

The Role of Coroners in Involuntary Commitments in Louisiana



A Report of the
Louisiana Advisory Committee to the
U.S. Commission on Civil Rights

January 2026

Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

Acknowledgments

The Louisiana Advisory Committee (Committee) would like to thank the speakers and study participants who shared their knowledge and experiences with involuntary commitment with us for our study.

**Louisiana Advisory Committee to the
U.S. Commission on Civil Rights**

The Louisiana Advisory Committee to the U.S. Commission on Civil Rights submits this report regarding the role of coroners in involuntary commitments in Louisiana as part of its responsibility to study and report on civil rights issues in the state of Louisiana. The contents of this report are primarily based on testimony the Committee heard during public meetings held via videoconference on September 29, 2025, and November 20, 2025. The Committee also includes related testimony submitted in writing during the relevant period of public comment.

This report begins with a brief background of the issues to be considered by the Committee. It then presents primary findings as they emerged from this testimony, as well as recommendations for addressing areas of civil rights concerns. This report is intended to focus on civil rights concerns regarding coroners and the role they play in the involuntary commitment process in Louisiana. Specifically, the Committee sought to examine whether, to what extent, and how the role of coroners in the involuntary commitment of individuals alleged to be experiencing mental health crises may violate due process protections on the basis of disability, as well as potential civil rights concerns on the basis of race, color, or national origin. While additional important topics may have surfaced throughout the Committee's inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion.

**Louisiana Advisory Committee to the
U.S. Commission on Civil Rights**

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Overview

On July 15, 2025 the Louisiana Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to undertake a study of the role of coroners in involuntary commitments in Louisiana. The Committee sought to study the following:

- Whether unqualified coroners and deputy coroners are executing Coroner's Emergency Certificates;
- Whether, to what extent, and how the role of coroners in the involuntary commitment of individuals alleged to be experiencing mental health crises may violate due process protections on the basis of disability; and
- Whether there are potential civil rights concerns on the basis of race, color, or national origin.

As part of this inquiry the Committee heard testimony via videoconference held on September 29, 2025, and November 20, 2025.¹ The following report results from a review of testimony provided at these meetings, combined with written testimony submitted during this timeframe. It begins with a brief background of the issues to be considered by the Committee. It then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report focuses on the role of coroners in involuntary commitment in Louisiana. While other important topics may have surfaced throughout the Committee's inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion. This report and the recommendations included within it were adopted unanimously by the Committee on January 7, 2026.²

Background

Louisiana is currently the only state in the country that allows a medical examiner or coroner to issue an emergency certificate allowing a person to be involuntarily admitted and confined to a mental health treatment facility for a period of up to 15 days.³ From a civil rights perspective, the

¹ Meeting records and transcripts are available in the Appendix.

Briefing before the Louisiana Advisory Committee to the U.S. Commission on Civil Rights, September 29, 2025, (web-based), Transcript (hereinafter cited as "Transcript I").

Meeting of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights, November 20, 2025, (web-based), Transcript (hereinafter cited as "Transcript II").

² See Appendix for Committee Member Statements.

³ LA RS 28 § 53. *See also:* Hanson, Blake. *Odd Louisiana Law Impacts Mental Health Community.* WDSU News, November 8, 2021, at: <https://www.wdsu.com/article/odd-louisiana-law-impacts-mental-health-community-1/3359690>.

Committee sought to consider due process and equal protection concerns facing individuals alleged to be experiencing mental health crises in the state of Louisiana on the basis of disability, as well as potential civil rights concerns on the basis of race, color, or national origin.

Louisiana Revised Statute 28:53⁴ notes that a person who is alleged to have a mental illness may be involuntarily admitted and detained at a treatment facility under an emergency certificate for up to 15 days. Following an actual examination of the person alleged to be suffering from a mental illness, a Physician's Emergency Certificate can be executed by a physician, physician's assistant, psychiatric mental health nurse practitioner, psychologist, or nurse practitioner with the approval of a physician. Then, within 72 hours of admission to the treatment facility, the person shall be independently examined by the coroner or his deputy. If the coroner or his deputy determine that the person is a proper subject for emergency admission, the coroner or deputy coroner executes a Coroner's Emergency Certificate, which is a necessary precondition of the person's continued involuntary confinement and treatment of up to 15 days.⁵

