

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** May 6, 2015  
**NUMBER:** 6.20 – PATROL  
**SUBJECT:** MENTAL HEALTH PROCEDURES  
**RELATED POLICY:** N/A  
**ORIGINATING DIVISION:** OPERATIONAL SUPPORT  
**NEW PROCEDURE:**   
**PROCEDURAL CHANGE:**  **EXTENSIVE CHANGES TO ENTIRE PROCEUDRE**  
**SUPERSEDES:** DP 6.20 – 09/25/2014

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**I. PURPOSE**

This Department procedure establishes guidelines for handling persons experiencing mental health emergencies and to acquaint officers with filing applications for 72-hour detentions for evaluation and treatment.

**II. SCOPE**

This procedure applies to all members of the Department.

**III. BACKGROUND**

NEW Welfare and Institutions Code (W&I) section 5150 provides that a peace officer may take people into custody and transport them to a designated facility for evaluation if the officer has probable cause to believe that as a result of a mental disorder an individual is a danger to others, or to himself or herself, or gravely disabled.

**IV. DEFINITIONS**

NEW A. Credible Third Party Statements – These are statements that may be considered by an evaluating officer in determining if an individual meets 5150 criteria. Credible third parties may be family members or persons who have provided or are

providing mental health or related support services. Statements may include relevant information about the historical course of the person's mental disorder. (W&I § 5150.05.)

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B. Emergency Detentions – individuals who meet 5150 criteria; they are exhibiting behaviors or are reported to have exhibited behaviors that as a result of a mental health disorder the person is a danger to others, or to himself or herself, or gravely disabled.

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C. Gravely Disabled – a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. (W&I Code § 5008.)

D. Jail Clearance - needed when a jail nurse has rejected an arrestee due to the offender's failure to adequately answer mental health questions during booking.

E. Lanterman-Petris-Short (LPS) Act of 1967 – addressed the involuntary civil commitment of individuals to a mental health facility in the State of California. (Cal. W&I Code, § 5000 et seq.) The LPS Act, in effect, ended all hospital commitments by the judiciary system, except in the case of criminal sentencing (i.e., convicted sexual offenders) and those who were "gravely disabled", which is defined as unable to obtain food, clothing, or housing (W&I Code § 5008.) It did not, however, impede the right of voluntary commitments. It expanded the evaluative power of psychiatrists and created provisions and criteria for holds.

F. LPS Conservatorship - a process in which the court appoints a conservator to make certain legal decisions for an individual. The conservator can make decisions, such as whether the individual can start or stop taking psychiatric medications, accept other medical treatment, manage his/her money, and decide where to live. While the individual is on conservatorship, the court may limit his/her right to vote, to enter into contracts, to drive, or to own a firearm (W&I Code § 5357.) The LPS conservatorship can last for a maximum of one year at a time, and can be renewed in court at the end of the year (W&I Code § 5361.)

G. LPS Facility - hospitals designated by the County of San Diego and approved by the State of California Department of Mental Health as a facility for involuntary 72-hour treatment and evaluation.

Such a facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, and stating the officer has probable cause to believe that the person is, as a result of a mental illness, a danger to others, or to himself or herself, or is gravely disabled.

A listing of all San Diego County LPS facilities can be found in the Resource Library under User Resource Guides.

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- H. Non-Emergency Cases – individuals who do not meet 5150 criteria but are experiencing mental health issues.
1. Voluntary Non-Emergency – individuals who are willing to accept evaluation and treatment.
  2. Uncooperative Non-Emergency – individuals who are not willing to accept evaluation and treatment.

I. Public Conservator - a public conservator is an individual who has been appointed by the court to manage the affairs of a person (designated a conservatee) who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

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J. Public Conservatee - a person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism. (W&I Code §§ 5350 – 5372.)

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K. Welfare and Institutions Code section 5150 Criteria – when a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled.

