

 Kinston Police Department	<u>POLICY: Involuntary Commitment (IVC)</u>						<u>POLICY #:</u> 400-10
	<u>NCLEA Standards:</u>						
	<u>CALEA Standards: 41.2.7</u>						
	<u>NCLM Standards:</u>						<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	04/10/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

The purpose of this policy is to provide procedures for assisting individuals seeking voluntary admission to a mental health facility, as well as guidelines for involuntary and/or emergency commitments for individuals requiring hospitalization due to mental illness or substance abuse.

II. POLICY

It is the policy of the Kinston Police Department to assist individuals with mental illness or substance abuse problems in obtaining treatment by encouraging voluntary admission to a treatment facility. It is also the policy of this department to assist with and/or initiate involuntary or emergency commitment of the mentally ill or substance abuser who is dangerous to themselves or others.

III. COMMITMENTS

All admissions and commitments shall be accomplished under conditions that protect the dignity and constitutional rights of the individual.

IV. VOLUNTARY ADMISSIONS

Officers will attempt to seek non-arrest resolutions in cases involving individuals suffering from mental illness or in crisis whenever possible. Referral to appropriate facilities on a voluntary basis is the desired result.

Officers should refer persons who appear to be in need of mental health treatment and do not pose an imminent danger to themselves or others to a mental health facility or, when necessary, provide a family member or other responsible person with the information necessary to secure the needed assistance.

Referrals within the city can be made via Lenoir County Communications who can contact on-call regional and area providers for assistance. Persons who are or have been under the care of a private physician should be referred to that physician.

V. INVOLUNTARY COMMITMENTS

In accordance with N.C. G.S. § 122C-261 and N.C. G.S. § 122C-281 any person, including an officer, may initiate commitment proceedings if they have knowledge that an individual is:

- a. Mentally ill and dangerous to self or others; or
- b. Mentally ill and in need of treatment to prevent further disability or deterioration which could lead to the individual being a danger to self or others; or
- c. A substance abuser who is dangerous to self or others.

In appropriate cases, officers should encourage family members or other responsible persons with knowledge of the individual to initiate involuntary commitment proceedings; however, if family members or other responsible parties are unable or unwilling to assist, the officer will proceed in accordance with this policy.

- a. Officers may not detain an individual to allow another officer, family member, or other responsible person to obtain an involuntary commitment order unless other permissible grounds for detaining the individual exist.
- b. If an officer is on scene with an individual who cannot be safely released while an involuntary commitment order is sought due to the subject posing a threat to themselves or others, officers should proceed with an emergency commitment.

The person initiating involuntary commitment proceedings must appear before an appropriate clerk or magistrate to execute an affidavit and to petition for the issuance of a custody order.

Officers can only take an individual into custody within 24 hours of the issuance of a commitment order issued by a clerk or a magistrate.

Upon arrival at the facility, the officer will present the individual and papers to the available UNC-Lenoir Police Officer, qualified physician, or charge nurse to initiate evaluation proceedings. The examining physician may recommend the following:

- a. To commit the individual for in-patient treatment; or
- b. Release the individual to family, friends, or others with a recommendation for out-patient treatment; or
- c. Release the individual without treatment.

Whether the individual is committed or released, the officer must execute the reverse side of the original and copy of the custody order and return the original to the magistrate or clerk's office.

If the individual is committed, the following documents will be left with the appropriate hospital staff:

- b. A copy of the petition.
- c. A copy of the properly executed custody order.

Until commitment proceedings are finalized, under no circumstances will an officer leave an individual with facility staff in an unsecured area within that facility, when in the opinion of the officer and/or supervisor, the individual is exhibiting behavior that is violent or reasonably expected to become violent.

During the admission process the examining physician may recommend the person for outpatient treatment. In this case, the transporting officer must return such released patients to their residence, the residence of a consenting person, or other safe location within the city as necessary.

