



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: HANDLING MENTALLY ILL PERSONS	Chapter 6	Number 17	# Pages 14
References: CALEA: 1.1.3, 41.2.7a, 41.2.7b, 41.2.7c, 41.2.7d, 41.2.7e State Code: §16.1-40.1, 16.1-341(B), 16.1-340.3, 37.2- 808, 37.2-809, 37.2-1104	Related Orders: 1-13, 6-10 & 6-18	Effective Date: 03/13/2023 Revised by: PD-132 Prv. Rev. Date: 04/03/2020	
Chief of Police: <div style="text-align: center;"></div>			

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for the handling of mentally ill persons by members of the Richmond Police Department, service of ECOs and TDOs and any associated follow-up investigations.

II. SUMMARY OF CHANGE

This revision adds the definition of “Execution of Emergency Custody Order/ Temporary Detention Oder (ECO/TDO).” This revision clarifies the applicable procedures when encountering an adult or juvenile mentally ill person. This revision provides additional guidance on the appropriate procedures for executing a paperless ECO, as well as a paper ECO and TDO. This revision provides additional guidance regarding the force that may be used when taking a mentally ill person into custody or maintain custody of such person, or when a mentally ill person is undergoing medical procedures. This revision defines the process for notification and transfer of custody of mentally ill persons to another jurisdiction’s law enforcement agency. The specific changes are noted in bold italicized text throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to provide guidance to its sworn personnel regarding the ways to legally and procedurally handle a situation involving a mentally ill person.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITION

- A. COMMUNITY SERVICE BOARD (CSB) – The point of entry into the publically funded system of services for mental health, intellectual disability, and substance abuse. CSBs provide pre-admission screening services 24 hours/day, 7 days/week.
- B. CRISIS: Common name for the organization within RBHA that conducts pre-admission health screenings for patients accessing the publically funded system of services for mental health, intellectual disability, and substance abuse.
- C. ***EXECUTION OF EMERGENCY CUSTODY ORDER/TEMPORARY DETENTION ORDER (ECO/ TDO): The instance at which the person who is subject to the paper ECO or TDO is initially taken into custody and served with the emergency custody order or temporary detention order.***

NOTE: If executing a paperless ECO, execution occurs at the time the person is taken into custody after the officer has observed those factors denoted in section VI(A)(2)(a) of this general order.
- D. PAPERLESS ECO: A law enforcement process by which a law enforcement officer has probable cause to believe that a person meets the criteria for emergency custody and takes that person into custody, and transports that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization.
- E. RICHMOND BEHAVIORAL HEALTH AUTHORITY (RBHA): The CSB for the City of Richmond. They are located at 107 South 5th Street (Basement Level). RBHA will conduct mental health evaluations. Their 24-hour number is 804-819-4100. For the purposes of this general order, all references to the evaluating agency will be hereinafter referred to as the CSB.

VI. PROCEDURE

- A. ***Adult*** Emergency Custody Orders: Virginia Code § 37.2-808: An Emergency Custody Order (ECO) orders police officers to take into custody and transport the individual named in the ECO to a convenient location where he/she can be evaluated face to face by a person designated by the local CSB, who is skilled in the diagnosis and treatment of mental illness in order to see whether the person meets the criteria for temporary detention pursuant to Virginia Code § 37.2-809. Once the law-enforcement agency executes the emergency custody order, the CSB must be notified as soon as practicable after the emergency custody order is executed or after the person has been taken into custody. [CALEA 41.2.7c]

1. ***Paper ECO:*** Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness 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 himself 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 lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.
 - a) ECOs must be executed within eight (8) hours from issuance and should be served as soon as possible. ***To execute the ECO, the law enforcement must serve the document (DC-492) on the person subject to the ECO. The law enforcement officer serving the ECO shall complete the box on the top left of the second page of the form denoting the date and time of execution, name of officer taking respondent into custody, and the officer's badge number, agency, and jurisdiction.*** If the officer cannot execute the ECO in eight (8) hours, the officer shall notify the CSB and return the order to the Magistrate's office. Once the ECO is executed, it is valid for eight (8) additional hours.

