

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

1000 – MENTAL HEALTH CRISIS RESPONSE, PROTECTIVE CUSTODY, YELLOW FLAG & RED FLAG

Effective Date	July 28, 2026
Legacy SOP(s) Replaced	SOP 41 C – Responses to Behavior of Person in Mental Health Crisis; Protective Custody SOP 41 C-1 – Weapons Order Process
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I. PURPOSE

The purpose of this policy is to establish comprehensive procedures governing law enforcement response to individuals who appear to be experiencing behavioral or mental health crisis. This policy provides guidance regarding assessment, de-escalation, voluntary compliance, protective custody, involuntary commitment procedures, and firearm restriction processes pursuant to Maine law. It is intended to ensure public safety, officer safety, lawful enforcement of statutes, the protection of individual rights, and compliance with Maine Criminal Justice Academy Board of Trustees (BOT) minimum standards.

II. POLICY

It is the policy of this agency that officers shall respond to individuals experiencing a behavioral or mental health crisis in a manner that prioritizes the preservation of life, reduces harm, and respects constitutional rights. Officers shall utilize de-escalation techniques whenever feasible and consider the totality of the circumstances when determining the appropriate course of action. Officers shall employ the least restrictive lawful intervention reasonably necessary to ensure safety while maintaining the individual's dignity, rights, and access to appropriate care.

III. DEFINITIONS

Advanced Healthcare Directive – An individual instruction or power of attorney for health care made by a person with capacity, to be used when that person appears to lack capacity to make or communicate health care decisions.

Crisis Intervention Officer (CIO) – An officer who has received specialized training in the identification, de-escalation, and management of individuals experiencing a mental health crisis.

Crisis Intervention Team (CIT) – A coordinated group of officers and, when applicable, mental health professionals who are trained in the identification, handling, and disposition of individuals experiencing a mental health crisis.

Crisis Service System – A statewide program administered by the Maine Department of Health and Human Services (DHHS) that provides 24/7 crisis response, assessment, and referral services. This system may be accessed through 1-888-568-1112 or 211 and includes mobile crisis services and coordination of appropriate care.

Dangerous Weapon – Any device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or intended to be used is capable of producing death or serious bodily injury. This includes firearms as defined under Maine law.

Emergency Extreme Risk Protection Order – A written order issued by the court without prior notice to the respondent that prohibits and enjoins an individual from purchasing, possessing, receiving, or having custody or control of a dangerous weapon.

Extreme Risk Protection Order – A written order that prohibits and enjoins an individual from purchasing, possessing, receiving, or having custody or control of a dangerous weapon.

Forensic Intensive Case Manager – A professional provided or funded by the State of Maine who assists individuals with serious mental illness who are involved in the criminal justice system, including coordination of services and intervention planning.

Involuntary Commitment (Blue Paper Process) – A three-step statutory process by which: (1) an application for admission is completed; (2) a qualified medical professional conducts an evaluation; and (3) a judicial officer reviews and endorses the application if the criteria for emergency admission are met.

Least Restrictive Form of Transportation – The method of transportation and use of restraints that imposes the least amount of restriction necessary to ensure safety, while minimizing the stigmatizing impact on the individual.

Likelihood of Foreseeable Harm – A substantial risk in the foreseeable future of serious physical harm to the person or to others, as manifested by recent behaviors,

threats, or actions, and used as the basis for firearm restriction procedures pursuant to 34-B M.R.S. §3862-A.

Likelihood of Serious Harm – A substantial risk of physical harm to the person as manifested by recent threats or attempts at suicide or serious self-inflicted harm; a substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior; or a reasonable certainty that the person will suffer harm due to inability to protect themselves.

Mentally Ill Person – A person having a psychiatric or other disease that substantially impairs that person's mental health or creates a substantial risk of suicide or likelihood of serious harm to another person.

Mental Health Crisis – Behavior such as loss of contact with reality, extreme agitation, severe depression, suicidal or homicidal statements or actions, or inability to control behavior that creates a threat of imminent and substantial physical harm to the person or others.

Petition – A petition filed pursuant to 25 M.R.S. Chapter 261 requesting issuance of an extreme risk protection order or emergency extreme risk protection order.

Petitioner – A family or household member, law enforcement agency, or law enforcement officer who files a petition for an extreme risk protection order pursuant to 25 M.R.S. Chapter 261.

Probable Cause – A reasonable belief, based on the totality of the circumstances, including personal observation, reliable third-party information, and known history, that an individual meets the statutory criteria for protective custody.