VI. EMERGENCY PROCEDURE

Per N.C. G.S. § 122C-262, emergency commitment procedures are available in those circumstances where an officer is confronted by an individual who requires immediate hospitalization to prevent harm to themselves or others.

Officers taking individuals into emergency custody must immediately transport them directly to a mental health facility for examination.

Before or during transport to the hospital, UNC-Lenoir should be contacted and notified of the transport and provided with requested and available information.

If the examining physician finds the individual to be mentally ill and dangerous to self or others and in need of treatment, he must so certify in writing. The notarized physician's certificate will serve as the custody order. Appearance before a magistrate is not required. 5. If the examining physician finds the individual to be a substance abuser, appearance before a magistrate is required. Appearance before a magistrate must be by the officer or petitioner who accompanied the respondent to the hospital. Another officer will be required to stand by with the respondent until the petitioning officer returns with a custody order.

VII. CONSIDERATIONS AND RESPONSIBILITIES

If feasible, a Crisis Intervention Team (CIT) trained officer shall be dispatched to any call involving an individual known to have or suspected of having a mental illness.

Any officer handling a call involving an individual who may have a mental illness should consider, as time and circumstances reasonably permit (**CALEA 41.2.7 c**):

- a. Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- b. Community or neighborhood mediation services.
- c. Conflict resolution and de-escalation techniques.
- d. Community or other resources available to assist in dealing with mental health issues.

(**CALEA 41.2.7 b**)

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

VIII. TRANSPORTATION

KPD officers are only responsible for the transport of individuals with valid involuntarily commitment orders residing in or taken into custody within the city limits, and only to a treatment facility within the city limits of Kinston.

Whenever feasible, officers who serve an involuntary commitment order will advise the individual that they are not under arrest for a criminal violation, but are being taken into temporary custody for their own safety and that of others. The officer must transport the individual to the designated facility for examination by a physician or eligible psychologist without unnecessary delay.

Officers who transport an individual for the purpose of examination, treatment or commitment shall utilize their body camera or in-car camera for officer safety.

The transporting officer should have Lenoir County Communications or a KPD supervisor notify the receiving facility of the estimated time of arrival, the level of cooperation of the transported individual, and whether any special medical care is needed.

If the individual requires transport in an ambulance or other medical transport vehicle and the safety of any person, including the transported individual, requires the presence of an officer during the transport, the officer will accompany the individual.

Unless impractical, all individuals shall be handcuffed for officer safety precautions.

IX. CRIMINAL OFFENSES

Officers investigating a person who is suspected of committing an infraction, and who is being taken into custody on an involuntary commitment, should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for an involuntary commitment has committed a serious criminal offense that would normally result in an arrest and appearance before a magistrate, the officer should:

- a. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the involuntary commitment.
- b. With supervisor approval, petition a superior court clerk or magistrate to issue an order to take the person into custody for examination. If so ordered by the clerk or magistrate, the officer will transport the person in accordance with this policy. If the petition for commitment is denied, the officer should consult with the appropriate supervisor, legal counsel, and/or prosecutor on the propriety of seeking criminal charges.
- c. Thoroughly document in the related reports the circumstances that indicated the reason the individual qualified for an involuntary commitment.
- d. At the conclusion of any involuntary commitment proceedings, consult with the appropriate supervisor, legal counsel, and/or prosecutor on the propriety of seeking criminal charges.

X. FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an involuntary commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with State law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant or other court order may be needed before seizing weapons or entering a residence or other place to search.

Should a officer reasonably believe that it is urgently necessary to save life, prevent serious bodily harm or avert or control public catastrophe, the officer may take one or more of the following actions (N.C.G.S. § 15A-285):

- a. Enter buildings, vehicles and other premises.
- b. Limit or restrict the presence of persons in premises or areas.
- c. Exercise control over the property of others.

This authority does not justify any action taken to enforce the law or to seize a person or evidence.