



Committee: Joint
Committee Review: At a future date
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #5A
December 5, 2023
Introduction

SUBJECT

Bill 43-23, Crisis Intervention Team – Established

Lead Sponsor: Councilmember Luedtke

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 43-23 would:

- (1) establish a crisis intervention team as a joint program of the Montgomery County Police Department and the County Department of Health and Human Services;
- (2) prescribe the responsibilities and duties of the crisis intervention team;
- (3) permit the participation of other law enforcement entities in the crisis intervention team;
- (4) require the development of a sequential intercept model for individuals in the County experiencing crises related to mental health, behavioral health, or substance use disorder;
- (5) establish an advisory committee to support the crisis intervention team;
- (6) specify the membership, responsibilities, and staffing of the advisory committee;
- (7) require annual reporting and program evaluation; and
- (8) generally amend the laws regarding policing, law enforcement, services for mental and behavioral health needs, and services for individuals with substance use disorders.

SUMMARY OF KEY DISCUSSION POINTS

N/A

This report contains:

Staff Report
Bill 43-23

Pages 1-2
© 1

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MEMORANDUM

November 30, 2023

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 43-23, Crisis Intervention Team - Established

PURPOSE: Introduction – no Council votes required

Council Bill 43-23, Crisis Intervention Team - Established, sponsored by Lead Sponsor Councilmember Luedtke, is scheduled for introduction on December 5, 2023. A public hearing is tentatively scheduled for January 16, 2024, and a joint Public Safety (PS) & Health and Human Services (HHS) Committee worksession will be scheduled at a later date.

Bill 43-23 would:

- (1) establish a crisis intervention team as a joint program of the Montgomery County Police Department and the County Department of Health and Human Services;
- (2) prescribe the responsibilities and duties of the crisis intervention team;
- (3) permit the participation of other law enforcement entities in the crisis intervention team;
- (4) require the development of a sequential intercept model for individuals in the County experiencing crises related to mental health, behavioral health, or substance use disorder;
- (5) establish an advisory committee to support the crisis intervention team;
- (6) specify the membership, responsibilities, and staffing of the advisory committee;
- (7) require annual reporting and program evaluation; and
- (8) generally amend the laws regarding policing, law enforcement, services for mental and behavioral health needs, and services for individuals with substance use disorders.

BACKGROUND/PURPOSE

Bill 43-23 would establish a Crisis Intervention Team (CIT) within the County government, for the purpose of more effectively responding to residents' crises involving mental health, behavioral health, or substance use disorder.

BILL SPECIFICS

The CIT would be jointly staffed and run by the Department of Health and Human Services (DHHS) and the Montgomery County Police Department (MCPD). Participation of other law enforcement entities would be permitted subject to written agreements with the County.

The CIT would have several primary duties, including:

- establishing and enhancing a sequential intercept model for diverting individuals experiencing a mental or behavioral health crisis or substance use disorder crisis from the criminal justice system and into treatment; and
- responding to acute incidents in the County where there is a significant risk of harm to the individual in crisis or to someone else, and there is reason to believe that the individual has an underlying mental or behavioral health condition or co-existing substance use disorder.

The bill would require the co-location of CIT members from DHHS and MCPD in disparate geographic areas throughout the County. The CIT would be required to focus upon mental or behavioral health responses; the bill would provide: “Unless there is a significant risk of harm to the individual in crisis or to someone else, the primary response for an individual experiencing a mental or behavioral health crisis or health crisis related to substance use disorder should be with mobile crisis or emergency medical services clinicians.”

To advise the CIT and to prepare an annual report, the bill would create a 15-member Advisory Committee on Crisis Intervention. The annual report would include detailed information, disaggregated when possible by race, ethnicity, gender, gender identity, and age, regarding: public safety service calls related to mental health, behavioral health, or substance abuse disorders; petitions for emergency evaluations; individuals diverted from emergency rooms to other supports; individuals served by the County’s 24-hour Crisis Center; service calls involving dangerous weapons; and service calls and incidents involving co-occurring criminal activity and charges.

This packet contains:

Bill 43-23

Circle #

© 1

Bill No. 43-23
Concerning: Crisis Intervention Team -
Established
Revised: 11/21/23 Draft No. 8
Introduced: December 5, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke

AN ACT to:

- (1) establish a crisis intervention team as a joint program of the Montgomery County Police Department and the County Department of Health and Human Services;
- (2) prescribe the responsibilities and duties of the crisis intervention team;
- (3) permit the participation of other law enforcement entities in the crisis intervention team;
- (4) require the development of a sequential intercept model for individuals in the County experiencing crises related to mental health, behavioral health, or substance use disorder;
- (5) establish an advisory committee to support the crisis intervention team;
- (6) specify the membership, responsibilities, and staffing of the advisory committee;
- (7) require annual reporting and program evaluation; and
- (8) generally amend the laws regarding policing, law enforcement, services for mental and behavioral health needs, and services for individuals with substance use disorders.