## V. PROCEDURES

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A. Probable Cause Determination

1. When a person, as a result of a mental disorder, is:
  - a. Demonstrating behaviors which are causing them to be potentially dangerous to self and/or others; or,
  - b. Appears gravely disabled due to an inability to provide for their basic needs of food, clothing, or shelter,

An officer may, upon probable cause, detain the person for mental evaluation. W&I Code § 5150.

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2. When determining if probable cause exists to take a person into custody officers shall consider all available relevant information about the historical course of the person's mental disorder. W&I Code § 5150.05.
  - a. Information is relevant if the authorized person determines that the information has a reasonable bearing on the determination as to whether the person is a danger to others, or to himself or herself, or is gravely disabled as a result of the mental disorder.

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- b. Information about the “historical course of the person’s mental disorder” includes evidence presented by the person who has provided or is providing mental health or related support services to the person, evidence presented by one or more members of the family of that person, and evidence presented by the person himself or herself.

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3. Other information to consider is:
  - a. Any physical evidence;
  - b. A police officer’s own observations;
  - c. Other witness statements; and,
  - d. Recent similar incidents.

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## B. Types of Determinations

### 1. Non-emergency Cases

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If an officer determines that an individual does not meet 5150 criteria, then the officer is not to detain the person. If the person, although not 5150, is experiencing mental health issues, then the person may voluntarily accept to be evaluated and treated. However, the individual is not required to seek treatment if they are not willing.

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- a. In Voluntary Non-emergency cases, an officer may transport the individual to any LPS facility in the County. See below for more information about voluntary admittance of the individual to a facility.

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- b. In Uncooperative Non-Emergency cases, an officer is not to detain the individual or transport them anywhere.

If the individual is uncooperative, family members and other concerned parties may petition for a court order for a psychiatric evaluation. Welfare and Institutions Code section 5201 provides that anyone may apply for a petition alleging there is a person with a mental illness in need of evaluation. To initiate a petition, a concerned party must contact the Office of the Public Conservator at (858) 694-3500.

## 2. Emergency Detentions

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- a. A person shall be detained if the officer determines that the person meets 5150 criteria.
- b. Confiscation of Weapons

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Whenever a person is detained for examination of his or her mental condition, law enforcement shall confiscate any firearms or other deadly weapons that the person owns, has in his or her possession, or under his or her control, and shall retain custody of the weapons. W&I 8102.

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Officers must still comply with the 4th Amendment, so they must have consent, or the facts must justify exigent circumstances or the community caretaking function to search a home and remove weapons. A call regarding a possible 5150 by itself, with no other information, does not meet the legal requirements of exigent circumstances or community caretaking.

- c. Entry into Private Residence

Private residences have, perhaps, the highest “expectation of privacy” of all places subject to a search. (*People v. Ramey*, 16 Cal.3rd 263 (1976)). Warrantless entries by police into a residence are presumed illegal unless justified by consent, a warrant, or exigent circumstances. (*Payton v. New York*, 445 U.S. 573 (1980)).

In answering calls on private property regarding persons with an alleged mental illness, an officer may enter if:

- (1) There is a warrant establishing probable cause to do so; or,
- (2) Consent may be given by either the occupants of the house, or by relatives of the person who have legal access to the house; or,
- (3) There are exigent circumstances. A call regarding a possible 5150 by itself, with no other information, does not meet the legal requirements of exigent circumstances. Exigent circumstances include situations where a person is placed in imminent harm or danger, requires immediate medical attention, or to forestall the imminent escape of a suspect or the destruction of evidence or property. (*People v. Ramey*)

Therefore, if the person experiencing a mental health crisis is contacted outside the home and the firearms are inside the home, officers must have consent or exigent circumstances to enter the home to search for weapons (e.g. unsupervised child inside the home; initial 911 call stated that suspect threatening to harm others in the house; etc.) Alternatively, officers may obtain a search warrant per Penal Code section 1524(a)(10).

d. Verbal Advisement

Each person detained pursuant to W&I Section 5150 must be given the following verbal advisement prior to admittance into an appropriate LPS facility.

