

Substance Addiction (Compulsory Assessment and Treatment)

Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Overview	5
Introduction	5
Definitions	5
Offences	6
Introduction	6
Table of offences	6
Neglect or ill-treatment of patients	6
Assisting absence without leave	6
Obstruction of inspection	6
False or misleading certificates	6
Further offences of false or misleading documents	6
Dealing with intoxicated people	7
Procedure	7
Considering suitability for compulsory treatment of severely addicted persons	8
Assessment of severely addicted persons	9
Application for assessment	9
Responding to requests for Police assistance	10
Responding to requests for Police assistance (s105)	10
Initial action	10
Apprehension of patients absent without leave from treatment centre (s106)	10
Warrants (s107)	10
Entry to premises	10
Take to specialist assessment	11
Take to treatment centre	11

Policy statement and principles

What

Substance addiction (which includes alcohol and drugs) affects people from all walks of life, backgrounds, cultures and upbringings.

The [Substance Addiction \(Compulsory Assessment and Treatment\) Act 2017](#) (“SACAT Act”) is designed to address the needs of those with severe substance addiction and whose capacity to make informed decisions is severely impaired, and where compulsory treatment is necessary. Treatment orders under the Act may only be made where these criteria are met and appropriate treatment is available.

The [SACAT Act](#) is not aimed at managing severely intoxicated people. The Act is aimed at securing treatment for people with substance addictions so severe that their ability to make informed decisions is impaired, and it is difficult to assess long-term impairment while a person is impaired due to current intoxication. It is anticipated that most people subject to the Act will have a long history of attempts to engage in treatment, but have been unable to curb their addiction.

It is not anticipated that the [SACAT Act](#) will place a significant additional demand on Police (although it will have an impact). Not only is the [SACAT](#) legislation restricted in its application to a relatively small group of individuals, it is not designed to act as a crisis intervention tool. The Act will primarily be implemented by medical professionals who may request Police assistance in specified circumstances.

People with (suspected) severe substance addiction who are acutely unwell are likely to be in need of medical intervention and should continue to be taken to an emergency department (as is current practice).

Finally, treatment under the [SACAT Act](#) will not provide a ‘cure’ for people with severe substance addiction. It is intended to enable a short, intensive period of treatment that can be continued voluntarily. The Act can only provide for compulsory treatment for a total of 112 days and the purpose of the Act is to bring the patient to a point where they can undertake voluntary treatment.

This chapter applies to all Constables, hereafter referred to as ‘Police’, who may be requested to assist in the assessment and treatment process when necessary.

Note: The Substance Addiction (Compulsory Assessment and Treatment) Act 2017 refers to “Authorised Officer”. An Authorised Officer under that Act is defined as “a health professional designated under section [91](#).” It should not be confused with a Police Authorised Officer.

Why

Police need to be aware of the Act’s definitions, offences and their obligations to provide assistance under the Act, and the extent of their authority when providing assistance under sections [105](#) or [106](#).

How

Police will:

- respond in a timely manner to requests by an Authorised Officer under section [105](#) or situations requiring action under section [106](#)
- co-ordinate with relevant officials to ensure that warrants are obtained under section 107 where reasonably practicable before exercising the authority granted by sections [105](#) or [106](#)
- ensure that Police assistance is required for one of the purposes specified in sections [105](#) or [106](#)
- when responding to a request from an Authorised Officer under section [105](#), ensure that the Authorised Officer is designated under section [91](#) and request proof of designation and identity (s91(3)). See example document to be signed by an Area Director designating an Authorised Officer below:

Designation of Authorised Officer

([section 91](#))

I, [full name], the Director of Area Addiction Services for [location] designate the following health professional as an Authorised Officer under section 91 of the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 for the purposes of the same Act.

Last name

First names

Name of designated Authorised Officer

This Authorised Officer is carrying out [his/her] duties under the general direction of the Director of Area Addiction Services, as required under section 91(4) of the Substance Addiction (Compulsory Assessment and Treatment) Act 2017.

Overview

Introduction

This chapter details:

- the offences established by, and police assistance to be provided under the [Substance Addiction \(Compulsory Assessment and Treatment\) Act 2017](#), and
- the procedures for providing assistance to an Authorised Officer at their request.

Definitions

This table details definitions of terms under section [4](#) of the Act.

Term	Definition
Approved specialist	A health professional designated under section 95 .
Approved provider	A person certified under Health and Disability Services (Safety) Act 2001 to provide mental health services, or a person designated under section 92 of the Act.
Authorised Officer	A health professional designated under section 91 .
Area Director	Appointed under section 88 and responsible for the functions, duties, and powers of the Act within the geographical area.
Compulsory status	Subject to a valid compulsory treatment certificate (s11).
Compulsory Treatment Certificate	Certificate dated and signed by an approved specialist (s23).
Criteria for compulsory treatment	Set out in section 7 .
Treatment Centre	Place operated by an approved provider.