Protective Custody – Custody taken by a law enforcement officer when the officer has probable cause to believe that a person may be mentally ill and, due to that condition, poses a likelihood of serious harm, or when the officer is aware of an applicable advance healthcare directive and reasonably believes the person lacks capacity.

Respondent – An individual named in a petition for an extreme risk protection order pursuant to 25 M.R.S. Chapter 261.

Restricted Person – A person taken into protective custody who the officer has probable cause to believe possesses, controls, or may acquire a dangerous weapon and who is found by a medical practitioner to present a likelihood of foreseeable harm.

Threat-Based Restriction – A prohibition on an individual from purchasing, possessing, or controlling dangerous weapons during the period of a court-ordered firearm restriction pursuant to Maine law.

IV. LEGAL AUTHORITY

This policy is adopted pursuant to **25 M.R.S. § 2803-B**, applicable Maine Criminal Justice Academy Board of Trustees mandatory policy requirements, and other applicable provisions of Maine law governing protective custody, involuntary commitment, Yellow Flag procedures, Red Flag procedures, and firearm restrictions.

Pursuant to **34-B M.R.S. § 3862**, a law enforcement officer may take an individual into protective custody when the officer has probable cause to believe the person is mentally ill and, due to that condition, poses a likelihood of serious harm.

Pursuant to **34-B M.R.S. § 3863**, officers may participate in the involuntary commitment process, commonly referred to as the **Blue Paper** process, which requires a medical evaluation and judicial endorsement prior to emergency hospitalization.

Pursuant to **34-B M.R.S. § 3862-A**, officers shall participate in the Protection from Substantial Threats process (**Yellow Flag law**), which authorizes temporary restrictions on access to dangerous weapons following a medical evaluation and judicial endorsement.

Pursuant to **25 M.R.S. §§ 2244 and 2245**, officers shall enforce Extreme Risk Protection Orders and Emergency Extreme Risk Protection Orders (**Red Flag law**) in accordance with applicable law, including the service of orders, surrender of dangerous weapons, and other duties imposed by the court.

Officers shall also recognize and enforce firearm prohibitions pursuant to **15 M.R.S. § 393** and other applicable court orders.

Officers shall remain familiar with amendments to Maine law, applicable judicial decisions, firearm restriction procedures, and Board of Trustees standards affecting this policy.

V. OPERATIONS

A. Assessment

Officers shall assess individuals encountered in crisis based on the totality of the circumstances. Officers shall consider behavior, demeanor, emotional condition, and statements, including any threats of harm to self or others. Officers shall evaluate the reliability of third-party information, including statements from family members, witnesses, or medical personnel.

Officers shall consider known or suspected mental health history, prior law enforcement contacts, substance use, recent stressors, and the individual's access to or control over dangerous weapons, distinguishing between access and immediate ability to use them.

Officers should also consider protective factors, available support systems, current treatment providers, and the availability of family or caregivers when those factors may safely assist in resolving the incident.

Officers shall continually reassess as new information becomes available and be prepared to clearly articulate the facts and observations supporting their assessment.

B. Decision-Making

Based on the assessment, officers shall determine whether the situation may be resolved through voluntary compliance, referral to services, or requires protective custody or other enforcement action.

Officers shall consider whether the individual is willing and able to seek assistance voluntarily and whether doing so reasonably reduces the risk of harm. Officers shall also consider the individual's ability to make informed decisions.

When voluntary compliance is not appropriate due to risk, inability to care for oneself, or likelihood of serious harm, officers shall act consistently with statutory authority. Decisions shall be based on specific, articulable facts, not mere suspicion.

Officers shall document the basis for their decision, including factors considered and the reasoning supporting the action taken.

C. De-escalation

Officers shall use de-escalation techniques whenever feasible and consistent with safety, considering the individual's mental state and ability to respond.

Techniques may include patience, calm communication, active listening, non-threatening body language, maintaining distance, reducing stimuli, and allowing time for comprehension and response. Officers shall avoid actions that unnecessarily escalate the situation.

Whenever practical, officers should limit the number of personnel engaging directly with the individual to reduce confusion and promote effective communication.

Officers shall seek voluntary compliance when it can be achieved safely. De-escalation efforts shall be continuously evaluated, and officers shall transition to other lawful actions when ineffective or when risk increases.

Officers shall be prepared to articulate the techniques used, the individual's response, and the reasons for any transition to enforcement action.