Under Louisiana Revised Statute 13:5704, the coroner shall be a licensed physician—but this requirement is waived if no licensed physician qualifies to run for office.⁶ Further, Louisiana Revised Statute 13:5705 allows the coroner to appoint deputy coroners to perform his duties. Deputy coroners shall possess at least the same qualifications as the coroner. As such, if the coroner is not a physician, there is no requirement that the deputy coroner be a licensed physician. The coroner may also appoint assistant coroners to perform his duties. But there is no statutory requirement that the assistant coroners possess any type of medical qualifications or credentials.⁷

Based on the language of Louisiana's statutes pertaining to coroners, a person who has a mental illness may be involuntarily admitted and detained at a treatment facility under an emergency certificate for up to 15 days based on the determination of an individual with no medical qualifications or credentials. This involuntary commitment implicates constitutional concerns and constraints under the Fourteenth Amendment Due Process Clause of the U.S. Constitution, specifically with regard to the civil rights of confined individuals.⁸ As such, it is imperative that such confinement be ordered by coroners or deputy coroners who are properly qualified and credentialed to do so.

Unfortunately, once an individual has been released from the involuntary commitment, any attempt to challenge the commitment is moot, leaving little to no legal challenges and guidance on this issue. Additionally, there is very little in the way of news articles about this as such topics are still considered taboo, and those who are considered mentally ill are often stigmatized.

⁴ LA RS 28 § 53.

⁵ LA RS 28 § 53(G)(2).

⁶ LA RS 13 § 5704.

⁷ See LA RS 13 § 5705(B).

⁸ U.S. Const. amend. XIV § 1.

According to one news article,⁹ the Executive Director from the National Alliance on the Mentally Illness's Southeast Louisiana Chapter said there are "both positives and negatives with Louisiana's system." He noted that even coroners with a medical degree may not be qualified to deliver psychiatric evaluations, but on the other hand, coroners' offices generally provide much easier access to evaluation services than in other states, where a judge must issue the order.

It is imperative that the pros and cons of Louisiana's involuntary commitments by coroners be weighed so that individuals not only receive prompt care, but also care that protects their constitutional rights. The Committee hopes that this report will lead to a better understanding of the role of coroners in such proceedings, as well as to specific recommendations for addressing the identified, related civil rights concerns.

Methodology

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly impacted by the civil rights topic at hand; researchers and experts who have rigorously studied and reported on the topic; community organizations and advocates representing a broad range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to use their expertise in selecting a sample of panelists that is the most useful to the purposes of the study and will result in a broad and diverse understanding of the issue. This method of (non-probability) judgment sampling requires Committee members to draw from their own experiences, knowledge, opinions, and views to gain understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals who are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, races, ages, and gender identities, as well as a variety of background, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and full exploration of the issues. It also serves to assist in offsetting biases that can result in oversight of nuances in the testimony.

In fulfillment of Committees' responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly impacted by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and

⁹ WDSU News. Odd Louisiana Law Impacts Mental Health Community. Nov. 8, 2012. <https://www.wdsu.com/article/odd-louisiana-law-impacts-mental-health-community-1/3359690>, accessed Dec. 5, 2025.

recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request clarification regarding allegations noted in testimony.

For the purposes of this study, **Findings** are defined as what the testimony and other data *suggested, revealed, or indicated* based upon the data collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. **Recommendations** are specific actions or proposed policy interventions intended to address or alleviate the civil rights concerns raised in the related finding(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take a specific action, or that the Commission forward recommendations to other federal or state agencies, policy makers, or stakeholders.

Findings

In keeping with their duty to inform the Commission of (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,¹⁰ the Louisiana Advisory Committee submits the following findings to the Commission regarding the role of coroners in involuntary commitments in Louisiana. This report seeks to highlight the most salient civil rights themes as they emerged from the Committee's inquiry. The complete meeting transcripts and written testimony received are included in the Appendix for further reference.