Offences

Introduction

A guide to categories of offences can be found in section [6](#) of the Criminal Procedure Act 2011.

Offences listed in the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 are found in Part 2 [Sub-part 9](#) of the Act, sections 110 - 114.

Table of offences

This table shows the offences relevant to this chapter under the Act.

Offence	Section	Category
Neglect or ill-treatment of patients	110	Cat 2
Assisting patient to be absent from treatment centre without leave	111	Cat 2
Obstruction of inspection	112	Cat 1
False or misleading certificates	113	Cat 1
Further offences involving false or misleading documents	114	Cat 1

Neglect or ill-treatment of patients

Section [110](#) makes it an offence for the manager of a treatment centre or a person employed or engaged by the manager or the service that operates the treatment centre, and any other person performing any function or exercising any power in relation to a patient under the Act, to intentionally ill-treat or intentionally neglect a patient. A person who commits an offence against this section is liable on conviction to a term of imprisonment not exceeding 2 years.

Assisting absence without leave

Section [111](#) makes it an offence for a manager or employee of the treatment centre to intentionally permit or assist a patient to be absent without leave or to attempt to be absent without leave from the treatment centre. It is an offence to facilitate such an absence or attempted absence or to assist a patient to avoid, or attempt to avoid, being apprehended or taken back to a treatment centre. A person who commits an offence against this section is liable on conviction to a term of imprisonment not exceeding three months or to a fine not exceeding \$1,000.

Obstruction of inspection

Section [112](#) makes it an offence for the manager or employee of the treatment centre to conceal, or attempt to conceal, anything from a district inspector, Director of Addiction Services, or Area Director, or to wilfully obstruct, or attempt to obstruct, an inspection by a district inspector, Director of Addiction Services, or Area Director. A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,000.

False or misleading certificates

Section [113](#) makes it an offence to include anything in a certificate that is false or misleading. A person who commits an offence against this section is liable on conviction to a fine not exceeding \$5,000.

Further offences of false or misleading documents

Section [114](#) makes it an offence to fail to include in documents particulars required by the Act or to include false particulars in documents. A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,000.

Dealing with intoxicated people

Procedure

See 'Detainees affected by drugs/alcohol or medical complications' in the [People in Police custody](#) Police Manual chapter.

Considering suitability for compulsory treatment of severely addicted persons

As at February 2018 there is only one national treatment centre approved under this Act; the Nova Trust residential treatment facility for drug and alcohol addiction at 43 Newtons Rd, Templeton Canterbury 7676, <http://www.novatrust.org.nz/>.

Addiction is not in itself sufficient reason to seek compulsory treatment under the Act. See section [7](#) of the Act for the required criteria. Further, if treatment is not available at the time, even if the person meets the rest of the criteria, compulsory treatment would not be ordered.

Police may assist an Authorised Officer in arranging for compulsory treatment and the Authorised Officer is responsible for ensuring that the criteria of the Act are met. Police assistance must be sought only where necessary, and may include entering premises, apprehending a person and taking them to a specialist assessment, and detaining the person at the place of assessment for no longer than six hours.

If/when you encounter a person who in your opinion may require compulsory assessment and treatment under the Act, consider whether they are unwell due to current intoxication. If so, they should be provided medical assistance and the Act is not immediately applicable to them. The criteria ([s7](#)) of the Act sets the conditions that need to exist for treatment to be compulsory and it is a high threshold.

If a person meets the criteria, an application can be made to the Area Director for an assessment to be arranged. The applicant should be that person's next of kin or carer. Police may advise a person making an application to obtain the assistance of an Authorised Officer to arrange for medical examination (see section [16](#)). The Authorised Officer will provide guidance and advice on the severity of addiction and mental impairment and whether the application should proceed.

Assessment of severely addicted persons

Application for assessment

If there is reason believe a person: ([s7](#))

- has a severe substance addiction, and
- their mental capacity to make informed decisions about treatment is severely impaired, and
- compulsory treatment is necessary, and
- appropriate treatment is available,

then an application for assessment may be appropriate.

An application may be made by any person who is at least 18 years old. Consider these points:

- Does the addicted person have identifiable family, friends, or carers who have the will and capacity themselves to make the application?
- Is the addicted person under any formal supervision/care by any other agency which might appropriately arrange for an application?
- Is there any responsible person involved in the addicted person's life who could appropriately make the application?

