

## LEGISLATIVE HISTORY OF WSTC CHAPTER 330

Warm Springs Tribal Code Chapter 330 dealing with "Emergency Detention of Mentally Ill Persons" was enacted by the Tribal Council on September 1, 1983 to establish procedures for involuntarily detaining and treating severely disturbed mentally ill persons who will not voluntarily seek treatment. Such persons will be involuntarily detained only when their condition poses an emergency with respect to the safety and welfare of the mentally ill person or other members of the community. An emergency detention order is an extraordinary measure depriving the mentally ill person of his liberty and will be issued only when a genuine emergency exists. The Tribal Council intends that tribal and Indian Health Service professionals will exhaust all other alternatives before applying to the Tribal Court for an emergency detention order.

The Tribal Council recognizes that tribal and Indian Health Service facilities on the reservation are inadequate for the long-term treatment of severely disturbed mentally ill persons. The Tribal Council intends that tribal facilities will be used for the emergency detention of mentally ill persons under Chapter 330 for a period not to exceed five days and that the purpose of such detention will be either treatment or evaluation for possible placement in a state institution, or both. The Tribal Council expects that short-term detention orders will direct that the mentally ill person either be detained in a tribal facility or transported off the reservation and detained in an Oregon Mental Health Division-approved community hospital under the provisions of Oregon Revised Statutes Chapter 426. The Tribal Council understands that detention in such off-reservation community hospitals under Oregon law can be made by Warm Springs policemen deputized as Jefferson County Sheriff's deputies or by physicians serving the Warm Springs community licensed by the State of Oregon, for a period not to exceed five days.

The Tribal Council intends that mentally ill persons determined by the Tribal Court to be in need of long-term detention will be detained and transported under WSTC Chapter 330 to Dammasch State Hospital in Wilsonville, Oregon where they will be considered for admission under the provisions of Oregon Revised Statutes Chapter 426.180 et sec. The understanding of the Tribal Council, the Oregon Mental Health Division and Dammasch State Hospital with respect to the detention and transportation to Dammasch State Hospital of mentally ill persons from the Warm Springs community are contained in a Memorandum of Agreement attached to Warm Springs Tribal Code Chapter 330.