
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY #1.3.7
EFFECTIVE DATE 12/07/23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 2.2.5

Civil Commitments

1.3.7.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

1.3.7.2 POLICY

It is the policy of the Springfield Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

1.3.7.3 AUTHORITY

An officer may take a person into custody when the officer has probable cause to believe the person is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating physician or licensed independent practitioner (ORS 426.228(2)).

The officer shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the physician or licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

1.3.7.4 EXTREMELY DANGEROUS PERSONS

An officer may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the officer and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

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A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

- a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)
- b) The person presents a serious danger to others because of a mental disorder
- c) The person is in need of immediate care, custody or treatment
- d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The officer shall transport the individual to a hospital approved by the Oregon Health Authority (OAR 859-200-0310).

1.3.7.5 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who does not qualify for a civil commitment should consider, as time and circumstances reasonably permit the availability of:

- a) CAHOOTS
- b) Available community or other resources to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

1.3.7.6 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch notify the receiving facility if the individual is uncooperative and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Vehicle Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Supervisor notification is required before transport commences.

1.3.7.7 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to

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assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

1.3.7.8 DOCUMENTATION

Where a person is under a police mental hold or voluntary commitment and is transported to the nearest hospital or nonhospital facility approved by the Oregon Health Authority for evaluation, an incident and arrest report shall be completed. A copy of the report shall be forwarded to Lane County Mental Health.

Officers shall ensure that the report states (ORS 426.228):

- a) The reason for custody
- b) The date, time and place the person was taken into custody
- c) The name and telephone number of the community mental health director.

1.3.7.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

In the supervisor's judgment, the individual may instead be arrested or taken into custody and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the danger to the victim and public, potential flight risk, the treatment options available, the ability of this department to regain custody of the individual, available department resources (e.g., posting a guard), and other relevant factors in making this decision.

1.3.7.10 FIREARMS AND OTHER WEAPONS

Officers may take temporary custody, for safekeeping, of any weapons upon the request of someone in lawful possession of them.

Whenever an individual is taken into custody, pursuant to ORS 426.228, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

A search warrant may be needed before seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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Whenever the handling officer or the assigned detective has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report and may petition for an Extreme Risk Protection Order and direct the Property and Evidence Division to hold the weapons pending judicial review.

A weapon seized as evidence may be released once it is no longer needed as evidence. A weapon taken into custody for safekeeping will be returned to the lawful owner upon request unless a court order or other legal authority authorizes that it be retained, in which case it will be released when specified by the court order or required by other legal authority.

Prior to returning the firearm or ammunition, SPD Property/Evidence personnel shall:

- a) Confirm that the person to whom the department will return the firearm or ammunition is the lawful owner of the firearm or ammunition, or a person with a possessory right to the firearm or ammunition; and
- b) Perform a criminal background check as defined in [ORS 166.432 \(Definitions for ORS 166.412 and 166.433 to 166.441\)](#) to confirm that the person is not prohibited from possessing a firearm or ammunition under state or federal law.

1.3.7.11 TRAINING

The department will provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.