

Blue Ridge Crisis Intervention Team

A Collaborative Mental Health and Criminal Justice Program
Serving the Counties of Augusta & Highland and the Cities of Staunton & Waynesboro.



Memorandum of Agreement

Between:

Augusta Health
Augusta County Sheriff's Office
Blue Ridge Crisis Intervention Team
Staunton Police Department

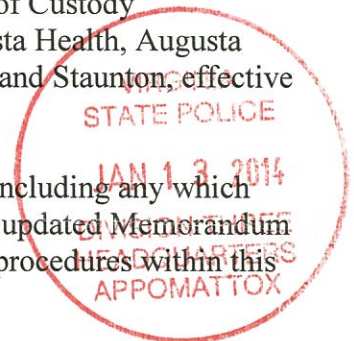
Valley Community Services Board
Virginia State Police, Staunton Regional Office
Waynesboro Police Department

Purpose:

To clarify and re-affirm the protocols and procedures for Transfer of Custody for individuals under an Emergency Custody Order from specified law enforcement agencies within the Blue Ridge Crisis Intervention Team to the contracted registered armed security officers within Augusta Health's hospital facility.

This Memorandum of Agreement shall serve to update and replace the Transfer of Custody Memorandum of Agreement between Valley Community Services Board, Augusta Health, Augusta County Sheriff's Office, and the police departments in the cities of Waynesboro and Staunton, effective date of 09/14/2009.

That prior agreement shall remain valid for each included agency, individually, including any which were added through an addendum to that agreement, until the date they sign this updated Memorandum of Agreement or the date they decline, in writing, to re-affirm the protocols and procedures within this updated Agreement.



Statutory Base:

The Code of Virginia establishes Valley Community Services Board (VCSB) as the local public mental health, mental retardation, and substance abuse authority. The Code of Virginia establishes the powers and authority of the Community Services Board (Code of Virginia, Sections 37.2-500, et seq.). These include the responsibility to coordinate the community services involved during the involuntary commitment process. Authority is granted to enter into joint written agreements with other agencies or governing bodies for purposes consistent with the policies of the board.

The Code of Virginia has established Staunton Police Department, Waynesboro Police Department, Virginia State Police and Augusta County Sheriff's Office (collectively; law-enforcement agencies) through Sections 15.2-1600 et seq. and 15.2-1700 et seq., and as provided through general law. The duties of law-enforcement agencies as described in statute include authorization to initiate an Emergency Custody Order or to serve such order issued by the Office of the Magistrate, and to provide transportation of individuals subject to such order to a location appropriate for completion of the evaluation as required by Code of Virginia Section 37.2-808.

The Code of Virginia, in Section 37.2-808 subsection E, permits the law-enforcement agency providing such transportation to transfer the custody of such individual to the facility in which the required evaluation will be completed. This subsection requires that the facility be licensed for, and capable of

providing the requisite level of security to protect the person and others from harm. This subsection also requires the facility to enter into an agreement with the law-enforcement agencies, setting forth the terms and conditions under which it will accept a transfer of custody.

Augusta Health (AH) is a licensed health care facility which provides an appropriate location for the completion of both the CSB evaluation and medical clearance evaluation as is generally required prior to an individual's acceptance for admission to an inpatient facility for treatment. AH provides the requisite level of security within the facility through contracted Security officers. Security officers providing these services are 'registered armed security officers' pursuant to DCJS regulations and Virginia Code Section 9.1-138 et seq.

The Code of Virginia, in Section 8.01-293 subsection 2, authorizes the execution of civil process by "any person of age 18 or older and who is not a party or otherwise interested in the subject matter in controversy". This Section further states that the terms "officer" or "sheriff", in any section of the Code referencing "persons authorized to make, return or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process". This authorization is further addressed in Section 8.01-295, which states in part, "If the process appears to be duly served, and is good in other respects, it shall be deemed valid although not directed to an officer, or if directed to any officer, though executed by some other person."

Responsibilities of Each Party:

Pursuant to the stated purpose of this agreement, the agencies entering into this agreement shall fulfill the following responsibilities and procedures:

Responsibilities during the ECO process:

In the event of a law-enforcement officer initiated ECO or magistrate issued ECO which is executed in the community by a law-enforcement officer:

- 1.) The initiating/executing law-enforcement officer/agency will:
 - a. Contact VCSB Emergency Services (ES) at 540-885-0866, informing them of the initiation/execution of an ECO, the name, date of birth and any other available information regarding the respondent, and an estimated time of arrival (ETA) at AH.
- 2.) Concurrently:
 - a. VCSB ES staff will contact the ED at AH at 540-932-4465 to inform the Charge Nurse of the ECO ETA and to pass on any additional information relevant to the health care needs of the respondent that may be available. A Virginia Certified Pre-Screener from VCSB will respond to the ED at AH, as soon as available, to conduct the evaluation and any other necessary services pursuant to the relevant sections of Statute and the policies of the board.
 - i. ED Clerical or Nursing staff will inform the Security Officer in charge of the incoming ECO.

