

INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

I. Issuance of Transportation Order and Service

- A. A Magistrate or clerk of Superior Court shall evaluate petitions for involuntary commitment.
- B. If the involuntary commitment criteria are met, the magistrate or Clerk of Court will issue a Custody Order to law enforcement.
- C. A law enforcement officer must take the respondent into custody within 24 hours after the order is signed.

II. Transportation for Initial Examination

- A. Without unnecessary delay after assuming custody, the law enforcement officer shall take the respondent to an area facility for examination by a physician or eligible psychologist.
- B. When the respondent is a resident of the city, or is taken into custody within the city limits, that city's police department will provide transportation in accordance with the order. If the respondent lives in the county, or is taken into custody in the county, then the county must transport the respondent.
- C. If the transportation order requires the respondent to be transported to a facility outside the county, then the county is responsible for the transportation regardless of whether the respondent resides in the city or the county.
- D. A clerk, magistrate, or district court judge may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent pursuant to IVC procedures. This authorization shall only be granted in cases where the danger to the public, the family or friends of the respondent, or the respondent himself or herself, is not substantial. The family or immediate friends of the respondent shall bear the costs of providing this transportation.

III. Transportation between Facilities

- A. If the commitment examiner finds that the respondent is mentally ill and is dangerous to self or others the commitment examiner shall recommend inpatient commitment, and shall so show on the examination report.
- B. Upon notification, the law enforcement officer or other designated person shall take the respondent to a 24-hour facility pending a district court hearing.
- C. To the extent feasible, in providing the transportation of the respondent, the law

enforcement agency shall act within six hours of notification. Other designated persons shall take the respondent to a 24-hour facility within six hours of notification.

- D. If a 24-hour facility is not immediately available or appropriate to the respondent's medical condition, the respondent may be temporarily detained under appropriate supervision at the site of the first examination.
 - 1. Upon the commitment examiner's determination that a 24-hour facility is available and medically appropriate, the law enforcement officer or other designated person shall transport the respondent after receiving a request for transportation by the facility of the commitment examiner.
 - 2. To the extent feasible, in providing the transportation of the respondent, the law enforcement agency shall act within six hours of notification. Other designated persons shall transport the respondent without unnecessary delay and within six hours after receiving a request for transportation by the facility of the commitment examiner.
- E. The law enforcement agency who originally took the respondent into custody is responsible for transporting the respondent from the initial examination to the designated 24-hour facility if the facility is located within the county.
- F. Transportation between counties for respondents held in 24-hour facilities who have requested a change of venue for the district court hearing shall be provided by the county where the petition for involuntary commitment was initiated.

IV. Outpatient Treatment and Discharges

- A. If the physician recommends outpatient treatment, or neither inpatient nor outpatient treatment, the agency who originally took the respondent into custody shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county.
- B. Transportation between counties for discharge of a respondent from a 24-hour facility shall be provided by the county of residence of the respondent. However, a respondent being discharged from a facility may use his own transportation at his own expense.

V. Procedural Considerations

- A. To the extent feasible, in providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent.

- B. Law enforcement officers should advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being taken into custody and transported to receive treatment and for their own safety and that of others.
- C. To the extent feasible, law enforcement officers transporting respondents will dress in plain clothes and travel in unmarked vehicles.
- D. Law enforcement officers may use reasonable force to restrain the IVC individual if it appears necessary for protection of themselves, the IVC individual or others. Officers shall use every effort to avoid restraint of a child under age 10 unless the child's behavior or other circumstances dictate that restraint is necessary.
- E. Law enforcement officers shall respond to all inquiries from the destination facility concerning the IVC individual's behavior and any use of restraints during custody or transport, unless the information is confidential or would compromise a law enforcement investigation.
- F. The cost and expenses of custody and transportation of a respondent are set forth in GS 122C-251(h).

VI. Other

- A. This Agreement may be modified by mutual agreement of all the parties.
- B. Any party may withdraw from this Agreement by written notice from its governing body.
- C. This Agreement shall be submitted to the magistrates in the judicial district of each party to the Agreement, to the county clerks of court, to the LME/MCO that serves the city or county, and to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