2. ***Paperless ECO:*** A law enforcement officer who, based upon his/her observations or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody, as described above, 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. (Paperless ECO) [CALEA 41.2.7a]
 - a) ***In determining whether probable cause exists to execute a paperless ECO, a law enforcement officer must determine that the person (i) has a mental illness 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 himself 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 lack of capacity to protect himself from harm or to provide for his basic human needs, (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.***

NOTE: A law enforcement officer shall not proceed with executing a paperless ECO at the direction of CSB, or the officer has not established the person's need for treatment or hospitalization based on the officer's own personal observations and consideration of the factors listed in the preceding paragraph.

- b) If the officer takes the person into custody based on his/her observations or other information (paperless ECO), they should contact the CSB and ask if the Crisis Triage Center is available. They should then follow the instructions of the CSB evaluator.
 - c) *A law enforcement officer shall maintain custody of a person pursuant to a paperless ECO until (i) a temporary detention order is issued in accordance with Virginia Code §37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in accordance with Virginia Code §37.2-1104, (iii) the person is released, or (iv) the emergency custody expires. At the expiration of eight (8) hours from execution of the emergency custody order, if a temporary detention order has not been issued by the magistrate, the person subject to the ECO shall be released. A law enforcement officer shall not maintain custody of a person at the direction of CSB to allow for the issuance of a new ECO for that person.*
3. The law enforcement agency that executes the ECO or takes the person into custody, based on probable cause the person meets the emergency custody criteria (paperless eco), shall notify the CSB as soon as practical by calling (804) 819-4100. If the officer is executing an ECO, he/she shall contact CSB and follow their instructions.
 4. Any person taken into custody pursuant to Virginia Code § 37.2-808 shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures. (Form DC4050) <http://www.courts.state.va.us/forms/district/dc4050inst.pdf>
 5. The person shall remain in the custody of the officer until the ECO expires, a temporary detention order is issued, or until the CSB evaluator determines that the person may be released. If a temporary detention order is not issued, the officer shall transport the individual, if the individual agrees to the transport, to the original location where the person was located, if deemed a safe place, or to the nearest safe place to that original location.

B. *Juvenile Emergency Custody Orders: Virginia Code § 16.1-340: An Emergency Custody Order (ECO) orders police officers to take into custody and transport the juvenile named in the ECO to a convenient location where he/she can be evaluated face to face by a person designated by the local CSB, who is skilled in the diagnosis and treatment of mental illness in order to see whether the person meets the criteria for temporary detention pursuant to Virginia Code § 16.1-340.1. Once the law-enforcement agency executes the emergency custody order, the CSB must be notified as soon as practicable after the emergency custody order is executed or after the person has been taken into custody.*

1. ***Paperless ECO: A law enforcement officer who, based upon his/her observations or the reliable reports of others, has probable cause to believe that a juvenile meets the criteria for emergency custody, as described above, may take that juvenile into custody and transport that juvenile to an appropriate location to assess the need for***

hospitalization or treatment without prior authorization. In determining whether probable cause exists to execute a paperless ECO, a law enforcement officer must determine that the juvenile (i) because of mental illness (a) presents a serious danger to himself 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 himself 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 (ii) the juvenile is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment.

2. Juveniles – Mentally Ill

- a) All juvenile complaints of mental illness shall be referred to the CSB who will assess the situation and intervene as required. Parents or legal guardians or Child Protective Services staff must be available for all hospitalizations.
- b) Juveniles under the age of 14 do not need an ECO or TDO to be placed into a mental health facility. The parents or legal guardians have the authority to place their own child into the facility. An ECO or TDO may be issued for juveniles under the age of 14 in instances where the juvenile is beyond the control of the parent or guardian and transportation of the juvenile might put the safety of individuals involved at risk.

NOTE: A parent or legal guardian must accompany the juvenile to the treatment facility.

- c) If an officer has probable cause to believe the juvenile meets the criteria for emergency custody as established in Virginia Code § 37.2-808, he/she may take the juvenile into custody, even if it is without the consent of the parent, or legal guardian. The officer will then contact the CSB as soon as practicable so that an evaluation can be done.

