New Orleans Police Department
Policy Manual
Mental Illness Civil Commitments

418.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the officers of this department with guidance to effectively respond to situations involving individuals who may require detention for purposes of mental health evaluation.

418.1.1 DEFINITIONS
Definitions related to this policy include:
**Dangerous to others** - The condition of a person whose behavior or significant threats support a reasonable expectation that there is a substantial risk that he will inflict physical harm upon another person in the near future (La. R.S. 28:2(3), Ch. C. Art 1404(3)).
**Dangerous to self** - The condition of a person whose behavior, significant threats or inaction supports a reasonable expectation that there is a substantial risk that he will inflict physical or severe emotional harm upon his own person (La. R.S. 28:2(4), Ch. C. Art 1404(4)).
**Gravely disabled** - The condition of a person who is unable to provide for his own basic physical needs, such as essential food, clothing, medical care, and shelter, as a result of serious mental illness or substance abuse and is unable to survive safely in freedom or protect himself from serious harm; the term also includes incapacitation by alcohol, which means the condition of a person who, as a result of the use of alcohol, is unconscious or whose judgment is otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment (La. R.S. 28:2(10), Ch. C. Art 1404(10)).

**Mentally ill person** - Any person with a psychiatric disorder which has substantial adverse effects on his ability to function and who requires care and treatment. It does not refer to a person suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse (La. R.S. 28:2(14), Ch. C. Art 1404(15)).

418.2 POLICY
Law enforcement encounters with individuals suffering from mental illnesses require special consideration and sensitivity. Officers should use reasonable and necessary precautions when appropriate to avoid a violent encounter with the person being taken into temporary protective custody (La. R.S. 28:53.2(C)(5)).
It is therefore the policy of the New Orleans Police Department to treat such individuals in a respectable and fair manner as well as to appropriately train members of the Department to manage situations involving individuals who may require detention for purposes of mental health evaluation.

418.3 GENERAL INFORMATION
The Crisis Transportation Service (CTS) is an emergency van staffed by auxiliary civilian volunteer personnel (CTS Technicians). Two civilian employees (Program Administrator and Program Coordinator) shall be responsible for the day to day administrative duties associated with the Crisis Transportation Service. The Crisis Transportation Service shall
be commanded by a commissioned officer with the rank of sergeant or above whose title shall be Program Director. The Program Administrator and Program Coordinator will not normally staff the emergency van unless specifically authorized by the Program Director. The Crisis Transportation Service is authorized by the Superintendent to assist patrol units in processing and transporting mentally disturbed persons who do not have criminal charges pending as a result of the incident. The Crisis Transportation Service will generally be available seven days a week from 12:00 (noon) until 12:00 (midnight).
It should be noted that CTS Technicians are not police officers and are not armed. Officer responding to calls with CTS Technicians shall remember that the CTS Technicians are responding in an assistance capacity and are not equipped to effectively deal with situations requiring specialized training in police techniques.

418.4 AUTHORITY OF AN OFFICER
An officer may take a person into temporary civil protective custody and transport him/her to an appropriate treatment facility for a medical evaluation when, as a result of his personal observation, the officer has reasonable grounds to believe the person is a proper subject for involuntary admission because the person is acting in a manner dangerous to himself or dangerous to others, is gravely disabled, and is in need of immediate hospitalization to protect such a person or others from physical harm (La. R.S. 28:53(L), Ch. C. Art. 1433).
Officers shall not state to any person that involuntary admission may result if such person does not voluntarily admit himself/herself unless the officer is prepared to execute a certificate of committal (La. R.S. 28:52(D)).
Officers may take mentally disturbed persons or persons suffering from substance abuse into custody under any of the following circumstances:
(a) There is a Physician’s Emergency Certificate (PEC) signed by a licensed physician. A PEC shall be effective for 72 hours from its issuance.
(b) There is an Order for Protective Custody (OPC) signed by the Coroner or judge from a court of competent jurisdiction. An OPC shall be valid for 72 hours from its issuance.
(c) Abnormal behavior is observed by the officer or CTS Technician and it is reasonable to believe that the person is a danger to self or others.
(d) The disturbed person voluntarily requests to be taken.
(e) The disturbed person is involved in a violation of law.

