

HEALTH SERVICES POLICY & PROCEDURE MANUAL

North Carolina Department Of Correction
Division Of Prisons

SECTION: Administrative–Patient’s Rights

POLICY # AD IV-2

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SUBJECT: Involuntary Commitment

EFFECTIVE DATE: September 2007

SUPERCEDES DATE: September 2001

PURPOSE

The purpose of this policy is to provide procedures for staff in facilitating involuntary commitment at the time of release for those patients who are felt to be:

- (1) dangerous to self or
- (2) dangerous to others or
- (3) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness

GOAL

For those persons with a mental illness who are in need of commitment to state psychiatric facilities at the time of release, the goals are:

1. To provide services necessary to facilitate safe transition from the prison environment to the community
2. To assist in the provision of the appropriate level of mental health treatment services at the time of release from prison
3. To assure the safety of the patient and the community at the time of release from prison.

STANDARD

All inmates identified as being

- (1) dangerous to self or
- (2) dangerous to others or
- (3) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness

will be assessed for the need for involuntary commitment at the time of release from prison.

DEFINITIONS

"Dangerous to self" means that within the relevant past:

1. The individual has acted in such a way as to show:
 - a. That he would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and
 - b. That there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given pursuant to this Chapter (NCGS-122C). A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a prima facie inference that the individual is unable to care for himself; or
2. The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to this Chapter (NCGS-122C); or

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3. The individual has mutilated himself or attempted to mutilate himself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to this Chapter (NCGS-122C). Previous episodes of dangerousness to self, when applicable, may be considered when determining reasonable probability of physical debilitation, suicide, or self-mutilation.

"Dangerous to others" means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

PROCEDURES

- A. Inmates with > 30 days remaining on sentence until time of release at time of evaluation for involuntary commitment:
 1. Females:
 - a. All females (including youth) will be evaluated and processed for release on an involuntary commitment from NCCIW.
 2. Males:
 - a. Eastern Region:
Adult males will be evaluated and processed for release on an involuntary commitment from Maury Correctional Institution.
 - b. Central Region:
Adult males will be evaluated and processed for release on an involuntary commitment from Central Prison.
 - c. Western Region:
Adult males will be evaluated and processed for release on an involuntary commitment from Alexander Correctional Institution.
 - d. Youth:
All youth males with >30 days remaining on their sentence will be evaluated and processed for release on an involuntary commitment from Polk Youth Institute.
- B. Inmates with ≤30 days remaining on sentence at time of evaluation for involuntary commitment:
 1. Females:
Females (including youth) will be evaluated and processed for release on an involuntary commitment from the field unit of assignment.

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2. Males:

- a. Males will be evaluated and processed for release on an involuntary commitment from the field unit of assignment.
- b. All youth males with ≤ 30 days remaining on their sentence will be evaluated and processed for release on an involuntary commitment from the field unit of assignment.

PROTOCOLS

Protocols for evaluation and processing of inmates in need of involuntary commitment at time of release will be in accordance with NCGS 122C (or State Law in current practice) and will be monitored by the Office of the Chief of Mental Health Services.



10/5/07

Paula Y. Smith, M.D., Director of Health Services

Date

SOR: NCGS 122C (Mental Health, Developmental Disabilities and Substance Abuse Act of 1985)
Director, Mental Health Services
Social Work Program Director