individual was identified as a prohibited possessor of a weapon**, as specified in ARS.
 - a. In the event a weapon in possession of the petitioned individual is to be impounded, procedures shall be followed, as specified in Office Policy GE-3, *Property Management and Evidence Control*, and documented in an IR.
 - b. In the event the deputy has probable cause for an arrest of the petitioned individual, arrest procedures shall be followed, as specified in Office Policy EA-11, *Arrest Procedures*.

- H. Once transportation is complete to the mental health treatment facility, deputies shall not provide additional security for the petitioned individual.

- I. Upon completion of the EPWCR or NEMHOD transport to the mental health treatment facility, the deputy shall advise the Communications Division.
 1. When a transport involves a NEMHOD, the deputy shall sign the original Return of Order as the detaining officer and include the date and time the NEMHOD was served. The Return of Order remains with the mental health treatment facility.
 2. When a transport involves an EPWCR, the deputy is not required to sign the order and if requested may leave the copy of the order with the mental health treatment facility.

- J. Detention and transportation of the petitioned individual shall require an IR be completed in the Traffic and Criminal Software (TraCS), as specified in Office Policy GF-5, *Incident Report Guidelines*.
 1. If the EPWCR or NEMHOD is completed with no additional crimes or incidents, the incident should be cleared and attached to the IR as an informational report for the 918P, unless otherwise specified by the supervisor.
 2. If a crime occurs while executing either the EPWCR or NEMHOD the incident should be cleared and attached as an offense report for call for service or crime, unless otherwise specified by the supervisor. If the petitioned individual is booked into jail, a copy of the EPWCR or NEMHOD shall be left with Office jail facility medical personnel.

5. **Supervisors Responsibilities:**
 - A. A supervisor shall review the EPWCR or NEMHOD to determine the necessity for immediate contact, detention, and transport before a deputy attempts service. Considerations to serve the petition include, but are not limited to:
 1. Staffing availability;
 2. Time of day, whether waking up the household would agitate the petitioned individual; and
 3. The totality of the circumstances of the incident when justifying immediate action and/or disregard for the time of day.

- B. If available, the on-duty supervisor should respond to a 918P Mental Health Petition call for service.

6. Unserved Mental Health Petitions Orders:

- A. If the EPWCR or NEMHOD are unable to be served, deputies or their supervisor shall notify the on-coming shift supervisor.
- B. Reasonable attempts to serve the order should be made by on-coming shifts until the order is served.
- C. If the EPWCR or NEMHOD is not served within 24 hours, the deputy or their supervisor should contact the issuing agency and notify them of the good faith effort and the situations surrounding the attempts to serve the order. Any attempt to serve an order should be documented in CAD.
- D. Depending on the practices of the issuing agency, the reissue of the petition may be submitted to the Office multiple times with the same initial date on the petition until the issuing agency has exhausted their legal obligations.
- E. If new leads or a new address of the petitioned individual's whereabouts are known, a new EPWCR or NEMHOD will need to be sent from the issuing agency and a new call for service will need to be initiated.

7. Interaction with Individuals Displaying Signs of Mental Health Illness or Who May Be in a State of Crisis: Deputies should consider the following prior to, or during contact with, an individual displaying signs of a mental illness or who may be in a state of crisis:

- A. When practical, request for an additional deputy, preferably a member of the CIT to respond.
- B. Gather information on the affected individual from witnesses, acquaintances, and family members.
- C. Utilize conflict resolution and de-escalation techniques consistent with the deputy's training.
- D. Listen to the affected individual. Exhibit a level of communication and understanding in order to establish a rapport with the affected individual.
- E. Speak simply, in a calm and reassuring voice when interacting with the affected individual.
- F. If an individual is exhibiting signs of a mental illness, they should be encouraged to voluntarily admit themselves to a mental health treatment facility, or a recognized in-patient psychiatric facility.
- G. If an individual is exhibiting signs of a medical event, deputies shall contact the Communications Division for emergency medical personnel to respond.