

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



202.747.1904 direct
ddouglass@sheppardmullin.com

File Number: 37PA-191555

February 12, 2016

VIA ELECTRONIC MAIL (tafavorill@nola.gov)

Deputy Superintendent Timothy Averill
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans, LA 70119

RE: Policy Approval

Dear Superintendent Averill:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the revised Chapter 41.26, Crisis Transportation Service. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 41.26, Crisis Transportation Service, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 18.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.

Very truly yours,

David Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.26

TITLE: CRISIS TRANSPORTATION SERVICE

EFFECTIVE:

REVISED:

PURPOSE

The purpose of this Chapter is to define the responsibilities of the Crisis Transportation Service (CTS) in assisting officers in responding to crisis intervention calls.

POLICY STATEMENT

1. Individuals in crisis will be treated with dignity and will be given access to the same law enforcement, government, and community service provided to all members of the public. The Department recognizes that many people experience crises and do not commit crimes.
2. The primary objectives in processing crisis intervention calls shall be to restore order and to protect all parties from injury. NOPD recognizes the need to bring community resources together for the purpose of safety and to assist and resolve crises. Individuals in crisis shall be handled in a manner that is consistent with **Chapter 41.25 – Crisis Intervention**.

DEFINITIONS

Authorized Restraining Device—Restraining devices that have been specifically authorized by the CTS program director. The following restraints are approved for use by CTS: (a) Humane Restraint Locking Polyurethane Ambulatory Restraints MNDL-101-POLY or equivalent; and (b) Humane Restraint Polyurethane Ankle Hobble AD-305-POLY or equivalent.

Crisis—An incident in which someone is experiencing intense feelings of personal distress (e.g., anxiety, depression, fear, anger, panic, hopelessness), obvious changes in functioning (e.g., neglect of personal hygiene, unusual behavior), or catastrophic life events (e.g., disruptions in personal relationships, support systems, or living arrangements; loss of autonomy or parental rights; victimization; natural disasters), which may, but not necessarily, result in an upward trajectory or intensity culminating in thoughts or acts that are possibly dangerous to his or herself and/or others.

Crisis Intervention Team (CIT)—The Crisis Intervention Team is composed of certified officers who respond to persons in crisis, with the objective of diverting them from the criminal justice system and connecting them to appropriate mental health and substance use treatment services.

CIT officer—A commissioned member of the NOPD who has volunteered, been selected, received 40 hours of specialized training for crisis-related calls for service, and been certified as a Crisis Intervention Team officer. In addition to their regular duties, CIT officers are specifically assigned as primary responders to crisis disturbance calls. CIT officers are assigned to each NOPD district and maintain their standard patrol duties except when called to respond to potential crisis events. CIT officers work in cooperation with community partner mental health facilities and organizations. Refer to **Chapter 41.25 – Crisis Intervention** for more information.

Crisis Transportation Service (CTS)—The Crisis Transportation Service is an emergency transportation van staffed by civilian volunteer personnel (CTS Technicians). The Crisis Transportation Service is authorized by the Superintendent to assist patrol units in processing and transporting individuals in crisis who are not under arrest. The Crisis Transportation Service will generally be available seven days a week from 10:00 A.M. until midnight.

CTS technicians—Civilian volunteers who assist Crisis Intervention Team (CIT) officers or other commissioned members in processing and transporting individuals in crisis.

Individual in crisis—An individual in a state of crisis (see **Crisis** under **Definitions**). The individual in crisis is referred to as the "consumer" on the Crisis Intervention Form.

PROGRAM OVERVIEW

3. The CTS is staffed by civilian volunteer personnel (CTS technicians). CTS shall be managed by a program director who may be a commissioned or civilian member of the NOPD.
4. The CTS assists CIT officers or other commissioned members in processing and transporting individuals in crisis who do not have criminal charges pending.
5. Dependent upon volunteer staffing availability, CTS will be available seven days a week from 10:00 A.M. until 12:00 (midnight).