NOTE: In the event a parent or legal guardian refuses to accompany their juvenile, or cannot be located, the officer will contact Child Protective Services.

C. Crisis Triage Center (CTC): A collaborative grant funded center designed to facilitate the timely evaluation of persons being subjected to the ECO process. This only applies to officers who have taken someone into custody based on their own observations or other information where an officer feels they have probable cause to believe the subject meets the qualifying criteria listed in Virginia Code § 37.2-808 (paperless ECO). [CALEA 1.1.3]

- 1. The CTC is staffed by members of the Richmond Behavioral Health Authority (RBHA), Chesterfield Behavioral Health Authority, Richmond Community Hospital and the Richmond Police Department.
- 2. The CTC is located at 1500 North 28th St, next to the triage window.

3. Once an officer has taken someone into emergency custody, he/she shall contact the CSB at (804) 819-4100 and ask if the CTC is available, and appropriate. The officer shall then follow the guidance given by the CSB evaluator to where the evaluation will be conducted. [CALEA 41.2.7b]
 4. Officers who are directed to the CTC shall search the person prior to transporting them to Richmond Community Hospital.
 5. The search is for anything that the person could potentially use to harm themselves or others. If contraband is found on the person in question, it is to be turned into property before the end of the officer's shift. No charges should be filed until the officer has discussed the case and received guidance as to how to proceed with charges from a representative of the Commonwealth Attorney's Office.
 6. Upon arrival at the hospital, the officer shall bring the person to the new patient triage window located at the front entrance to the emergency room.
 7. The officer will provide the staff with the person's name and Date of Birth (DOB), so they can be registered for medical clearance before being directed to the CTC.
 8. Upon arrival at the CTC, the officer will make contact with the CTC officer and start the exchange of custody procedure. The transfer of custody form will be completed by the initiating officer. It will be reviewed by the CTC officer to ensure accurate time of custody and that the probable cause has been documented.
 9. It will be at the discretion of the CTC officer to relieve the initiating officer and any additional officers that assisted in transporting the person. This will be based on the behavior of the person and the number of current patients at the CTC.
 10. The person will be triaged by medical personnel and the ECO evaluation will be done by the assigned CTC mental health professional.
 11. CTC patients who are residents of the City of Richmond and are going to be placed in another facility other than Richmond Community Hospital will be transported by the precinct that initiated the ECO/TDO process.
- D. **Adult** Temporary Detention Orders: Virginia Code § 37.2-809: A temporary detention order (TDO) authorizes a law enforcement officer to take into custody the person named in the TDO and to deliver him/her to a facility designated in the TDO. A TDO may also authorize transport for emergency medical evaluation or treatment. [CALEA 41.2.7c]
1. A TDO must be executed within 24 hours of issuance. If not executed within the mandated 24-hours, the expired TDO shall be returned to the Magistrate's Office and a new TDO must be obtained. ***To execute the TDO, the law enforcement officer must serve the document (DC-894A) on the person subject to the TDO. The law enforcement officer serving the TDO shall complete the box at the bottom of the form denoting the date and time of execution, name of temporary detention facility, date and time respondent delivered to facility, name of officer***

taking respondent into custody, and the officer's badge number, agency, and jurisdiction.

2. If the CSB evaluator cannot locate a facility of temporary detention before the expiration of the ECO, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the TDO.
3. If the transporting officer has transferred custody over to the original facility, the CSB evaluator may notify the magistrate who in turn will enter an order for an alternative transportation provider.
4. If no alternative transportation provider is available, the law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall provide transportation.

NOTE: No officer shall transport the subject of a TDO to a state facility or any other facility until it has been confirmed by CRISIS that the receiving facility is indeed the final point for treatment of the subject of the TDO, and the officer has patient discharge paperwork in his or her possession.