And

- b. The law-enforcement agency shall provide transportation of the individual to the ED at AH. Officers will enter the ED through the designated Ambulance Entrance and inform the ED charge nurse of their arrival.
- 3.) Once inside the 'secure' area of the ED, or other such treatment room as designated by the ED charge nurse, the security officer in charge at AH will discuss the situation with the law-

enforcement officer(s) and evaluate their ability to provide the level of security necessary for the individual based on their evaluation of the need, the general activity level of the facility at that time and any other factors they deem relevant.

- a. At this time the respondent will be asked to change into a hospital gown and their personal belongings and clothing will be secured by ED staff. This must be completed prior to any transfer of custody.
 - b. In the event that a law-enforcement officer(s) arrives with an ECO and the security officer in charge was not notified prior to their arrival, the security officer in charge will contact VCSB ES at (540) 885-0866 to verify that they have been informed of the ECO.
- 4.) Determination based on this evaluation:
- a. Upon favorable determination of their present ability, the security officer in charge will accept the transfer of custody, by signatures of the authorized security officer and the law-enforcement officer on the transfer of custody form developed by Blue Ridge CIT, AH Security. This form shall be attached to the ECO paperwork if issued by a magistrate.
 - b. Upon the determination that any factor or combination of factors indicates the level of security required may exceed the facility's ability at that time, the security officer in charge will advise the law enforcement officer(s) of those factors and request that they maintain custody of the ECO until such time as the factors impeding security are resolved or the ECO concludes.
- 5.) Upon completion of the transfer of custody form and of any security protocols adopted by AH Security, the law-enforcement officers are released to return to service. However, AH reserves the right to request the return of law-enforcement officers at any time during the duration of the ECO, if the security officer in charge determines that changes in the overall situation have occurred which requires such return.
- 6.) Regardless of the status of any transfer of custody, AH ED will conduct a medical clearance examination of the respondent including any medical evaluation or treatment as determined necessary by the assigned ED Physician or as required by a Physician in the hospital where the respondent may be detained as provided in Section 37.2-808 subsection C of the Code of Virginia.

In the event that an ECO is issued by the magistrate when the respondent is already located within the AH facility:

- 7.) Upon the issuance of such an ECO:
 - a. When AH staff were the petitioners for an ECO or are aware that one is being issued, they will request the magistrate transmit the ECO paperwork by facsimile to the security office at AH, 540-932-4157, as well as notifying the appropriate law-enforcement agency.
 - i. AH staff will also notify AH security that an ECO has been issued and will be faxed to the security office fax machine.
 - b. When a law-enforcement agency receives an ECO from the magistrate for service on an individual currently located within the AH hospital facility, they will contact the AH Security Office at 540-932-5041 and transmit the ECO paperwork by facsimile to 540-932-4157 if the magistrate has not already done so.
- 8.) Upon receipt of the paperwork the AH security officer in charge will:

- a. Advise the law-enforcement agency that AH security officer(s) will execute the ECO pursuant to Sections 8.01-293 and 8.01-295 of the Code of Virginia, and will maintain the custody of the respondent, indicating this by signature on the transfer of custody form, as noted in section 4-a above and facsimile transmission of the form to the law-enforcement agency.

Or

- b. Request that law-enforcement officers respond to formally take and/or maintain custody of the respondent for the ECO, as in section 4-b above.
- 9.) Upon notification from the AH security officer in charge that AH security officer(s) will accept a transfer of custody for the individual under section 8-a above, the law-enforcement agency is released. However, as in section 5 above, AH reserves the right to request the law-enforcement agency respond to take or resume custody of the respondent at any time during the duration of the ECO, if the security officer in charge determines that changes in the overall situation have occurred which require such response.

Responsibilities in the event the respondent is released from the ECO:

Once an ECO has been initiated, regardless if it was initiated by a law-enforcement officer or issued by a magistrate, prior to its expiration, it may only be released by the CSB certified pre-screener, following their evaluation, and based upon a finding that the respondent does not meet the criteria for a TDO.

In the event the CSB certified pre-screener makes the finding that the ECO should be released:

- 10.) When no transfer of custody occurred, the VCSB pre-screener will release the ECO and the law-enforcement officer(s), by signature on the ECO paperwork if applicable.
- 11.) In the event a transfer of custody had already occurred:
 - a. The VCSB pre-screener will release the ECO by signature on the Transfer of Custody form and the ECO paperwork if applicable.
 - b. The security officer(s) maintaining the individual's custody are released from that custodial obligation. Security officers will continue to follow AH Security protocols regarding any further security concerns or needs.
 - c. When applicable, AH Security accepts the responsibility for the return of the completed magistrate issued ECO paperwork by facsimile to the law-enforcement agency or court designated by the issuing magistrate pursuant to Code of Virginia Section 37.2-808 subsection C. The AH Security Captain supervising security officers at AH will designate a security officer to transmit, or verify the transmission of, such applicable paperwork in a timely manner.