OFFICER INSTRUCTIONS

6. Officers may utilize the CTS to transport persons who are not under arrest, do not have a medical condition requiring treatment, and are not injured or complaining of injury (see **Chapter 41.25 – Crisis Intervention**).
7. CTS technicians are not commissioned members and are not armed. CTS technicians respond to requests from officers in an **assistance capacity only** and are not equipped to deal with situations requiring training in police techniques.
8. Officers **must accompany** CTS when CTS is transporting the individual.
9. Individuals in crisis should be restrained only when necessary to protect the individual or others from harm. Where restraints are necessary, only authorized restraining devices may be used.
10. Officers and CTS technicians shall remain with the individual(s) at the treatment facility until the facility has assumed responsibility for the individual(s).
11. Officers shall document the use of CTS on a Crisis Intervention Form (Form #348) and in all other Department reports required due to the nature of the incident.

CTS UNIT INSTRUCTIONS

12. The CTS unit shall advise Communications Services that it is in service at the beginning of its tour of duty. The CTS unit shall advise the dispatcher of any special assignments that may exist.
13. The CTS unit shall monitor and be based on the working dispatch group assigned by Communication Services at the beginning of its tour of duty. Once dispatched, the CTS unit shall notify Communications Services that it is changing talk groups to the appropriate group for the District of the location of the call for service.
14. The CTS unit shall proceed to the location of the call for service to assist district units when requested. The CTS unit shall keep the Communications Services dispatcher for the location of occurrence advised of its status upon arrival, transport, and completion of assignment.
15. CTS shall not respond directly to the scene until an officer has secured the scene (Code 4). CTS shall wait at a safe location close to the scene until a Code 4 has been broadcast.
16. The CTS units will respond and transport only on a Code 1 basis, obeying all traffic laws.
17. All individuals transported by CTS must be secured with the vehicle's seatbelt prior to transportation.
18. Restrained individuals shall not be left unattended. An officer or CTS technician shall remain in the presence of the restrained individual at all times.
19. CTS technicians shall use only restraining devices that have been specifically authorized by the CTS program director. The following restraints are approved for use by CTS:
 - (a) Humane Restraint Locking Polyurethane Ambulatory Restraints MNDL-101-POLY or equivalent; and
 - (b) Humane Restraint Polyurethane Ankle Hobble AD-305-POLY or equivalent.
20. CTS personnel shall be trained in the use of all authorized restraining devices.
21. CTS shall not transport individuals who are under arrest, have a medical condition requiring treatment, or are injured or complain of injury (see **Chapter 41.25 – Crisis Intervention**).
22. CTS shall complete a CTS activity sheet that shall be reviewed and filed by the CTS program director.
23. CTS shall return to the working dispatch group assigned by Communications Services at the beginning of its tour of duty upon completion of the call for service.

CTS UNIT INSTRUCTIONS WHEN ONLY ONE INDIVIDUAL IS OPERATING THE VAN

24. The CTS is generally staffed by two crisis transportation technicians. When personnel shortages occur, CTS may be staffed by one crisis technician.
25. If transport is determined to be necessary, the officer shall:
 - (a) Transport the individual in accordance with **Chapter 41.25 – Crisis Intervention**

- in the police unit to the receiving facility, where the CTS technician shall assist officers in transferring custody to the receiving facility; **or**
(b) Ride with CTS to deliver the individual to the receiving facility.

26. Under no circumstances will a CTS van staffed by a single person transport an individual without an officer present.

COMMUNICATIONS

27. Communications Services shall notify the CTS unit of any calls for service involving an individual in crisis or when requested by an officer on the scene of an incident involving an individual in crisis.
28. Communications Services shall notify the CTS unit on the working dispatch group assigned by Communication Services at the beginning of its tour of duty and advise it to change channels to the working dispatch group for the location of occurrence.
29. Communications will inform an NOPD supervisor for the request of CTS and the supervisor will respond to the incident location if requested by an officer (per **Chapter 41.25 – Crisis Intervention**).