State facilities areas as follows:

Hospital	Address	Distance from RPD HQ	Estimated Drive Time
Northern Virginia Mental Health Institute	3302 Gallows Road Falls Church, VA 22042	102 Miles	1 hour 38 minutes
Eastern State Hospital	4601 Ironbound Road Williamsburg, VA 23188	50.3 Miles	49 minutes
Central State Hospital	26317 W. Washington St. Petersburg, VA 23803	31.3 Miles	33 minutes
Piedmont Geriatric Hospital	5501 E. Patrick Henry Hwy. Burkeville, VA	56.6 Miles	1 hour 6 minutes
Commonwealth Center for Children and Adolescents	1355 Richmond Road Staunton, VA 24401	105 miles	1 hour 36 minutes
Southwestern Virginia Mental Health Institute	340 Bagley Circle Marion, VA	280 miles	4 hours 6 minutes

Non-State facilities areas as follows:

Hospital	Address	Distance from RPD HQ	Estimated Drive Time
John Randolph	411 W. Randolph St. Hopewell, VA 23860	23.4 miles	27 minutes
Southside Regional Medical Center	200 Medical Park Petersburg, VA 23805	29.1 miles	32 minutes
Poplar Springs	350 Poplar Dr. Petersburg, VA 23805	28.8 miles	32 minutes
Spotsylvania Regional Medical Center	4600 Spotsylvania Pkwy Fredericksburg, VA 22408	53.1 miles	50 minutes
Snowden Hospital	1200 Sam Perry Blvd Fredericksburg, VA 22401	57.6 miles	56 minutes
The Pavilion at Williamsburg Place	5477 Moorestown Rd Williamsburg, VA 23188	48 miles	46 minutes
Southern VA Regional Medical Center	727 N. Main St. Emporia, VA 23847	65.5 miles	1 hour 2 minutes
Rappahannock General	101 Harris Road Kilmarnock, VA 22482	73 miles	1 hour 25 minutes
Riverside Behavioral Health Center	2244 Executive Drive Hampton, VA 23666	74.2 miles	1 hour 9 minutes
UVA Hospital	1215 Lee Street Charlottesville, VA 23908	73.2 miles	1 hour 9 minutes
Catawba Hospital	5525 Catawba Hospital Drive Catawba, VA 24070	192 miles	2 h ours 54 m inutes
Southern Virginia Mental Health Institute	382 Taylor Drive Danville, VA 24541	147 miles	2 h ours 41 m inutes

- E. *Juvenile Temporary Detention Orders (TDOs): Virginia Code §16.1-340.1*
1. *A temporary detention order shall be effective until the juvenile and domestic relations court serving the jurisdiction in which the minor is located conducts a special justice hearing, pursuant to Code §16.1-341 (B). The minor shall remain in custody pursuant to a temporary detention order no longer than 96 hours prior to such hearing. If the 96-hour period herein specified terminates on a Saturday, Sunday, or legal holiday, the minor may be detained until the close of business on the next day that is not a Saturday, Sunday, or legal holiday. The minor may be released, pursuant to Code §16.1-340.3, before the 96- hour period herein specified has run.*
 2. *TDOs for minors must be executed within 24 hours from issuance, or within a shorter period of time as is specified in the order, and should be served as soon as possible.*
- F. Restraining and Transporting Subjects under an ECO or TDO: The procedures pertaining to transporting an arrestee shall also apply to transporting a mentally ill subject under an ECO or TDO. (See General Order 6-10, Restraint, Transportation of Custodial Arrestees)
1. The transporting officer shall ensure that the interior of the transporting vehicle is thoroughly searched and that the individual is also carefully searched for instruments, and or any other items that he or she could possibly use to inflict harm to himself or herself or others.
 2. If contraband is found on the person in question, the officer shall submit the evidence to property and file the appropriate IBR before the end of the officer's shift. The officer will consult with the Commonwealth Attorney prior to charging the individual for any offense discovered as a result of custody for a mental health evaluation, ECO, or TDO.
 3. According to Virginia Code § 37.2-808 (C), magistrates have the authority to authorize alternative transportation providers. If transportation is ordered to be provided by an alternative transportation provider, RPD officers shall execute the order, take the person into custody and transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the ECO/TDO shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the CSB or its designee for conducting the evaluation.
 4. If the CSB evaluator later determines that an alternative facility is better equipped to handle the person in need of treatment, that evaluator will contact RPD and relay that information to DEC, who in turn will notify the transporting officer(s). No new order will be needed if the transporting officer has not transferred custody over to the original facility. The transporting officer will proceed to the alternate location.