Responsibilities during the TDO process:

In the event that a TDO is issued for an individual who is not currently located within the AH facility:

- 12.) The appropriate law-enforcement agency will, upon receipt of the TDO paperwork from the magistrate, serve the TDO and provide transportation of the respondent to the facility noted in the paperwork.

In the event that a TDO is issued for an individual who is currently located within the AH facility:

- 13.) The VCSB pre-screener who located the accepting facility will request the magistrate, or law-enforcement agency in receipt of the printout, transmit the TDO paperwork by facsimile to the AH Security Office at 540-932-4157.

- 14.) In the event that law-enforcement officers are currently maintaining custody of the respondent, the VCSB pre-screener or an AH security officer will deliver the facsimile of the TDO paperwork to the law-enforcement officer(s) to be served on the respondent.
- 15.) When no law-enforcement officer(s) currently accompany the respondent and AH or any treatment unit within AH is the accepting facility as designated on the TDO paperwork, the AH security officer in charge will contact the appropriate law-enforcement agency to:
 - a. Advise the law-enforcement agency that the facility security officer(s) will execute the TDO pursuant to Sections 8.01-293 and 8.01-295 of the Code of Virginia, and as the respondent is already located in the designated facility, transportation is not required. This will be noted by signature on the Transfer of Custody form, utilizing a blank form if no prior transfer of custody occurred due to bypass of the ECO process.Or
 - b. Based on evaluation of security factors as above, request that law-enforcement officers respond to execute the TDO paperwork and assist in transferring the respondent to the appropriate unit within the facility.
- 16.) In all cases where AH is not the accepting facility as designated on the TDO paperwork, the appropriate law-enforcement officer(s) will respond to execute the TDO and provide transportation for the respondent to the designated facility.

Data Collection:

CIT Programs in Virginia are now overseen by the newly formed Office of Behavioral Health and Criminal Justice Services within the Department of Behavioral Health and Developmental Services. Data collection within multiple areas of CIT programs, including transfer of custody, has been mandated for all Operational CIT Programs recognized by DBHDS.

The transfer of custody form, ECO/TDO forms and Security records documenting activities relating to a transfer of custody event constitute records of the Civil Involuntary Commitment Process and as such, they are not Protected Health Information. Therefore, sharing of these records between agencies within Blue Ridge CIT, in aggregate or per-incident detail formats do not require patient authorization.

Blue Ridge CIT has developed a secure database for collection of all necessary data points mandated by the Department of Behavioral Health and Developmental Services. This database is accessible to authorized users following secured login to the Data Collection section of www.BlueRidgeCIT.com. Blue Ridge CIT assumes all responsibility for the security of this database.

Fees or costs associated with the ECO/TDO and Custody Processes:

Nothing herein shall be construed to obligate any law-enforcement agency for the payment of any fees, expenses or damages incurred by VCSB or AH during the ECO/TDO or Transfer of Custody processes.

Any and all fees or costs associated with the medical screening and assessment services or treatment provided by AH during the ECO process or during a TDO period shall be paid by the Commonwealth as provided in the Code of Virginia Section 37.2-804.


Modification or Termination of this Agreement:

This Memorandum of Agreement will become effective for each law enforcement agency individually immediately following signature by the administrators for Augusta Health, Valley Community Services Board, Blue Ridge Crisis Intervention Team and the individual law enforcement agency.

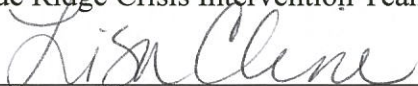
This Memorandum of Agreement will be reviewed annually and will continue in effect or be modified as required.

With the exception of changes required to comply with relevant changes in statute, this Memorandum of Agreement shall not be modified without unanimous agreement from all included agencies and 30 days notice prior to such modification taking effect. Any modifications must maintain compliance with the Code of Virginia and governing regulations/policies of all partner agencies.

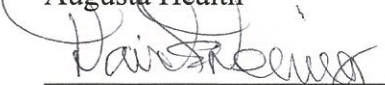
Individual law enforcement agencies may withdraw from this Memorandum of Agreement, at the discretion of their agency administrator, by providing written notification of their withdrawal to Augusta Health and the Blue Ridge Crisis Intervention Team. Such withdrawal by an individual law enforcement agency will have no effect on the validity of this Memorandum of Agreement for other included law-enforcement agencies.


James Spurgeon, Program Coordinator
Blue Ridge Crisis Intervention Team

10/9/13
Date


Lisa Cline, Chief Operations Officer
Augusta Health


10/4/13
Date


David E. Deering, CEO/Executive Director
Valley Community Services Board

10 Oct 2013
Date


Chief Jim Williams
Staunton Police Department


10-10-2013
Date


Chief Michael Wilhelm
Waynesboro Police Department

10/9/13
Date


Sheriff Randy Fisher
Augusta County Sheriff's Office

10/14/13
Date


Colonel W. Steven Flaherty
Superintendent; Virginia State Police

11/6/13
Date