- (1) The advisement is located in the upper right corner of the form entitled "Application for 72-Hour Detention or Evaluation and Treatment."

"My name is \_\_\_\_\_. I am a police officer with the San Diego Police Department. You are not under criminal arrest. I am taking you to a psychiatric hospital for an examination by mental health professionals at (name of facility). You will be told by the mental health staff of your rights while at the facility."

- (2) If taken into custody at their residence, the person shall also be told the following information in substantially the following form:

"You may bring a few personal items with you, which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken." (W&I Code § 5157)

- (3) If the advisement is incomplete, the detaining officer must write a brief statement of "good cause" reason for the incomplete advisement in the appropriate place on the application for 72-hour evaluation.

C. Transportation

1. In handling persons having a mental health crisis, if restraint is necessary, officers should use proper police techniques. Physical restraint should be applied only when disturbance is evident or anticipated.

2. Officers are responsible for identifying the medical needs of detained individuals. Any signs of medical distress should be considered in the decision to require medical transport. In the event a detained individual requires medical transport the officer will follow the transport and ensure appropriate placement.
3. When transporting in a police vehicle, handcuffs shall be used and double locked.
4. Officers must search the patient for weapons, drugs, and alcohol.
5. Patients shall be transported with a second officer or PERT Clinician in the vehicle. The patient should be placed on the left side of the back seat, directly behind the driver, so the second officer or clinician can monitor the patient.
6. When a civilian Department employee, Police Cadet, PERT clinician or Ride-Along is riding with the transport officer, a second officer shall follow the transporting officer. In this instance, the subject should be placed on the right side of the back seat, directly behind the front passenger seat, so the transporting officer can monitor the patient.
7. Officers will transport persons in mental health crisis to the most appropriate LPS facility.

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#### D. Facility

1. Adults may be transported to any LPS facility in the County. In determining the most appropriate LPS facility, officers should take the following into consideration:
  - a. Medical Necessity - if the person has obvious medical needs (i.e., suicide attempt or overdose, documented medical condition) they can only be treated at a hospital with an emergency department. (Refer to the Resource Library, User Resource Guides, for listings of San Diego County LPS facilities with emergency departments)
  - b. Clinical Appropriateness - the person states to the officer that he or she wishes to go to a particular hospital or has past history at a specific LPS facility.
  - c. Financial Ability - the person has medical insurance.
  - d. If the adult detainee is uninsured or the officer is unable to determine financial ability. If this is the case, the best facility to

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transport to is the San Diego County Psychiatric Hospital (SDCPH), at 3851 Rosecrans Street, San Diego, 92110.

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- e. Whether the person is under arrest and a jail clearance is requested by jail intake staff. SDCPH is the only facility that can provide jail clearance.
2. Juveniles may be transported to any appropriate LPS facility. However, officers should attempt to transport to a children's facility. These facilities are:
    - a. Emergency Screening Unit - Located at 730 Medical Center Court, Chula Vista, CA. 91911. This is a non LPS facility without an emergency room. It is a screening unit only for uninsured and Medi-Cal patients only. The Emergency Screening Unit may refuse a client. It is suggested officers call this facility prior to transport to determine patient eligibility. The phone number is (619) 421-6900.
    - b. Rady Children's Hospital - This is an LPS facility with an emergency room located at 3020 Children's Way, San Diego CA 92123. Their phone number is (619) 229-3700. There is no need to call prior to arrival.
    - c. Sharp Mesa Vista Hospital - This is an LPS facility without an emergency room located at 7850 Vista Hill Avenue, San Diego, CA. 92123. It is suggested officers call this facility prior to transport to determine patient eligibility. Their phone number is (858) 836-8434.
    - d. Aurora Hospital - This is an LPS facility without an emergency room located at 11878 Avenue of Industry, San Diego, CA. 92128. It is suggested officers call this facility prior to transport to determine patient eligibility. Their phone number is (858) 675-4228.