418.4.1 DETENTION
The detention of a person under this policy does not constitute an arrest but rather a civil commitment and in protective custody. When a person is detained for mental health evaluation, that person shall not be held in the jail, except that the jail may be used if no other suitable place of confinement for treatment and evaluation is readily available. In such a situation, the person shall be detained separately from all other inmates and should generally be monitored per the Temporary Holding Facility Policy or the Temporary Custody of Juveniles Policy, as applicable.
If the person is suffering from substance abuse and when an appropriate facility is unavailable the officer may use whatever means or facilities is available to protect the health and safety of the person until an appropriate facility become available. In taking a person into protective civil custody the officer may take reasonable steps to protect themselves (La. R.S. 28:53(L)(3)).
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Any apprehension, taking into protective custody, or confinement, made by an officer pursuant to state law is an administrative act relative to the functions of their office, as required by law, and for which act they are specifically granted personal immunity (La. R.S. 28:63(D), Ch. C. Art. 1419(C)).

418.5 COMMUNICATION SERVICES RESPONSIBILITIES
 Dispatchers shall relay as much information as possible to any units responding to a call for service involving a mentally disturbed person. These calls for service shall be assigned to a two man car. Additionally, a ranking officer and a two man backup unit shall be assigned. Backup units shall continue en route to the location until the primary unit has determined and announced that no additional units are necessary.

418.6 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
Any officer responding to or handling a call involving a person who may warrant involuntary commitment should consider utilizing:
(a) Any available information that might assist in determining the possible cause and nature of the mental illness, such as developmental disabilities, intoxication or chemical dependency.
(b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving a mentally ill person.
(c) Language that is appropriate for interacting with a mentally ill person.
(d) If circumstances reasonably permit, alternatives to deadly force when interacting with a potentially dangerous mentally ill person.
(e) Community resources that may be readily available to assist with a mentally ill person.
(f) Inquiring about any advance directive document in which a person has specified his/her choice about care and treatment should the person later become incapable of exercising choice.
(g) Medical treatment and clearance should be obtained when warranted prior to transportation to the receiving mental health facility.

418.6.1 INSTRUCTIONS
Officers responding to calls involving mentally disturbed persons shall make an initial assessment to determine if the subject fits one of the above categories (see 418.4) and will require transportation to a treatment facility.
If the investigating officers determine that the mentally disturbed person meets the above criteria, requires transportation, the incident does not involve a violation of law, and the CTS unit has not already been dispatched, the officers shall inquire as to the availability of the CTS unit for transportation assistance with the dispatcher.
The responding officers shall attempt to contain the situation as necessary to provide for the safety of officers, CTS Technicians, family members, and any bystanders who may be present.
If the mentally disturbed person is suffering from an emergency medical condition or requires special medical attention or care (i.e., attempt suicide calls), officers shall summon EMS to the scene. The CTS unit shall not transport any subject meeting the above mentioned description.
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If the CTS unit is not available, district units shall be responsible for transporting the subject as needed. The transporting of mentally disturbed persons shall be made in compliance with the regulation governing prisoner transportation found in chapter 72 of this manual. Any OPC, PEC, or judicial order of commitment shall be brought to the treatment facility with the transporting unit.

Officers and CTS technicians shall remain with the subject at the treatment facility until the subject has been properly admitted and the facility assumes responsibility for the subject. If the CTS unit is available to respond, the officers shall remain on the scene until the subject is secured in the CTS van and the van is underway to its destination. If it is necessary for an officer to accompany CTS personnel during the transportation in the rear of the van, that officer shall remove and secure his/her firearm in his/her patrol car. If it is necessary for an incident report to be written, the investigating officers shall be responsible for completing same.

418.7 CTS UNIT INSTRUCTIONS

The CTS unit shall advise the Communications Division, via police radio, that they are in-service at the beginning of their tour of duty. Furthermore, the CTS unit shall advise the dispatcher of any special area assignments which may exist. The CTS unit shall monitor and be based on the working dispatch group for the First District. Upon being notified of a call for service, the CTS unit shall proceed to the location to assist district units. The CTS unit shall keep the dispatcher for the location of occurrence advised of their status upon arrival, transport, and completion of assignment, as per current procedure.

All subjects transported by members of the Crisis Transportation Service must be restrained and properly secured with the vehicle’s seatbelt prior to transportation. CTS personnel shall only use restraining devices which have been specifically authorized by the CTS Program Director. Additionally, CTS personnel shall be trained in the use of any authorized restraining devices. Restrained subjects shall not be left unattended under any circumstances.