By adding

Montgomery County Code
Chapter 24, Health and Sanitation
Article XI, Crisis Intervention Teams
Sections 24-77, 24-78, 24-79, 24-80, 24-81, 24-82, 24-83, and 24-84

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. Article XI, Sections 24-77, 24-78 24-79, 24-80, 24-81, 24-82, 24-83, and 24-**
2 **84 are added as follows:**

3 **ARTICLE XI. CRISIS INTERVENTION TEAM**

4 **24-77. Definitions.**

5 In this Article, the following terms have the meanings indicated.

6 Advisory committee or committee means the Advisory Committee on Crisis
7 Intervention established under Section 24-82.

8 Crisis intervention model program has the meaning set forth at Section 3-522
9 of the Public Safety Article of the Maryland Code, as amended.

10 Crisis intervention team, CIT, or team means a group of individuals designated
11 under Sections 24-78 and 24-79 to perform the duties specified under Sections
12 24-80 and 24-81, where law enforcement officers and clinicians are co-located
13 and deployed in an integrated fashion.

14 Health department means the Montgomery County Department of Health and
15 Human Services.

16 Law enforcement entity means a public law enforcement agency, other than the
17 Montgomery County Police Department.

18 Police department means the Montgomery County Police Department.

19 Sequential intercept model means a plan, specific to the County, that details
20 how individuals with mental, behavioral, and substance use disorders:

21 (1) come into contact with and move through the criminal justice
22 system; and

23 (2) obtain referrals to other wraparound services.

24 **24-78. Crisis intervention team – established.**

25 (a) There is a crisis intervention team within the County government
26 consisting of:

27 (1) designees of the health department;

- 28 (2) designees of the police department; and
- 29 (3) participants of other law enforcement entities under Section 24-
- 30 79.

31 (b) Each member of the team must meet minimum qualifications
 32 established by their home agency to be assigned to the team in addition
 33 to all other licensing, credentialing and continuing education
 34 requirements imposed by State or federal law applicable to the
 35 respective disciplines.

36 (c) A member of the team designated by the Chief of the police department,
 37 and a member of the team designated by the Director of the health
 38 department, jointly must direct the operations of the team.

39 (d) The health department and police department, which will have equal
 40 responsibility in overseeing the crisis intervention team, must establish a
 41 Memorandum of Understanding to carry out the work of the team,
 42 further delineate roles and responsibilities, and address other
 43 administrative issues.

44 (e) The team will follow guidance provided by the Crisis Intervention
 45 Team Center of Excellence at the State level in implementing,
 46 delivering, and enhancing crisis intervention services in the county.

47 **24-79. Participation of other law enforcement entities.**

48 Subject to a written agreement with the County, and approval of the police
 49 department and health department, a law enforcement entity may designate
 50 individuals to participate in the crisis intervention team.

51 **24-80. Crisis intervention team – duties.**

52 The crisis intervention team must:

- 53 (a) in consultation with the advisory committee, establish and enhance the
- 54 sequential intercept model for diverting individuals experiencing a

- 55 mental or behavioral health crisis or substance use disorder crisis from
- 56 the criminal justice system and into treatment;
- 57 (b) adhere to the principals of the crisis intervention model program;
- 58 (c) respond to acute incidents in the County where there is a significant risk
- 59 of harm to the individual in crisis or to someone else, and there is reason
- 60 to believe that the individual has an underlying mental or behavioral
- 61 health condition or co-existing substance use disorder;
- 62 (d) co-locate members of the team in disparate geographic areas of the
- 63 County;
- 64 (e) interact directly with emergency dispatchers regarding individuals
- 65 experiencing mental health, behavioral health, or substance abuse
- 66 incidents; and
- 67 (f) provide to each individual or family served by the team information
- 68 regarding how to prepare an advance directive for psychiatric care.

