

## Alternative Transportation and Custody

*Addressing ways to decrease law enforcement involvement with Emergency Custody and Temporary Detention during mental health crises*

### Background

- Virginia Code ((§37.2-808-829 and 16.1-340-345) requires law enforcement to maintain custody and transport individuals under an emergency custody order (ECO), temporary detention order (TDO), or involuntary commitment. Under certain conditions outlined in the Code of Virginia, there are options for alternatives to law enforcement involvement in these processes.
- A statewide bed and staffing crisis began during the pandemic and led to much longer custody wait times which are currently continuing. Maintenance of custody prior to transport has become an increasingly urgent need, but was not part of the original AT contract.
- Virginia has had Alternative Transportation (AT) services for individuals under a TDO since 2019. This has been accomplished through multiple contracts and service models which have expanded to include ECO and TDO custody depending on the model. From inception in 2019 through November 2025, all projects combined have served 11,424 individuals in crisis as follows:
  - **Allied Universal** (8,957 served October 2019 – May 2025) Contract expired May 2025.
  - **20 contracts with individual law enforcement agencies** (498 served from July 2022 – February 2024) using DBHDS one-time funds totaling \$816,927.
  - **Steadfast Security** (1,927 served from April 2024 – November 2025) Current contract for Regions 1 and 3 ongoing for \$14.1 million.
  - **Valley Health in Winchester** (42 Served from August – November 2025) Current contract ongoing for \$1.1 million.

### Current Contract Success

- The initial TDO transport-only contract with Allied Universal paid for 24/7 staffing whether drivers were tasked with a transport or not, leading to high costs with low yield of transports and thin staffing. It also prohibited the use of restraint, which led to exclusionary criteria for individuals with highly acute symptoms.
- The current budget and new contract with Steadfast Security provides for coverage of custody and transport during the TDO period in Regions 1 and 3 and has the capability to maintain custody of and transport 60% of all TDOs in those regions with all levels of acuity.
- New appropriations language in FY 2024 allowed DBHDS to customize custody and transport needs to meet various demands at the local level.
- Via a contract with Valley Health in Winchester in 2025, DBHDS funded a new model in which Special Conservators of the Peace (SCOPs) take custody of ECOs from law enforcement and maintain custody throughout both the ECO and TDO periods and provide transport when a magistrate issues an AT Order when a bed becomes available. DBHDS is currently expanding this model and is negotiating contracts with UVA/Region Ten CSB in Charlottesville and with Mary Washington Hospital in Fredericksburg.

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## Alternative Custody Options

- Virginia Code § 37.2-810 allows for an alternative transporter (someone other than law enforcement) to take custody and transport individuals under a TDO. The only way for an alternate provider to take custody of a TDO is if they also can do the transport. However, the current budget cannot meet the need statewide for custody **and** transport.
  - **Expanding Steadfast Security Contract** – Steadfast can only continue expansion to additional regions beyond 1 and 3 if there is an increase in the budget.
  - **Developing additional hospital SCOP Sites** – Virginia Code § 37.2-808 allows for a facility (i.e., hospital emergency department) to take custody of individuals under an ECO from law enforcement. By supporting the use of SCOPs to maintain custody, DBHDS can address custody needs during the 8-hour ECO and during TDO periods (up to 72 hours for adults, 96 hours for juveniles). In FY 2025, DBHDS established a contract with Valley Health (Winchester) and is currently working on contracts with UVA and Mary Washington hospitals. DBHDS will provide funding at each site for up to 14 SCOPs trained in trauma-informed care and behavioral health needs to provide 24/7 capacity for the hospital to take immediate custody of individuals under an ECO. With an MOU between law enforcement agencies and the hospital, SCOPs provide custody during the ECO through the TDO period until a TDO bed is confirmed. Hospital contractors may also elect to provide transportation to the facility of detention when a bed becomes available. The current budget limits expansion beyond the 3 hospitals in Region 1.
  - **Contracts with individual law enforcement entities** experiencing a high volume of ECOs and TDOs may continue to be an additional option to ease the strain for some law enforcement agencies.

## Benefits for Individuals

- All custody agents and transporters under contract with DBHDS are specifically trained to:
  - De-escalate crises, help build trust, and reduce the use of physical restraint in custody
  - Facilitate communication and connect individuals with appropriate care
  - Create safer environments and help individuals feel supported rather than criminalized
  - Ensure the individual's safety and reduce risks to healthcare staff
- This training shifts the experience for those in mental health crisis from being traumatic to therapeutic
- Improving the individual's experience improves the quality of care, and this means that people are more likely to be receptive to needed mental health treatment and engage in treatment decisions.
- For youth, perceptions of law enforcement have serious short and long-term impacts, creating early impressions of mental health crises as a crime and distrust in the important role of law enforcement.
- Instead of taking individuals in crisis to hospitals, sometimes law enforcement arrests them and takes them to jail so they can return to their duties. With SCOPs providing custody, law enforcement is more likely to execute an ECO rather than arrest the individual, avoiding worse outcomes for individuals in crisis and reducing criminalization of mental illness.

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## Budget

Flexibility in use of funding will be essential to meeting localities' needs and adapt to any systemic changes that impact custody and transport needs.

	FY 2026
<b>Current Base Budget</b>	GF \$18,673,707
<b>Obligations</b>	
DBHDS Operational Expenses - staff + travel and training	\$338,202
Steadfast – TDO Custody and Transportation in Regions 1 and 3	\$14.1 million
Hospital Contracts including Valley Health, UVA and Mary Washington (Region 1)	\$3.2 million
Law Enforcement Contracts as budget allows	As funds allow

DBHDS has submitted a budget request for an additional \$15 million in FY 2027 and an additional \$11 million in FY 2028 to facilitate the statewide expansion of all models outlined in the above chart.

## Contact

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