If officers are unable to gain entrance into any of these hospitals they should divert to the nearest LPS facility with an emergency room. (Refer to the Resource Library, User Resource Guides, for listings of San Diego County LPS facilities with emergency departments)

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- E. Admittance of Patient into County of San Diego LPS Facilities
  1. Once at the hospital, the officer will secure all weapons and escort the person into the facility.

## 2. Emergency Detentions

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- a. The officer shall remain at the facility no longer than the time necessary to complete documentation of the factual basis of the detention under W&I Section 5150 and the safe and orderly transfer of physical custody of the person.
- b. Prior to the hospital staff accepting a patient from law enforcement, the officer must:
  - (1) Prepare and sign the 72-hour (W&I Section 5150 hold) evaluation paperwork; this form will be supplied to the officer at the LPS facility. Officers may also find a copy of this form on the F: Drive under Templates\Patrol Based Forms. This form will be given to hospital staff.
  - (2) Prepare and sign the San Diego County Sheriff Admittance Request. This form is commonly referred to as the Law Enforcement Transport Form. This form is located at all area stations and on the F: Drive under Templates\Patrol Based Forms.
    - i. If officers are making a placement into County Mental Health, the transport form stays at the hospital.
    - ii. If officers are placing a subject into any other LPS facility, this law enforcement transport form will not be accepted by the hospital. Prior to the end of the detaining officer's shift this completed form must be submitted to the Sheriff's Department:
      - (a) Fax: (858) 467-4511 or
      - (b) Email: [property.investigations@sdsheiff.org](mailto:property.investigations@sdsheiff.org).
    - iii. Once the transport form has been faxed or emailed to the Sheriff's Department it shall be placed into the appropriate report room bin.
  - (3) Suicide Attempts

Along with the above forms, the officer shall prepare and submit all of the following:

    - i. An ARJIS-8 (San Diego Regional Arrest/Juvenile Contact Report) "Detention Only" with a Mental

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Health Supplemental and a narrative to describe the circumstances and actions taken;

ii. An ARJIS-2 (San Diego Regional Crime/Incident Report) for the suicide attempt, with a case number, showing ZZ930000, SUICIDE ATTEMPT, as the code section and description; and

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iii. The Sheriff's Department Property Investigation Law Enforcement Transfer Form must be completed and sent to the San Diego County Sheriff's Department Property Unit by the detaining officer by the end of his/her shift.

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(a) Faxed to (858) 467-4511; or

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(b) Emailed: [property.investigations@sdsheriff.org](mailto:property.investigations@sdsheriff.org)

iv. The W&I Section 5150 Emergency Hold Form.

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c. Once these documents are completed, the patient will be registered by the hospital clerk, and all property received will be inventoried by hospital staff. For their protection, officers should verify that the inventory is correct. Officers shall remain no longer than the time necessary to complete documentation of the factual basis of the detention under W&I Section 5150 and a safe and orderly transfer of physical custody of the person.

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d. Officers shall maintain control of the individual for hospital staff until an orderly transfer has been completed. For the most part, an orderly transfer occurs once the 72-hour evaluation paper work and San Diego County Sheriff Transport Form are completed and verbally explained to hospital staff, and the detainee's property is properly inventoried. Once this orderly transfer has occurred, the officer is free to leave the hospital and return to service.

