

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.15
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; June 8, 2015; February 28, 2017
CHAPTER: Patrol		Related Policy: G.O. 12.04 (Transporting Inmates)
SUBJECT: Emergency Commitments, Police Officer Holds, PSRB Order of Revocation		Related Laws: ORS 161.336, ORS 426.130, ORS 426.233, ORS 426.170, ORS 426.180, ORS 426.190, ORS 426.228, OAR 309-33-0230

POLICY: The Patrol Section is charged with the responsibility of the protection of life and property, the prevention of crime, and the promotion of public peace and dignity.

RULE: Inmates shall be transported in the safest and most secure manner available. The prime consideration shall be the safety of the inmate, personnel, and the community. All personnel will treat inmates with dignity and respect.

PROCEDURE:

I. Emergency Commitments

A. Mental Health Directors Hold

1. The Sheriff's Office may transport an allegedly mentally ill person at the direction of the Mental Health Division. (ORS 426.233 (A) and OAR 309-33-0230 (2) (c))
2. Prior to transporting the alleged mentally ill person, a Deputy must:
 - a. Establish that a designee of the Mental Health Director has placed the allegedly mentally ill person on a Mental Health Directors Hold. (Certified designees carry picture identification for this purpose.)
 - b. The Directors hold and certified record of the proceedings must be transported with the mentally ill person. (ORS 426.170)
 - c. After delivering the person to the designated Mental Health facility, the Deputy must execute a statement indicating that he has delivered the alleged mentally ill person to the designated facility. This statement will generally accompany the order to transport provided by the designee.
 - d. Commitment of an individual in Indian country if the state does not have jurisdiction over the individual (ORS 426.180) must be done on an emergency basis only.

- e. Persons committed under ORS 426.180 shall be transported by the Deputy, along with the documents, to the designated treatment facility.
- f. The court shall order the person be prohibited from purchasing or possessing a firearm. When a court makes an order under this subparagraph (ORS426.130 D), the court shall cause a copy of the order to be delivered to the sheriff of the county who will enter the information into the LEDS.

B. Peace Officer Hold

- 1. Deputies may take into custody any person who the Deputy has probable cause to believe is dangerous to him/herself or to any other person and who the Deputy has probable cause to believe is in need of immediate care, custody, or treatment for mental illness. As directed by the community mental health and developmental disabilities program director, a Peace Officer shall remove a person taken into custody under this section to the nearest hospital or nonhospital facility approved by the Oregon Health Authority. (ORS 426.228)
- 2. The Deputy shall prepare a written report and deliver it to the treating physician. The report shall state:
 - a. The reason for custody.
 - b. The date, time, and place the person was taken into custody.
 - c. The name of the community mental health and developmental disabilities program director and a telephone number where the director may be reached at all times.
- 3. If the alleged mentally ill person is subsequently placed on a Mental Health Directors Hold, the Deputy will proceed as designated in section I A, above.
 - a. If the person is to be released from custody, the deputy or the community mental health and developmental disabilities program director shall return the person to the place where the person was taken into custody unless the person declines that service.
 - b. A mentally ill person on a Peace Officer Hold placed by another agency will be transported by the agency placing the hold.
 - c. If the transport will exceed one hour from the location where the person was taken into custody, the Deputy shall obtain, if possible, in addition to the Directors Hold and certified record, a certificate from a licensed physician. The certificate will state, "The travel will not be detrimental to the person's physical health and that the person is dangerous to self or to any other person and is in need of immediate care or treatment for mental illness" (ORS 426.228 (3)).

- d. If the person taken into custody under this section is believed to be a foreign national, the deputy shall inform the person of their right to communicate with an official from the consulate of his/her country.

II. Psychiatric Security Review Board Order of Revocation

- A. Jurisdiction to the Psychiatric Security Review Board (PSRB) is given, if the court or jury finds that the person would have been guilty of a felony, or of a misdemeanor, during a criminal episode but the court finds by a preponderance of the evidence that the person is affected by mental disease or defect and presents a substantial danger to others.
- B. An order of revocation by the PSRB does not constitute an arrest warrant, but clearly directs Law Enforcement Officers to take persons into custody and to transport them pursuant to an Order of Revocation by the Board. It is comparable to an arrest warrant, as the Board order is mandatory and not discretionary. Law Enforcement Officers must comply with the Board order by taking persons into custody and transporting them accordingly.
- C. Legal Responsibilities
 1. ORS 161.336(4)(a) provides in part: (4)(a) If at any time while the person is under the jurisdiction of the board it appears to the board or its chairperson that the person has violated the terms of the conditional release or that the mental health of the individual has changed, the board or its chairperson may order the person returned for evaluation or treatment to a state hospital or, if the person is under 18 years of age, to a secure intensive community inpatient facility. A written order of the board, or its chairperson on behalf of the board, is sufficient warrant for any law enforcement officer to take into custody such person and transport the person accordingly. A sheriff, municipal police officer, constable, parole and probation officer, prison official or other peace officer shall execute the order, and the person shall be returned as soon as practicable to the state hospital or secure intensive community inpatient facility designated in the order.
 2. Oregon State Police shall be responsible for the entry of PSRB Revocation Orders into the LEDS system. As the order does not constitute a criminal warrant, the order will not be entered into LEDS as a criminal warrant. In addition, the Board's Order of Revocation cannot be used to extradite a person under the Board's jurisdiction who has absconded to another State, unless that person has committed Treason, a Felony, or other crime. The Revocation Order is not binding on Law Enforcement Officers in another State.

D. Custody and Transport

1. All custody situations pursuant to ORS 161.336 shall be reported on a Custody Report.
2. All persons subject to a PSRB Revocation Order have been involved in a crime, so proper precaution should be observed.
3. Transport (163.336 (4) (b)) Any person taken into custody pursuant to this subsection shall be transported as soon as practicable to a state hospital designated by the Department of Human Services.