D. Protective Custody

When an officer has probable cause to believe an individual meets the criteria of **34-B M.R.S. §3862**, the officer shall take the individual into protective custody. The officer shall clearly articulate the facts supporting probable cause, including observed behavior, statements, and reliable third-party information.

Officers shall complete the required protective custody documentation and provide it to the receiving medical facility. Officers shall use the least restrictive method of transportation and apply restraints only when necessary for safety. When restraints are necessary, officers should continually evaluate whether continued restraint remains reasonably necessary throughout transport and transfer of custody.

E. Transport and Facility Interaction

Officers shall transport individuals in protective custody to an appropriate medical or mental health facility using the least restrictive means consistent with safety.

Officers shall remain with the individual until custody is accepted by medical personnel unless relieved. Officers shall provide relevant information to receiving personnel, including observed behavior, risk factors, and known history.

Officers shall ensure all required documentation is provided and retained in accordance with agency policy.

F. Blue Paper Process

Officers shall assist in the involuntary commitment process pursuant to **34-B M.R.S. §3863** by coordinating with medical personnel and providing information necessary to support the application and judicial endorsement.

Officers shall ensure their reports and documentation accurately reflect the facts supporting the commitment process.

G. Yellow Flag Firearm Restrictions

When a medical professional determines an individual presents a likelihood of foreseeable harm pursuant to **34-B M.R.S. §3862-A**, officers shall seek judicial endorsement for a temporary firearm restriction.

Officers shall serve the order and explain its terms, including the requirement to surrender dangerous weapons within the time frame established by law. Officers shall take reasonable steps to ensure compliance, including identifying weapons and requesting surrender.

If the individual fails to comply, officers shall take appropriate enforcement action and document all efforts to obtain compliance.

Officers shall document, secure, and store all surrendered weapons in accordance with agency evidence procedures, including a complete inventory.

Officers shall ensure all documentation supporting the petition accurately reflects the facts establishing the statutory criteria for a likelihood of foreseeable harm. Officers shall be prepared to provide documentation and testimony in support of the order.

If the blue paper process and weapons restriction assessment are not occurring concurrently, officers should take reasonable steps to ensure the weapons restriction assessment is completed before the individual is released from protective custody when legally authorized and operationally feasible.

When required, officers shall report the person's restricted status to the Department of Public Safety and provide required documentation to the District Attorney's Office and District Court consistent with Maine law and agency procedure.

H. Red Flag / Court-Ordered Firearm Restrictions

Officers shall enforce court-issued firearm restriction orders in accordance with Maine law. Officers shall confirm the existence and validity of the order through available records systems or documentation before taking enforcement action.

Officers shall ensure proper service of the order or confirm that service has previously been completed. Officers shall document the method of service or verification of service in their report.

Officers shall verify compliance with the order by determining whether the individual possesses or has access to firearms or other dangerous weapons. When firearms or dangerous weapons are present and subject to the order, officers shall take appropriate action to secure or seize those items consistent with the authority of the order and applicable law.

If the individual is found to be in violation of the order, officers shall take appropriate enforcement action based on probable cause and document all observations and actions taken.

Officers shall coordinate with prosecutorial authorities as appropriate and document all enforcement actions, including service, compliance status, and any weapons seized or secured.

When questions arise regarding the scope or enforcement of a court order, officers should consult with a supervisor or a prosecutor before taking enforcement action, when circumstances permit.

Service of an emergency extreme risk protection order, extreme risk protection order, or notice of hearing shall be conducted in a manner calculated to ensure the safety of all parties. Officers shall not use advance notification as a default method of service when serving emergency extreme risk protection orders.

Officers shall make a good-faith effort to serve orders and notices expeditiously. Notice of an emergency extreme risk protection order shall be served as soon as reasonably practical and no later than twenty-four hours after issuance when required by law.

When a person ordered to surrender weapons claims that the weapons were previously transferred to a third party, officers shall take lawful and diligent steps to verify the claim and recover or secure weapons as authorized by law.

If officers have probable cause to believe a restricted person possesses or controls a weapon but has not surrendered it, officers shall seek a search warrant or take other lawful action authorized by the order and applicable law.

I. Documentation

Officers shall complete reports that clearly document observations, statements, and the basis for all decisions and actions taken.

Reports shall be sufficiently detailed to support criminal, civil, judicial, and administrative proceedings, as applicable.

J. Supervisor Responsibilities

Supervisors shall review reports for completeness, accuracy, and compliance with policy and applicable law.