69 **24-81. Scope of team activities.**

- 70 (a) Limited scope of team response. The priority response for the crisis
- 71 intervention team is for incidents involving acute mental health,
- 72 behavioral health, or substance abuse crisis events where there is a
- 73 significant risk of danger for the individual in crisis or others as a result
- 74 of the crisis.
- 75 (b) Primacy of health response. Unless there is a significant risk of harm to
- 76 the individual in crisis or to someone else, the primary response for an
- 77 individual experiencing a mental or behavioral health crisis or health
- 78 crisis related to substance use disorder should be with mobile crisis or
- 79 emergency medical services clinicians.
- 80 (c) Effects on law enforcement activities and collective bargaining.
- 81 Nothing in this Article may be construed to limit or supersede:

- 82 (1) law enforcement activities of the police department or other law
- 83 enforcement entities;
- 84 (2) the effectuation of a petition for emergency evaluation by a law
- 85 enforcement officer;
- 86 (3) assistance of law enforcement requested by emergency
- 87 dispatchers, residents, or others;
- 88 (4) police department or law enforcement entity orders; or
- 89 (5) collective bargaining under Chapter 33.

90 **24-82. Advisory committee – established.**

- 91 (a) There is an Advisory Committee on Crisis Intervention.
- 92 (b) The committee consists of:
 - 93 (1) a designee of the Mental Health Association of Maryland;
 - 94 (2) a designee of the county’s 9-8-8 call center;
 - 95 (3) a designee of the Interagency Commission on Homelessness;
 - 96 (4) a designee of the District Administrative Judge for the District
 - 97 Court of Maryland, Montgomery County;
 - 98 (5) a designee of the Administrative Judge for the Circuit Court for
 - 99 Montgomery County;
 - 100 (6) a designee of the Montgomery County State’s Attorney;
 - 101 (7) a designee of the Montgomery County Council;
 - 102 (8) a designee of the Intellectual and Developmental Disabilities
 - 103 Commission;
 - 104 (9) a representative of a county chamber of commerce, appointed by
 - 105 the County Executive and confirmed by the Council;
 - 106 (10) a designee of the Montgomery County Fire Chief;
 - 107 (11) a designee of the Emergency Communications Center;
 - 108 (12) a designee of the County Sheriff;

- 109 (13) a designee of the Director of the Department of Correction and
 110 Rehabilitation; and
- 111 (14) 2 residents, appointed by the Executive and confirmed by the
 112 Council, who:
- 113 (A) have lived experience regarding mental health, behavioral
 114 health, or substance use disorders;
- 115 (B) represent different geographical regions of the County; and
- 116 (C) will be offered the opportunity to participate in the police
 117 department’s “Citizens Academy,” as well as attend any
 118 CIT training or other in-service training offered relevant to
 119 the work of the Advisory Committee.

120 **24-83. Advisory committee – duties and staffing.**

121 The advisory committee must:

- 122 (a) provide advice to, and collaborate with, the crisis intervention team, the
 123 Executive, and the Council regarding best practices for crisis
 124 intervention in the County related to mental health, behavioral health, or
 125 substance use disorders;
- 126 (b) consult with the crisis intervention team regarding the development of
 127 the models under Section 24-80;
- 128 (c) prepare the annual report required under Section 24-84;
- 129 (d) follow the work and recommendations of the Crisis Intervention Team
 130 and Maryland Behavioral Health and Public Safety Centers of
 131 Excellence in the Governor’s Office of Crime Prevention, Youth, and
 132 Victim Services; and
- 133 (e) be staffed by a designee of the County Executive.

134 **24-84. Annual evaluation and reporting.**

135 The advisory committee must submit, no later than January 31 each year, an
136 annual report to the Executive and Council that includes:

137 (a) numerical data, disaggregated when possible by race, ethnicity, gender,
138 gender identity, and age, regarding:

139 (1) public safety service calls involving individuals experiencing a
140 crisis related to mental health, behavioral health, or substance
141 abuse disorders;

142 (2) petitions for emergency evaluation:

143 (A) issued; and

144 (B) served;

145 (3) individuals diverted by the crisis intervention team from the
146 emergency room to other supports;

147 (4) individuals, served in-person or by phone, by the County's 24-
148 hour Crisis Center;

149 (5) service calls under paragraph (1) involving an actual or
150 threatened deadly or dangerous weapon, as defined under
151 Sections 4-101 or 4-102 of the Criminal Law Article of the
152 Maryland Code, as amended;

153 (6) service calls under paragraph (1) involving co-occurring criminal
154 conduct, including the numbers of associated:

155 (A) misdemeanor charges;

156 (B) felony charges;

157 (C) individuals offered a diversion to treatment; and

158 (D) individuals who were not charged due to diversion to
159 treatment; and

160 (7) service calls under paragraph (1) involving an individual where
161 pending criminal charges were at issue;

162 **(b)** achievements and challenges of the crisis intervention team during the
163 prior year; and

164 **(c)** recommendations to improve crisis intervention in the County, in
165 coordination with local, state, and federal partners.

166 **Sec. 2. Transition.** The first report required under Section 24-84, added under
167 Section 1 of this Act, is due by January 31, 2025.