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e. Prior to the end of shift, the officer shall prepare and submit An ARJIS-8 (San Diego Regional Arrest/Juvenile Contact Report) "Detention Only" with a Mental Health Supplemental as this is the only permanent record of our handling of the patient. This report shall include:

(1) A statement as to how the officer's attention was directed to the patient;

(2) Any necessary witness information and statements;

- (3) Any credible third party statements; and,
- (4) Any use of force.

f. Non-Admissions

- (1) Once this orderly transfer is completed, it is not the responsibility of the transporting officer to remain at the hospital for determination of whether the designated facility will accept the patient, nor is it the responsibility of the transporting officer to transport persons not admitted to the facility.
- (2) If there is some sort of disagreement pertaining to the patient's admission into the hospital, officers shall complete a detention report. The detention report (ARJIS-8) must be filed by the officer who last contacted the patient. A copy of this report should be directed to the Operational Support Administration Office at MS 776, and should contain the following:
  - i. Reasons why the officer felt the patient should have been admitted. This can usually be obtained from forms the committing officer completed at the Psychiatric Unit;
  - ii. Name of doctor;
  - iii. The reason for non-admission; and,
  - iv. Final disposition of patient (i.e., home, halfway house, etc.).
  - v. Incident number on the report.

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3. Voluntary Non-emergency Cases

- a. Verbally communicate to hospital staff the circumstances of why the individual is a voluntary admittance and that there is no request for a W&I Section 5150 hold.
- b. Maintain control of the individual for hospital staff until a safe and orderly transfer has been completed.

- c. Document the voluntary transport on their daily journal. The officer is not responsible for completing any admitting paperwork.

F. Impounding of Firearms per W&I Section 8102

1. All firearms shall be impounded per Department Policy 3.02, Section VII. No further paperwork is required at the time of impounds.
2. Generally, the firearm will be returned upon release of the person from a professional care facility unless:
  - a. A petition is filed with the court for the law enforcement agency to retain and destroy the weapon.
  - b. The person has been prohibited by Department of Justice to possess a firearm.
3. All firearm impounds will be routed to the Property Room Gun Desk. The Gun Desk will process the initial impound and send the impounding officer an e-mail with instructions and a request to complete a petition to retain firearms.

G. Criminal Acts

1. Criminal acts committed by individuals take precedent regardless of their mental health condition. It is not the responsibility of the arresting officer to release criminal charges in lieu of being admitted into any LPS facility.
2. Every person who commits a felony shall be booked for appropriate violation(s). If the nature of the offense or the prisoner's demeanor indicates the possibility of a mental illness, transporting officers shall inform jail personnel.
3. If jail personnel refuse to take custody of the suspect due to a mental illness, the person shall be transported to SDCPH for a "jail clearance."
  - a. If SDCPH staff clears the prisoner, the officers should book him/her into jail.
  - b. If the custody of the suspect requires a request for relief from a sheriff intake deputy, follow the procedures established in Department Procedure 6.02, Booking Procedures.
4. On misdemeanor cases, when a prisoner displays symptoms of serious mental illness, and the officer believes that jail detention cannot be

humanely affected, the officer may, prior to booking, transport the suspect directly to the SDCPH.

- a. Once at SDCPH, the officer must fill out all W&I Section 5150 paperwork as if they were making an involuntary commitment.
  - b. The officer should explain the criminal circumstances and ask the SDCPH staff to evaluate for jail clearance.
  - c. If SDCPH staff clears the prisoner for jail, the officers should book him/her into jail.
5. If a suspect is arrested for a misdemeanor offense, and subsequently admitted to SDCPH, the officer shall submit the proper paperwork to initiate a Notify Warrant.
  6. Should the detaining officer or investigating officer want/need to be notified of the client's release from the LPS facility the detaining officer should indicate this on the original W&I Section 5150 hold. There is a box on this form which should be checked requesting the hospital call law enforcement prior to the release of the individual.