Supervisors shall provide guidance in complex situations and ensure corrective action when necessary.

Supervisors shall also identify training needs, policy issues, or opportunities for improving agency response to people experiencing a mental health crisis.

K. Training

The agency shall ensure that at least twenty percent of all full-time law enforcement officers complete at least eight hours of nationally recognized or best-practice in-person training in Mental Health Identification Awareness for Law Enforcement Officers.

The agency shall maintain this training ratio and report compliance annually to the Maine Criminal Justice Academy Board of Trustees in accordance with **25 M.R.S. § 2805-B**.

APPENDIX A

BOT, MLEAP & STATUTORY CROSSWALK

Purpose, Policy and Statutory Authority

Authority

25 M.R.S. § 2803-B – Mandatory Law Enforcement Policies

BOT 5-1 – Mental Illness, Involuntary Commitment, Yellow Flag and Red Flag Policy

BOT 5-21 – Mandatory Policy Compliance

Addressed in: Sections I, II, IV

Definitions

Authority

BOT 5-2 – Required Definitions

Addressed in: Section III

Protective Custody

Authority

34-B M.R.S. § 3862

BOT 5-3 – Protective Custody Familiarity

BOT 5-4 – Mental Health Crisis Assessment

BOT 5-6 – Referral Resources and Alternatives

BOT 5-7 – Protective Custody Intake Procedures

BOT 5-8 – Criminal Conduct / Confinement Decision

BOT 5-9 – Release from Protective Custody

BOT 5-10 – Judicial Endorsement and Least Restrictive Transportation

MLEAP 7.33 – Protective Custody

Addressed in: Sections IV, V.A, V.B, V.C, V.D, V.E, V.F

Emergency Involuntary Commitment (Blue Paper)

Authority

34-B M.R.S. § 3863

BOT 5-7 – Protective Custody Intake Procedures

BOT 5-10 – Judicial Endorsement and Transportation

MLEAP 7.33 – Protective Custody

Addressed in: Sections V.D, V.E, V.F

Yellow Flag – Protection from Substantial Threats

Authority

34-B M.R.S. § 3862-A

15 M.R.S. § 393

BOT 5-5 – Yellow Flag Assessment Criteria

BOT 5-11 – Judicial Endorsement

BOT 5-12 – Service on Restricted Person

BOT 5-13 – Court, District Attorney and DPS Notification

Addressed in: Section V.G

Red Flag – Extreme Risk Protection Orders

Authority

25 M.R.S. §§ 2244 and 2245

BOT 5-14 – Statutory Familiarity

BOT 5-15 – Service of Orders

BOT 5-16 – Renewal and Termination Proceedings

BOT 5-17 – Third-Party Weapon Transfer Claims

BOT 5-18 – Search Warrant for Non-Compliance

Addressed in: Section V.H

Crisis Intervention, De-escalation and Least Restrictive Response

Authority

BOT 5-4 – Crisis Assessment

BOT 5-6 – Alternatives to Protective Custody

MLEAP 6.11 – De-escalation Techniques

MLEAP 7.33 – Protective Custody

Addressed in: Sections II, V.A, V.B, V.C

Documentation

Authority

BOT 5-7 – Protective Custody Documentation

BOT 5-13 – Yellow Flag Documentation

MLEAP 5.01 – Records Management

Addressed in: Sections V.I and Appendix B

Supervisory Responsibilities

Authority

BOT 5-8 – Supervisory Consultation

MLEAP 1.04 – First-Line Supervision

Addressed in: Section V.J

Training

Authority

25 M.R.S. § 2805-B – Mental Health Identification Awareness Training

BOT 5-20 – Mental Health Identification Awareness Training

MLEAP 3.06 – In-Service Sworn Officer Training

Addressed in: Section V.K

APPENDIX B



Official State Forms Associated with this SOP

The current official state forms associated with this Standard Operating Procedure are incorporated by reference and are maintained in **SOP 001 – Official Forms & References Library**. Personnel shall utilize the current versions of these forms as maintained in SOP 001.

Form / Resource	Issuing Authority
MH-100 – Application for Emergency Involuntary Admission to a Psychiatric Hospital	Maine Department of Health and Human Services
State of Maine Protective Custody Intake Form	State of Maine
State of Maine Protection from Substantial Threats (Yellow Flag) Forms	State of Maine
Maine Judicial Branch Extreme Risk Protection Order (ERPO / Red Flag) Forms	Maine Judicial Branch