Finding 1: Current applications of Louisiana's law regarding the involuntary commitment of persons alleged to be suffering from mental illness¹¹ appear to violate due process protections of the 14th amendment to the Constitution.¹² Multiple speakers for the Committee's study shared concerns that there are serious procedural issues with Louisiana's current use of coroner's emergency certificates to detain individuals at treatment centers, indicating serious civil rights concerns for individuals with disabilities.¹³

Finding 2: Coroner's Emergency Certificates can be issued to detain individuals alleged to be experiencing mental health concerns by individuals without appropriate medical

¹⁰ 45 C.F.R. § 703.2 (2018).

¹¹ LA RS 28 § 53.

¹² U.S. Const. amend. XIV § 1; J. Bayard Testimony, Transcript II, p. 4.

¹³ Cook, Transcript I, p. 8; Bray Testimony, Transcript II, p. 19; Khan, Transcript II, p. 3; J. Bayard, Transcript II, p. 4.

training in Louisiana. A Coroner's Emergency Certificate must be signed by a coroner¹⁴ or their deputy with the same qualifications as the coroner,¹⁵ however Louisiana's current statutes allows for individuals without medical training to serve as coroners when no licensed physician runs for the office of coroner, an elected position.¹⁶ The Committee received testimony that a majority of Louisiana's parishes have coroners with qualified medical professional backgrounds, but there are instances where there is no qualified medical professional in the role of coroner, potentially leading to medical determinations depriving liberty of individuals in that parish in an unlawful manner.¹⁷

Finding 3: There is a lack of accountability in the Coroner's Emergency Certificate

Process. In the instances where there are concerns that a request for a Coroner's Emergency Certificate is issued inappropriately¹⁸ or the Coroner's Emergency Certificate was signed by an unqualified professional,¹⁹ speakers shared that the statutory penalty of perjury²⁰ does not appear to be enforced.²¹ Additionally, there is currently no oversight body of medical professionals that regularly reviews orders of involuntary commitment to ensure appropriate procedures were followed and confirm the same professional judgment would have been rendered.²²

Finding 4: The Coroner's Emergency Certificate process appears to be a rubber stamp in certain parishes. The Committee received testimony that there are parishes where the Coroner's Emergency Certificate issuance rate following a Physician's Emergency Certificate is 100%, indicating a lack of critical judgement may be occurring during the Coroner's Emergency Certificate stage.²³ In other instances the Coroner's Emergency Certificates are signed off on within a 5-10 minutes of encountering the individual, indicating a lack of adequate evaluation and examination warranting the serious decision to order continued placement in a treatment facility.²⁴

¹⁴ LA RS 28 § 53(G)(2).

¹⁵ LA RS 13 §5705.

¹⁶ LA RS 13 §5704.

¹⁷ Cook Testimony, Transcript I, pp. 8-9; Bray Testimony, Transcript I, pp. 6-7,19; Khan Testimony, Transcript II, p. 3.

¹⁸ Cook Testimony, Transcript I, pp. 9, 18; Sanderson Testimony, Transcript I, p. 13; Richard Statement, at 1.

¹⁹ Cook Testimony, Transcript I, p.8; Bray Testimony, Transcript I, p. 19; J. Bayard Testimony, Transcript II, pp. 5, 7.

²⁰ LA RS 28 § 53(B)(3).

²¹ Richard Statement, at 1; Bray Testimony, Transcript I, p. 7, 19; Cook Testimony, Transcript I, pp. 8-9; J. Bayard, Transcript II, p. 5.

²² Sanderson Testimony, Transcript I, p. 21.

²³ Sanderson Testimony, Transcript I, pp. 13, 17; Bray Testimony, Transcript I, p. 7; Cook Testimony, Transcript I, pp. 9-10; Khan Testimony, Transcript II, p. 3; D. Bayard Testimony, Transcript II, p. 13.

²⁴ Bray Testimony, Transcript I, p. 7; Bayard Statement, at 6.