#### H. Jail Clearance

1. If the person has been arrested and a "jail clearance" is necessary, the officer must transport the prisoner to the San Diego County Psychiatric Hospital. Officers shall explain the criminal charges to hospital staff and stand by for the decision of the admitting psychiatrist.
2. Once the appropriate paperwork is received from the hospital staff, the prisoner shall be booked into County Jail. Officers should bring all hospital paperwork and give it to the booking deputies when booking the prisoner into County Jail.
3. If Jail clearance is not authorized and the transporting officer(s) intends to book the person into jail following release, the officer should fill out the section at the bottom of the 5150 Application Form DHCS 1802 which says, "NOTIFICATION TO BE PROVIDED TO LAW ENFORCEMENT AGENCY. Notify (officer/unit & telephone#)". The phone number that CMH should call is 619 531-2205, the Watch Commander's number.
  - a. The officers should take the paperwork for jail (declaration, booking slip, etc) back to the Watch Commander's office;
  - b. The Watch Commander keeps the paperwork and indicates which division or unit made the arrest;

- c. When the Watch Commander is notified of the pending release of the 10-16, they notify the indicated division or unit, who dispatches an officer to CMH;
- d. After picking up the 10-16, the officer(s) then pick up the paperwork from the Watch Commander and book the person into jail.

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## I. Other Types of Requests for Assistance

### 1. Professional Referrals

- a. Officers who receive a call from a medical/mental health professional to transport a person, who is not a public conservatee, to a LPS designated facility, should ensure that at least one of the following criteria is met before assuming custody:
  - (1) The committing medical professional has telephoned the admitting hospital and obtained approval for the evaluation; this professional may provide supportive, written documentation to accompany the patient at the time of evaluation.
  - (2) The officer observes sufficient conduct on the part of the patient to meet commitment criteria established by W&I Section 5150.
  - (3) "Probable cause" can be established jointly between the professional, or a reliable third party who gives a credible third party statement, and the officer. This can be based on joint observations, case history, and other supportive information and should be part of the written 72-hour evaluation report. (W&I Section 5150.05)
- b. Officers are not required to complete mental health reports when the LPS facility is receiving the patient from a medical professional, and prior arrangements have been made. However, officers shall complete a San Diego Police "Detention Only" Arrest Report, which should include the name and address of the professional making the commitment.

### 2. Community and Family Referrals

- a. To determine whether to involuntarily transport an individual because of a community or family referral, officers should ensure at least one of the following criteria is met;
  - (1) “Probable cause” can be established jointly between a reliable third party and the officer. This can be based on joint observations, case history and other supportive information and should be part of the officers written 72 hour evaluation report. This situation is considered “third party statements” (W&I Section 5150.05).
  - (2) The officer observes sufficient conduct on the part of the patient to meet commitment criteria established by W&I Section 5150.
- b. If an officer detains a community or family referral and transports to a hospital they are required to complete all necessary W&I Section 5150 reports including the Law Enforcement Transfer Form.

### 3. Public Conservatees

- a. The conservator is responsible for assuring the conservatee receives adequate mental health care.
- b. A public conservator has authority to hospitalize a public conservatee based upon W&I Section 5358, but does not have the authority of a peace officer to physically restrain a conservatee.
- c. A public conservator has the authority to request police assistance to detain, return, or transfer a conservatee, per W&I Section 5358.5. Such requests shall be in writing.
- d. Law enforcement assistance may be requested when a conservatee is uncooperative, volatile, and/or threatening. When a request is made for police assistance, a public conservator shall provide:
  - (1) Written request for police assistance;
  - (2) Copy of the letters and order of conservatorship; and,
  - (3) Official picture identification.
- e. Officers will assist in taking the conservatee into custody and seeing that he/she is properly restrained.

f. Normally, transportation will be provided by ambulance, but occasionally, officers may be requested to physically transport public conservatees. Officers will do so in accordance with accepted transportation practices.

4. Requests for Assistance from Private Institutions

- a. Officers will be dispatched on walk-a-ways from private institutions.
- b. Unless the person requires an emergency detention under W&I Section 5150, officers shall not transport the person involuntarily.
- c. Officers will not assist private ambulance companies with taking a person into physical custody unless the person requires an emergency detention under W&I Section 5150.
- d. If an emergency 72-hour evaluation is warranted, officers will take the person into custody and transport to a designated facility.
- e. If an emergency 72-hour evaluation is not warranted, the officer should advise the ambulance company that no police intervention is required and clear the scene.