

Mental Illness Commitments

411.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure delivery of mental health services and to provide appropriate triage of individuals with psychological or emotional impairment who come to the attention of the Department of Public Safety.

411.2 AUTHORITY

An officer having probable cause may take a person into custody and shall take that person to a facility designated by the County of Santa Clara for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).after completing a 72-hour hold. Officers shall fully document the circumstances of contact and other evidence in support of the 5150 W&I or 5150.05 W&I criteria by completing a 72-hour hold.

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

Persons who do not meet the criteria set forth in 5150 W&I or 5150.05 W&I, but who desire mental health treatment, shall be provided assistance, which may include acting as an informational resource, as a liaison for contacts/referrals, and/or making arrangements for voluntary treatment or out-patient treatment, including transportation.

If in-field psychological evaluation of an individual in crisis is indicated, Officers may request a response from either:

1. Mobile Mental Health Unit (MMHU) – Adults (when implemented)
2. Eastfield Ming Quong (EMQ) – Juvenile

411.3 TRANSPORTATION

Patrol vehicles may be used to transport involuntary patients not requiring immediate medical attention. Officers shall use only department-approved restraints.

Patrol vehicles may be used to transport voluntary patients who have no other mode of transportation and do not require immediate medical attention.

Mental Illness Commitments

Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

411.4 DOCUMENTATION

When it is determined the person meets the criteria for 5150 W&I a 72-hour hold shall be completed. The incident shall be documented in ARS using the ARS 5150 narrative. A copy of the 72-hour hold shall be attached as an E-file.

Upon completion of a CIT-related event, when no other documentation is required (ie: 72 Hr Hold, Offense Report), the Officer shall complete a CIT Contact Card and submit the card to Records for entry into RMS. In addition to clearing the event through dispatch with the appropriate alpha code (eg: A-dam, R-obert, N-ora, etc), officers shall advise dispatch, whenever a CIT card is indicated, to attach the ghost unit "RED" to the response group (ie: "14J 10-8 Robert, RED")

If an event requires response from fire personnel only, and the subject contacted is believed to suffer impairment related to a mental illness, a CIT Contact Card shall be completed by fire personnel and submitted to Records for entry into RMS.

If an event involves a joint patrol and fire response (ie: an EMS incident), the primary responsibility for completing and submitting a CIT Contact Card rests with on scene patrol officers.

411.4.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

411.4.2 PRESERVATION AND SAFEGUARDING OF PERSONAL PROPERTY (5150(E) W&I)

Officers shall document the final disposition of the person's property (e.g. residence released to relative, residence secured, vehicle locked and secured, etc.) on the APPLICATION FOR 72-HOUR DETENTION EVALUATION AND TREATMENT (PS363). When physical property is actually taken from a person, a notation of "Property booked for safekeeping/evidence" on the form is required.

Mental Illness Commitments

411.5 CRIMINAL OFFENSES

When a person is arrested for a criminal offense and also meets the criteria set forth in 5150 W&I or 5150.05 W&I, the following shall apply:

- (a) If the person qualifies for immediate release, Officers shall process the individual for release and complete the 72-hour hold and transfer to a facility designated by the County of Santa Clara.
- (b) If the person does not qualify for immediate release, Officers shall include the 72-hour hold in addition to other booking paperwork at County Jail.

411.6 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Penal Code § 16590. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a Notice of Rights and Receipt form describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy). The seizure shall be documented in the ARS report and also check the "8102 WI" box.

411.7 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with mentally disabled persons, 5150 commitments and crisis intervention.