

Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

## 0850.21, Directives Review and Development Process

*First Universal Review: 01/01/24 – 01/30/24*

### 0850.21 Peace Officer Custody (Civil)

#### Refer:

- ORS § 426.005, Definitions for ORS § 426.005 to 426.390 – Persons with Mental Illness
- DIR 0630.45 Emergency Medical Custody Transports
- DIR 0630.50 Emergency Medical Aid
- DIR 0850.20 Police Response to Mental Health Crisis
- DIR 0850.22 Police Response to Mental Health Director’s Holds and Elopement
- DIR 0850.25 Police Response to Mental Health Facilities
- DIR 0850.30 Temporary Detention and Custody of Juveniles

#### Definitions:

- De-escalation: A deliberate attempt to reduce the necessity or intensity of force to safely and effectively resolve confrontations.
- Disengagement: The intentional decision, based on the totality of the circumstances, to discontinue contact with a person the member could lawfully take into custody.
- Feasible: When time and safety allow for a particular action.
- Mental Health Crisis: An incident in which *someone with an actual or perceived mental illness* experiences intense feelings of personal distress, a thought disorder, obvious changes in functioning, and/or catastrophic life events, which may, but not necessarily, result in an upward trajectory of intensity culminating in thoughts or acts that are dangerous to self and/or others.
- Peace Officer Custody: An exercise of civil authority when there is probable cause to believe a person is dangerous to self or to any other person and is in need of immediate care, custody, or treatment for mental illness. ORS § 426.005 (1) (e); ORS § 426.228.

#### Policy:

1. In the context of mental health crisis, the Bureau recognizes the importance of civil rights and the need for individuals to have control over their person. However, the Bureau also recognizes there are times when, as a result of mental health crisis, a person may lack the capacity to make sound judgments about their personal situation.
2. Members shall be guided by law regarding civil custody of persons in mental health crisis with the goal of assessing the need for custody. If the need arises, the act of custody shall be resolved in as safe, constructive, and humane of a manner as possible.

Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

3. A member’s ability to manage custody by this expectation is of critical importance to the involved person, the involved person’s support system, community members, mental health providers, and the Bureau.
4. Members shall treat the individual with dignity and compassion at all times.

**Procedure:**

1. Peace Officer Custody:

1.1. Members may take a person into Peace Officer Custody if the member has probable cause to believe the person is dangerous to self or to any other person and needs immediate care, custody or treatment for mental illness.

1.2. Before taking a person into Peace Officer Custody for a mental health evaluation, members shall:

1.2.1. Develop and communicate a tactical plan, when feasible, to participating members, to take advantage of the most effective options that may safely resolve the incident.

1.2.1.1. When making a tactical plan, members should consider the following resources and strategies:

1.2.1.1.1. Requesting specialized units such as Enhanced Crisis Intervention Team (ECIT) members or the Crisis Negotiation Team (CNT);

1.2.1.1.2. Consulting with a mental health provider;

1.2.1.1.3. Surveillance;

1.2.1.1.4. Area Containment;

1.2.1.1.5. Requesting more resources/summoning reinforcements;

1.2.1.1.6. Delaying arrest (get a warrant, or try different time/place);

1.2.1.1.7. Using time, distance, and communication to attempt to de-escalate the person; and

1.2.1.1.8. Disengagement with a plan to resolve later.

1.3. When taking a person into Peace Officer Custody, members shall transport or facilitate the transport of the person to the appropriate secure evaluation facility or nearest designated hospital emergency department that conducts mental health evaluations. Refer to Directives 0630.45 Emergency Medical Custody Transports and 0630.50 Emergency Medical Aid for additional information.

1.4. Juveniles may be taken into civil custody for a mental health evaluation under the same legal standard as adults. Members shall notify the juvenile's legal guardian or the Department of Human Services before transport to a secure evaluation facility or nearest designated hospital emergency department that conducts mental health evaluations.

2. Member Responsibilities:

2.1. When a member takes a person into custody under the member’s peace officer authority, the member shall complete a Report of Peace Officer Custody of an Allegedly Mentally Ill Person (this is Form MHD [ORS § 426.228] of the Mental Health Division of the Oregon Health Authority). Members shall provide the report to ambulance personnel or, in those extraordinary circumstances when the officer provides transport, the treating physician at the hospital or Unity Center.

Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

2.2. When a member takes a person into custody under the direction of the Community Mental Health Program Director or designee, the member shall provide the custody report of the Community Mental Health Program Director or designee to ambulance personnel or, in those extraordinary circumstances when the officer provides transport, the treating physician at the hospital or Unity Center.

2.3. The member shall submit a copy of the Report of Peace Officer Custody of an Allegedly Mentally Ill Person, along with all required police reports about the incident, to their supervisor before the end of shift.

3. Supervisor Responsibilities:

3.1. Supervisors shall ensure their members follow the reporting requirements for peace officer custody.

Established: 05/02/2017

Revised: 2018, 2020, 2022

Effective: 11/15/2022

Next Review: 11/15/2023

[Provide Feedback Here](#)