Finding 5: Lack of consistency in the Coroner’s Emergency Certificate process across Louisiana’s parishes raises serious concerns about equal rights to due process under the law. The Committee received testimony that some parishes often have forensically trained psychiatrists or standardized training by individuals signing off on an order of commitment, whereas other parishes do not, making it possible for someone to have a better chance at countering the order against them simply depending on where the order is issued.²⁵ Rules relating to the use of telemedicine visits to enable qualified professionals to expediently and appropriately²⁶ examine individuals facing involuntary commitment are also not consistent across parishes.²⁷

Finding 6: There is limited education provided to both individuals facing an order of involuntary commitment regarding their rights, as well as the coroners and deputy coroners who are executing these emergency certificates. The lack of education²⁸ makes the flaws in the current application of the Coroner’s Emergency Certificate process all the more concerning, especially for individuals without access to legal counsel.²⁹

Finding 7: There is no process for voiding or expunging a potentially inappropriate order of commitment from an individual’s record, leading to life-long collateral consequences that include future medical care and decisions, employment, and insurance. The Committee received testimony that the decision to involuntarily commit someone follows that person indefinitely with serious consequences.³⁰ In cases where an error in professional judgement may have been made, the Committee received testimony that there is no recourse for an individual to have the record of their commitment expunged,³¹ prevent an involuntary commitment order that may have been issued inappropriately in the first instance from informing a future order of involuntary commitment,³² or influence future medical care and treatment.³³

Recommendations

²⁵ Bray Testimony, Transcript I, p. 11; Khan Testimony, Transcript II, pp. 2-3; Richard Statement, at 1.

²⁶ Sanderson Testimony, Transcript 1, p. 17.

²⁷ See LA RS 28 § 53(G)(7) (noting rules specifically for the parish of St. Tammany); LA RS 28 § 53(G)(8) (noting rules for all other parishes).

²⁸ Sanderson Testimony, Transcript I, p. 17.

²⁹ Sanderson Testimony, Transcript I, p. 17; D. Bayard Testimony, Transcript II, p. 8.

³⁰ Cook Testimony, Transcript I, pp. 9-10.

³¹ Bayard Statement, at 11-12; Richard Statement, at 1.

³² J. Bayard Testimony, Transcript II, pp. 5-6, 10.

³³ J. Bayard Testimony, Transcript II, p. 10; Cook Testimony, Transcript I, pp. 9-10

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.³⁴ In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should:
 - a. Conduct a national study of state policies and practices regarding the involuntary commitment of individuals alleged to be experiencing mental health concerns in order to develop best practices and protect against violations of the civil rights of individuals based on disability, race, color, or national origin.
2. The U.S. Commission on Civil Rights should issue the following recommendation to the Governor and Louisiana State Legislature:
 - a. Send a request to Louisiana's governor to investigate and then issue directives to ensure qualified medical professionals are evaluating orders of involuntary commitment for individuals alleged to be experiencing mental health concerns.
 - b. Send a request to Louisiana's legislature to investigate and codify remedies to ensure qualified medical professionals are required for involuntary commitment orders due to alleged mental health concerns, and ensure due process protections are afforded to individuals alleged to be experiencing mental health concerns.
 - c. Ensure that a physician, preferably a psychiatrist, is involved in the Coroner's Emergency Certificate process. Ensure there are appropriate checks and balances that will provide for a qualified individual to assess a potential involuntary commitment case if a local qualified coroner is not immediately available.
 - d. Develop an oversight body that individuals facing involuntary commitment can reach out to for education on next steps and inquire about what to do if they disagree with the decision made. Ensure this oversight body also communicates with medical professionals to provide education and clarity regarding current laws, and review cases for compliance on a regular basis.
 - e. Provide funding for an independent, third-party examiner to request and review data regarding involuntary commitments from all 64 parishes in Louisiana for the past five (5) years:

³⁴ 45 C.F.R. § 703.2 (2018).

- i. Copies of all Coroner's Emergency Certificates issued (with private patient information redacted);
 - ii. Qualifications and credentials for each coroner and deputy coroner;
 - iii. Qualifications of the individual who signed off on each emergency certificate.
 - iv. After reviewing current data from all 64 parishes, ensure steps are taken to address issues around qualifications particularly of the individuals who are executing the Coroner's Emergency Certificate.
- f. Develop standardized trainings to ensure coroners and hospitals are informed of patient rights.
 - g. Develop standardized telemedicine procedures that allow for expedient review of cases by qualified medical professionals across all parishes.

Appendix

Materials related to this study may be found here:

<https://usccr.box.com/s/iy3ehnaa46tyvaizlcr9zbdqpjh9tu8i>

A. Hearing materials

- a. Transcript
- b. Agenda
- c. Minutes

B. Written Testimony

**Louisiana Advisory Committee to the
United States Commission on Civil Rights**



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