5. Transportation Within the City Limits:

- a) The precinct that initiates the ECO or TDO process will be responsible for transporting the subject to the appropriate facility.
- b) If the person is not in custody, the residential address listed on the TDO will determine which precinct is responsible for taking custody of the individual and providing transportation. If the person is not a resident of the City and is not within the fifty-mile radius for another jurisdiction to handle the transport, the current location of the person will determine the Precinct responsible for transporting. (i.e., Person at Chippenham Hospital being transported to any facility is handled by 3rd Precinct)
- c) When DEC assigns an officer to pick up an ECO or TDO, the officer should respond directly to the Magistrate's Office.
- d) If medical attention is needed prior to admission to the mental health facility denoted on the TDO, the officer will secure medical attention for the individual in accordance with General Order 06-10, Restraint, Transportation of Custodial Arrestees. The transporting officer will remain with the individual until transport is made to the final destination noted on the TDO.
- e) Once the RPD officer picks up the TDO and arrives at the medical or psychiatric facility with the person, he/she shall execute the TDO. The officer shall maintain custody until custody has been accepted by the appropriate personnel designated by the facility identified in the TDO.

NOTE: If the executing officer is not also the transporting officer, the transporting officer is responsible for noting the date and time the individual is delivered to the treatment facility.

6. Transportation Outside the City Limits:

- a) Virginia Code § 37.2-810 states that the magistrate shall specify in the TDO the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.
- b) Pursuant to Virginia Code § 37.2-810, a law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he/she serves to any point in the Commonwealth for the purpose of executing any TDO pursuant to this section.

- c) Any transports to a facility outside the City Limits will be conducted by two (2) RPD officers and will require approval by a precinct sergeant or above.
 - (1) The transporting officers will notify DEC of their beginning mileage and destination and will provide a contact mobile phone number for supervisors. Once they arrive at their location, DEC will be notified of the ending mileage (by phone if necessary). Use of Force, voluntary admission and medical conditions

G. Use of Force, *Custody & Medical Procedures*:

- 1. *A law enforcement officer shall adhere to General Order 1-5, Use of Force when determining when it is appropriate, if at all, to use force. After consideration of the parameters for the use of force as governed by General Order 1-5, if a law enforcement officer determines that use of force is appropriate either to effect or maintain custody, a law enforcement officer shall only use force that is proportionately responsive to the actions of the person to the actions of the person and their level of resistance.* In all instances where a mentally ill, emotionally disturbed or suicidal person is present, officers shall be continually mindful of their personal safety including the retention of their “use of force options,” particularly their firearm.

NOTE: In accordance with General Order 1-21, Conducted Energy Weapons, officers should avoid using repeated drive-stuns on any person who has a known or suspected mental illness if compliance is not achieved. (A 2013 study by Taser International concluded that drive-stun use may not be effective on emotionally disturbed persons or others who may not respond to pain due to a mind-body disconnect.)

- 2. *A law enforcement officer shall not use force to assist medical staff to complete medical procedures absent an active danger to officers, citizens, staff, the detainee or others.*
- 3. If force is used to take a person into custody under an ECO and it is later determined that the behavior is due to another medical condition RBHA shall still conduct a screening to ensure that the person(s) due process under the code section has been completed. If force is used to detain the person or stop their action the person must be seen by CRISIS and cannot be allowed to go voluntarily to the hospital.

- H. Once the ECO or TDO is served, the officer who served the ECO or TDO will fax or hand deliver the completed copy of the paper to the Warrant and Information Services Unit for entering the data into ONESolution Records Management System (RMS) no later than the end of their tour.

