

Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-106; CRS § 27-65-107; CRS § 27-81-111).

409.2 POLICY

It is the policy of the Louisville Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 AUTHORITY

Officers may take a person into protective custody:

- a. When the officer has probable cause to believe that a person is either gravely disabled or an imminent danger to self or others due to a mental health disorder (CRS § 27-65-106).
 1. The officer should transport the person to a designated or approved facility for a 72-hour treatment and evaluation.
- b. When the officer has probable cause to believe that a person is experiencing a behavioral health crisis and in immediate need of professional intervention to prevent harm to self or others (CRS § 27-65-107).
 1. The officer should consult with a behavioral health crisis response team, if available, and transport the person to a designated or approved outpatient mental health facility or other clinically appropriate facility.
 2. The officer should provide the person to be transported an opportunity to make a telephone call, absent any safety concerns.
- c. When the officer has probable cause to believe that a person is under the influence of or incapacitated by substances and is clearly dangerous to the health and safety of the person's self or others (CRS § 27-81-111).
 1. The officer should transport the person to a designated or approved treatment facility.

If an appropriate facility is not available for a mental health hold or behavioral health crisis hold, officers should take the person to an emergency medical services facility, as defined by CRS § 27-65-102 (CRS § 27-65-106; CRS § 27-65-107).

If an appropriate facility is not available for a substance abuse hold, the person may be detained in an emergency medical services facility or jail facility, but only for as long as may be necessary to prevent injury to the person's self or others or to prevent a breach of the peace. Juveniles in protective custody shall not be detained in a jail facility (CRS § 27-81-111).

409.3.1 DETENTION

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Detention of a person under a mental health hold does not constitute an arrest. When a person is taken into protective custody for a mental health hold, that person shall not be detained in the jail, lockup, or other place used for the confinement of persons charged with an offense (CRS § 27-65-106).

Detention of a person held for a substance abuse emergency commitment is considered protective custody and does not constitute an arrest (CRS § 27-81-111).

409.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- a. Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a voluntary application.
- b. If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- c. Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and /or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- 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.

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.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

Transport for any individual for a civil commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

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Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer shall provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

If the individual transported and delivered while unrestrained, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested.

409.7 DOCUMENTATION

The officer shall complete an application for emergency admission, provide it to the facility staff member assigned to that patient, and retain a copy of the application for inclusion in the case report (CRS § 27-65-106; CRS § 27-65-107; CRS § 27-81-111).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- a. Arrest the individual when there is probable cause to do so.
- b. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- c. Facilitate the individual's transfer to jail.
- d. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

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409.9 ELOPEMENT FROM A MENTAL HEALTH FACILITY

Elopement refers to the act of a mental health patient who departs the health care facility unsupervised and undetected. Elopement in and of itself, is not a crime.

Officers must have probable cause to detain an individual on a mental health hold, which also allows the use of a reasonable level of force to effect that purpose. If an individual attempts to leave a mental health facility prior to or during an evaluation, the officers can use the original probable cause information that was the basis for the initial hold.

If an individual elopes during a 72-hour hold, officers should consult a supervisor as to the need for an additional updated field evaluation prior to taking the individual back into custody. The decision to involuntarily return an individual to a mental health facility who is on a 72-hour hold, must be made by the officer using their observations of the individual at the time they contact them. The officer must be able to articulate that the probable cause exists to believe that the individual is either gravely disabled or an imminent danger to him/herself or others.

If an individual elopes while on a short or long-term commitment, the officer must have probable cause or a court order to detain and use reasonable force to return the individual to the facility. Officers can use the observations of the physician who implemented the commitment as part of their probable cause, but the mental health hold of a physician is not equivalent to a court order.

In these types of cases, it is recommended that officers seek guidance from the on-duty supervisor.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with a mental disability, behavioral health crises, substance abuse crises, civil commitments, and crisis intervention.

409.11 REPORTING SUBSTANCE ABUSE HOLDS

The officer should ensure that the Administrative Services Manager is provided enough information relating to a substance abuse hold to meet the reporting requirements of the Behavioral Health Administration (CRS § 27-81-111).