If so, Police could assist a person to make the application (go to section [16](#)).

You may request assistance of an Authorised Officer to arrange a medical examination, and the Authorised Officer **must** investigate to satisfy themselves whether there are reasonable grounds to believe the criteria ([s7](#)) has been met.

The applicant will be assisted in the process by the Authorised Officer and the Authorised Officer's decision on whether or not the criteria is met will determine whether the application continues or not.

The Authorised Officer will guide the applicant through the rest of the process.

Responding to requests for Police assistance

Police should only be engaged where their specific authority (particularly regarding the use of force) is required. The use of force is authorised under section [109](#). Police will respond promptly according to the urgency of the circumstances.

Responding to requests for Police assistance (s105)

Initial action

Step	Action
1	Respond in a timely manner to requests by an Authorised Officer under section 105 .
2	Co-ordinate with the Authorised Officer and Area Director to ensure that the correct warrants are obtained under section 107 .
3	Ensure that the Authorised Officer is designated under section 91 and view proof of designation and identity (s91(3)).
4	Ensure that Police assistance is being requested in relation to one or more of the following: <ul style="list-style-type: none">- bringing a person who has refused to attend a specialist assessment to that specialist assessment (s21),- taking a patient to a treatment centre (s30(4)),- returning a patient who is absent without leave to a treatment centre (s40).

Section [105](#) authorises constables to provide Police assistance, where assistance is requested by Authorised Officers performing specified duties under any of sections [21](#), [30\(4\)](#), and [40](#). This section also sets conditions and limits on the exercise of that authority. Police must, before carrying out an authorised action under this section, obtain a warrant under section [107](#) if it is reasonably practicable to do so.

Apprehension of patients absent without leave from treatment centre (s106)

Section [106](#) confers authority for constables to apprehend a patient and return them to the treatment centre if they:

- fail to attend the place specified in a notice under section [30\(3\)\(a\)](#) for admission to a treatment centre; or
- fail to return to a treatment centre after a period of authorised leave under section [39](#), or fails to comply with a condition of the permission; or
- are otherwise absent without leave.

Unlike section [105](#), this section does not require an Authorised Officer to request Police assistance. However, it still requires that a warrant be obtained under section [107](#) if it is reasonably practicable to do so, which may require co-ordination with the Authorised Officer and Area Director. Speak to your supervisor before taking action under section [106](#) if you are not already working with an Authorised Officer.

Warrants (s107)

There are two different types of warrants available under section [107](#). The appropriate warrant should be obtained where reasonably practicable before taking action under sections [105](#) and/or [106](#).

- **107(2)**: To authorise a constable **to take a person** to a specialist assessment under section [105\(3\)](#), or to a treatment centre under sections [105\(4\)](#) or [106\(2\)](#), **the Area Director must apply** for a warrant.
- **107(3)**: To authorise a constable **to enter premises** for the purposes of sections [105\(2\)](#) or [106\(2\)](#), **a constable must apply** for a warrant.

If a person can be apprehended without entering any premises, a warrant obtained under section [107\(2\)](#) will be sufficient. If it is necessary to enter premises in order to apprehend a person under sections [105\(2\)](#) or [106\(2\)](#), a warrant under section [107\(3\)](#) will be required.

Entry to premises

If entry is required to premises, a warrant **must** be obtained to enter premises, unless not reasonably practicable (e.g. if urgency/after

hours and the matter cannot be delayed).

An application for warrant (Police Forms> Application for warrant to enter premises Substance Addiction (Compulsory Assessment and Treatment) Act 2017) must be made by Police to a District Court Judge or Registrar who may issue a warrant to enter premises ([s107](#)).

The constable:

- may enter the premises where the person is; and
- must:
 - identify him or herself either by name or unique identifier; and
 - if not in Police uniform, produce evidence of his or her identity.

After entry, follow the process according to the circumstances in the next paragraphs.

Take to specialist assessment

If the patient is required to undergo specialist assessment (ss [21](#) & [22](#)), and Police assistance has been requested by an Authorised Officer:

- take the person to the required place of assessment ([s105](#)), and
- detain them at that place for whichever is the shortest period; up to six hours or the time it takes to conduct the assessment.

Take to treatment centre

If the person is required to be taken for compulsory treatment at the Treatment Centre under sections [105](#)(4) or [106](#)(2), take the person to the treatment centre.

Bear in mind that the only treatment centre is in Christchurch and transport of a severely addicted person will possibly involve considerable risk and logistical planning and the Authorised Officer should accompany the patient.

For transport procedures, refer to 'Transferring/transporting detainees' in the '[People in Police custody](#)' chapter of the Manual.