I. Transferring Custody to Another Jurisdiction's Law Enforcement Agency

- 1. Upon issuance of an ECO or TDO that lists another jurisdiction's law enforcement agency as the primary law enforcement agency responsible for executing an ECO or TDO or transporting the person who is subject to an ECO or TDO, if an RPD law enforcement officer has custody of said person, an RPD law enforcement officer shall call the law enforcement agency named on the ECO or TDO to begin the immediate transfer of custody of the person.**
- 2. If an RPD law enforcement officer encounters any difficulty with the other jurisdiction's law enforcement agency responding to take custody or provide transportation, the law enforcement officer shall contact his/her immediate supervisor or Unit 9 for assistance with resolution.**

J. Interview and Interrogation of Mentally Ill Persons: [CALEA 41.2.7c]

1. Interviews and interrogations of persons believed to be mentally ill that are suspected of committing a criminal offense will be conducted in the same manner as for all other suspects. A person, who is determined to be mentally ill, can still have the ability to knowingly and voluntarily give a reliable statement.
2. To assist in the prosecution of such an individual, the officer/detective conducting the interview or interrogation shall pay specific attention to and take note of whether the subject answers basic questions appropriately, remains alert at the time that questioning takes place and/or demonstrates any indication of confusion.
3. If an officer/detective believes that the subject's mental state outweighs the seriousness of any applicable criminal charges, involuntary commitment may be sought according to the aforementioned procedure(s).

K. RPD officers shall adhere to the guidelines provided in General Order 1-13, Hospital and Emergency Room Regulations.

L. Training:

1. Mental illness training is conducted in conjunction with the local CSB. Department members shall receive documented entry level training in recognizing and handling persons suffering from mental illnesses.
[CALEA 41.2.7d]
2. Members shall receive documented Mental Illnesses refresher training courses annually. [CALEA 41.2.7e]

M. Reporting:

1. In all instances where an individual is taken into custody, no matter how brief that custody may be, for the purpose of a mental health evaluation, or the execution of an ECO or TDO the officer will complete an IBR prior to EOT.

VII. FORMS

- A. Emergency Custody Orders
- B. Temporary Detention Orders
- C. Explanation of Emergency Custody Procedures (DC-4050)
- D. IBR

Form DC-4050 EXPLANATION OF Form DC-4050 EMERGENCY CUSTODY
PROCEDURES DISTRICT COURT FORMS PDF INSTRUCTIONS JULY 2014
Using This Form

This form, which is a summary of the emergency custody procedures and the associated statutory protections, is required to be given to any person taken into emergency custody pursuant to Virginia Code § 37.2-808.

EXPLANATION OF EMERGENCY CUSTODY PROCEDURES

Commonwealth of Virginia VA. CODE §§ 37.2-808, 37.2-817.2

To the Respondent:

You are a person who has been taken into emergency custody pursuant to Va. Code § 37.2-808 or § 37.2-817.2.

You were taken into emergency custody because a judge, special justice, or magistrate issued an emergency custody order, a law-enforcement officer believed that you met the criteria for emergency custody, or because you voluntarily consented to be transported for assessment or evaluation, you then revoked your consent, and the officer believed that you met the criteria for emergency custody.

You were taken into emergency custody because the judge, special justice, magistrate or law-enforcement officer decided that there was probable cause to believe that:

1. You have a mental illness and there exists a substantial likelihood that, as a result of mental illness, you will in the near future a. cause serious physical harm to yourself or others as evidenced by your recent behavior causing, attempting or threatening harm and other relevant information, OR b. suffers serious harm due to your lack of capacity to protect yourself from harm or to provide for your basic needs, AND
2. You are in need of hospitalization or treatment, AND
3. You are unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

While you are in emergency custody, you will be transported by a law-enforcement officer or an alternative transportation provider to a convenient location to be evaluated to determine whether you meet the criteria for temporary detention, and to assess the need for you to be hospitalized or treated. You may also be transported to a medical facility if it is determined that emergency medical evaluation or treatment is necessary, or if a doctor at the hospital where you may be detained requires a medical evaluation before you can be admitted.

You will remain in custody until a temporary detention order is issued, until you are released, or until the emergency custody order expires. The maximum amount of time that you could remain in emergency custody is 8 hours.

If you were taken into emergency custody as a result of an emergency custody order, the order must have been executed within 8 hours after the order was issued or the order is void. An emergency custody order is executed when a law-enforcement officer takes you into custody under the order. When the emergency custody order is executed or a law-enforcement officer takes you into custody without an order, the law-enforcement officer must then notify the community services board right away.

FORM DC-4050 REVISED 07/14