

CIVIL PROTECTIVE CUSTODY (CPC)

PREAMBLE:

Civil Protective Custody (CPC) is an involuntary method of detainment used to preserve life or prevent injury to an intoxicated adult subject (nineteen (19) years of age or older) or others when the subject is, in the judgement of officers, unable to care for themselves/meet their basic needs and/or presents a safety risk to themselves or others (NRS [§53-1,121](#)). Officers shall exercise sound judgment and balance the safety of the intoxicated subject and the public against the involuntary detention of the intoxicated subject(s).

POLICY:

It is the policy of the Omaha Police Department (OPD) to use Civil Protective Custody (CPC) to preserve life and prevent injury to subject(s) aged nineteen (19) or older whom officers reasonably believe to be intoxicated solely by alcohol and are unable to care for themselves and/or are dangerous to themselves or others. Subjects who are taken into CPC by the OPD shall be transported to the Douglas County Detoxification Services (DCDS) facility, located at 1490 North 16th Street, where they will be detained for a period of no longer than twenty-four (24) hours or until the subject's blood alcohol content (BAC) is 0.01 or below.

PROCEDURE:

NOTE: CPC is not an available option for juvenile subjects aged eighteen (18) years and younger. Juveniles in need of medical care shall be either transported to the closest emergency room or turned over to their parent/guardian for care, as may be appropriate to the circumstances. Officers will facilitate and/or request medical care when necessary. For incidents involving intoxicated juveniles where enforcement actions may be necessary, officers should see the OPD "[Juvenile – Alcohol Violations](#)" policy for details.

I. CPC Criteria and Placement Procedures

- A. Officers may take an intoxicated subject into CPC from any public or quasi-public property if officers determine that, due to alcohol intoxication:
 - 1. The subject is a danger to themselves or others and/or unable to care for themselves.
– AND –
 - 2. The subject is unable to be safely placed at their home, with a family member or friend who will care for them, or at a hospital, clinic, or mental health substance use treatment center or with a medical doctor as may be necessary to preserve life or to prevent injury.
- B. Before placing any intoxicated subject in CPC, officers shall determine whether or not the subject needs medical attention AND whether or not another individual is available to care for them.
 - 1. If needed, officers shall take necessary steps to make certain proper medical attention is provided.
 - 2. If the intoxicated subject does not require medical attention, a reasonable effort shall be made to turn the intoxicated subject over to a responsible family member, responsible adult, or facility willing to accept responsibility for the intoxicated subject.
 - 3. If an intoxicated subject can be turned over to another individual (i.e., family member or close friend who will care for them) or facility other than the DCDS facility, the OPD Civil Protective Custody Release Form (in the event the person is turned over to another individual) ([OPD Form 157B](#)) shall be completed and signed by the initiating officer and the person to whom the intoxicated subject is being released.

- a. Officers shall turn in the completed form with other reports to the Data Unit prior to the end of their shift.
- C. If no other individual is available or feasible to release the subject to AND the subject does not need medical attention, officers shall proceed with CPC.
 - 1. Officers shall contact the OPD Information Channel, provide the intoxicated subject's name (if possible), and request a bed in the CPC Unit at the DCDS.
 - 2. The Information Channel Operator shall contact the DCDS at 402-444-1975 to determine if there is an available bed.
 - 3. If a bed is available, officers shall transport the intoxicated subject to the DCDS facility and turn them over to the DCDS staff.
 - 4. If DCDS has been notified that a subject will be on the way for CPC admission, but subsequently plans changed and officers will instead turn the subject over to another individual or facility, officers shall promptly notify DCDS at 402-444-1975 of the change. This will ensure DCDS does not continue/begin preparations for accepting the subject for CPC if/when the subject will no longer be transported there.
- D. Officers shall conduct custodial searches of CPC subjects prior to transport, and as described in the OPD "[Searches – Persons](#)" policy, to help ensure the safety of the subject, officers, medical personnel, and/or others.
- E. For ALL CPC placements, an OPD "Civil Protective Custody Admission Record" ([OPD Form 157](#)) shall be completed, in addition to an OPD Behavioral Health Incident Tracking Form (PortalOne) and any other required reports.
- F. The DCDS staff shall perform a medical screening of all intoxicated subjects placed into their facility.
 - 1. If they determine a subject needs medical care and will not accept the subject as a CPC admission, officers shall coordinate with the DCDS staff to determine an appropriate way to proceed, which may include transporting the subject to a hospital.
- G. Officers may be called to a hospital regarding an admitted patient whom the facility would like officers to place into CPC.
 - 1. If the subject is medically stable and has been discharged from the hospital, officers shall determine whether or not to CPC the subject, as described in this policy.
 - 2. Since medical staff may provide valuable information to officers regarding the intoxicated subject's state of mind, officers shall consider medical staffs' feedback and/or requests.
 - a. A key consideration when making the determination is whether or not CPC placement of the subject is needed to preserve life or prevent injury.
 - b. Officers may consider information provided by staff, but the decision whether or not to CPC a subject is the responsibility of the officers.
 - 3. Officers shall not take custody of the subject for CPC unless the following two conditions are met:
 - a. The subject is medically stable;