CTS Technicians shall not transport subjects who are under arrest or who have a medical condition requiring care beyond their expertise also considering available medical equipment.

CTS Technicians shall complete a run report for each call received, including incomplete or canceled calls. All reports completed by CTS personnel shall be maintained by CTS staff.

CTS Technicians shall not attempt to intervene in a call for service until sufficient officers are present.

The Communications Division shall notify the CTS unit of any calls for service involving mentally disturbed persons, when the unit is available and in service, or when requested by an officer on the scene of an incident involving a mentally disturbed person.

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The Communications Division shall notify the CTS unit on their base channel and advise them to change channels to the working dispatch group for the location of occurrence.

418.7.1 CRISIS TRANSPORTATION SERVICES - STAFFING
Routinely the CTS Van(s) are staffed by 2 Crisis Transportation Technicians (6512). However, circumstances due to a personnel shortage may allow for the CTS van to be staffed by 1 Crisis Technician (6513).
Under this condition 6513 may respond to the CTS location if requested by the on scene officers for the following reason(s):
(a) To do a rapid assessment for determining if the subject meets criteria for transport to a psychiatric facility for further evaluation and / or treatment.
(b) Is a result of:
1. Danger to self (Suicidal)
2. Danger to others (Homicidal)
3. Gravely Disabled (Due to M.J.)
(c) If transport is determined by the on scene supervisor the options are:
1. Transport by police unit and met at psych facility by Crisis Unit Technicians and once there Crisis Unit Technician shall relieve officers and assume responsibility w/hospital security of subject to be admitted.
2. Transported by Crisis Unit w/assistance. One police officer will ride in Crisis Unit Van, either drive van or attend to patient, in rear of van. The officer's weapon must be secured in patrol cars trunk before prior to entering the Crisis Unit Van.
Under no circumstances will a single person Crisis Unit (6513) transport a subject without assistance from a police officer.

418.8 BARRICADED SUBJECTS
Any incidents involving barricaded subjects who are mentally disturbed shall be handled as per the regulation entitled Barricaded Subjects/Sniper Situations found in policy that addresses barricaded subjects.

418.9 TRANSPORTATION
When transporting any individual in custody for a mental illness evaluation, and if reasonably practicable, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and any special medical care needs of the individual that are reasonably known to the officer.
Officers may transport the detained individual in the patrol unit and shall secure them in accordance with the Handcuff Policy. Violent individuals or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent individual when transported by ambulance. Transporting violent individuals in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.
The officer will escort the detained individual into the facility and place that person in a designated treatment room or location, as directed by a facility staff member. As soon as a
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security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the individual (La. R.S. 28:53(L)(2)).

**418.9.1 RESTRAINTS**
If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer may wait while they are being applied to help provide physical control of the patient, if needed.

**418.10 WRITTEN DOCUMENTATION**
The officer shall complete and provide the appropriate mental illness commitment application and any associated affidavits and witness lists to the facility staff. The application shall be based upon the officer’s personal observations (La. R.S. 28:53). The officer will retain a copy of the admission documents for inclusion in the case report. The officer should also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

**418.11 SECURING OF WEAPONS**
If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

**418.12 MENTALLY ILL PERSON CHARGED WITH A CRIME**
Any person charged with a crime who also appears to be mentally ill shall be transported to Central Lock-up.
If the person has injuries or some other medical condition, he/she may be taken directly to the hospital for initial medical treatment with the approval of a supervisor. After medical clearance is received, the person shall be transported to Central Lock-Up.

**418.13 SAFEKEEPING OF FIREARMS AND WEAPONS**
Whenever a person has been detained or taken into custody for mental illness evaluation and is found to have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the handling officer should consider confiscating the firearm or weapon for safekeeping. A property receipt shall be given to the owner and the firearm or other deadly weapon shall be booked into evidence until further processing and release. If consent is not given to take any deadly weapons which are not in the subject's immediate control, officers are cautioned that a search warrant may be needed before entering a residence to search for any deadly weapons, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent). The handling officer shall further advise the person of the procedure for the return of any firearm or other lethal weapon that has been taken into custody.

**418.14 TRAINING**
As part of advanced officer training programs, this agency will endeavor to include Department approved training on interacting with mentally disabled persons.