– AND –

- b. CPC criteria have been met.
- 4. If there is a difference of opinion between officers and medical staff at a hospital, medical facility or the DCDS as to whether or not to place a subject into CPC, the Area Field Sergeant shall be called to the scene.
 - a. The Field Sergeant shall respond to the location and attempt to resolve the situation.
 - b. If a decision is made not to place the subject into CPC, the Sergeant shall:
 - (1) Communicate that decision to all involved parties (including the DCDS).
 - (2) Ensure the subject is transported to an appropriate location or has arranged transportation from DCDS (i.e., shelter, family member's home, etc.).
- 5. Any requests by hospital staff to use OPD employees or vehicles to provide transportation of subjects for CPC shall be approved only under extreme circumstances (i.e. extreme violence) and shall require the approval of the respective Precinct Lieutenant.
- H. If a subject who has been placed into CPC is subsequently discharged to a responsible party who will care for them, and the officer(s) is still present at DCDS, the officer(s) shall complete an OPD "Civil Protective Custody Release Form" ([OPD Form 157A](#)) and ensure the subject signs the form before leaving the facility. The completed form shall be turned in to Data Review prior to the end of their shift.
- I. Once officers have presented the subject to DCDS, completed and submitted the required CPC paperwork, and taken reasonable care to transfer custody of the subject to the DCDS, they have complied with legal requirements and the subject is no longer considered to be in the temporary custody of OPD.
 - 1. Officers shall ensure the subject who is being presented for assessment/admittance is secured and is not actively combative.
- J. Officers will be certain to advise the DCDS staff of their departure prior to returning to service.

II. Intoxicated Subjects Who Commit Criminal Offenses

- A. If an intoxicated subject commits a misdemeanor offense and meets criteria for CPC, officers may issue a citation and place the subject in the CPC Unit at the DCDS.
- B. If an intoxicated subject commits a felony offense and meets criteria for CPC, officers shall:
 - 1. Ask the DCDS staff to advise an estimated time that officers may attempt to return to arrest the subject.
 - 2. Ask the DCDS staff to advise officers once the subject is nearing .01 blood alcohol content.

III. Disruptive or Violent Intoxicated Subjects

- A. Intoxicated subjects who become violent while confined in CPC shall be transported to Douglas County Department of Corrections (DCDC) and booked after their release from CPC if there is evidence to support a felony or other criminal charge.
 - 1. If DCDC determines that the subject is too incapacitated to be booked into their facility, officers shall transport the subject to a medical facility for medical care/clearance.
 - 2. Once the medical facility clears the subject, officers shall transfer the subject back to DCDC to be booked.
- B. Subjects undergoing detoxification require periodic medical evaluation. If the DCDS employees feel that a subject in their care poses a safety risk to their staff, officers may be called to assist staff members as they perform their medical evaluation.

NOTE: When officers are called to assist with an intoxicated and combative/violent subject at the DCDS or another facility, officers shall assess the situation and, if necessary, utilize the appropriate amount of force as may be necessary to protect the subject, facility staff, officers, and/or others from harm, in accordance with current OPD policies and procedures (NRS [§28-1412](#)).

REFERENCES:

I. Laws

- A. NRS [§53-1,121](#) authorizes CPCs; NRS [§28-1412](#) is relevant to this policy.

II. Case Law

- A. Ginapp v. City of Bellevue, 282 Neb. 1027 - similar case pertaining to transfer of custody during mental health placement.

III. Previous OPD Orders

- A. Previous General Orders: #11-91, 7-09, 38-14, 7-15, 13-18, 57-22, and 94-23.

IV. Accreditation Standards

- A. Relevant CALEA Accreditation standards: 1.1.3.

V. Other

- A. PPM Monthly Updates: #4-2023.