

Mental Illness Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (Welfare and Institutions Code § 5150).

409.2 POLICY

It is the policy of the Santa Monica Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

409.3 AUTHORITY

A sworn officer or other individual authorized by statute, who has probable cause to believe that, as a result of a mental disorder, the person is a danger to others, or himself/herself, or the person is gravely disabled, may take (or cause to be taken) the person into custody and place him/her in an approved mental health facility for 72-hour treatment and evaluation (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

The facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute. The officer or other authorized individual will articulate his/her probable cause to believe that the person is, as a result of a mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on a statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

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

409.3.1 VOLUNTARY EVALUATION

If a sworn officer encounters a person who may qualify for a 5150 WIC commitment, the officer may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to connect them to appropriate resources and services, or to conduct the evaluation and admit the patient pursuant to a 5150 WIC commitment (per Health & Safety Code § 1799.111).

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- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 WIC commitment, if appropriate.

In addition to any other related reports, the officer shall document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission on a Field Identification Card in accordance with policy § 4.09.7.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

409.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

409.5 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will ensure a safe, orderly transfer of custody of the individual to the facility per § 5150.2 WIC.

When transporting a patient who is combative or otherwise poses a safety risk, officers are to ensure the appropriate notifications are made to the hospital's security detail or the Sheriff's

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Office, if it is a Los Angeles County Hospital.

409.6 TRANSFER TO APPROPRIATE FACILITY

Officers are responsible for transporting an individual in custody pursuant to Welfare and Institutions Code § 5150 to the appropriate facility. When deciding where to transport an individual, officers shall use the following guidelines or the most current Department guidelines as hospital procedures are subject to change:

- (a) Any individual who desires to voluntarily commit himself/herself, or any person with medical problems, will be transported to SMEH-UCLA or St. John's Hospital.
- (b) Combative individuals, not in custody for a felony crime, should be transported to Harbor UCLA Hospital.
- (c) Adults in custody for a felony crime should be transported to the Los Angeles County Jail.
- (d) Individuals identified as United States Military Veterans should be taken to the Veterans Administration (VA). Prior to transporting, officers should confirm veteran status with the VA.
- (e) Individuals under 14 years old can be transported to Ronald Regan UCLA Westwood.
- (f) Individuals 13 years old and over with no medical problems, no insurance, and without parents or guardians present should be transported to Exodus MLK location (12021 Wilmington Ave. Building 10 Los Angeles, CA 90059).
- (g) Non-combative individuals, 17 years and over, with no medical problems, who are not on parole, extremely intoxicated (Penal Code § 647(f)), or suffering with an organic dysfunction (e.g. dementia, Alzheimer's, or other neurodevelopmental disorders characterized by significantly impaired intellectual and adaptive functioning) may be admitted to Exodus locations as long as he/she does not have private insurance. Those on probation or AB109 or with Medicaid/Medicare may be admitted into Exodus, but the officer(s) must call the facility beforehand.
- (h) Individuals suffering from an organic dysfunction, should be transported to SMEH-UCLA or St. John's Hospital for medical assessment and treatment. Officer generally should not remove subjects from Convalescent Hospitals.

If an individual has been seeing a mental health professional for treatment or has arrangements with another medical facility, then the officer will take these factors into consideration for the appropriate transfer of the individual.

409.7 DOCUMENTATION

When an officer completes an application for a 72-Hour detention for evaluation and treatment, they shall provide it to the facility staff member assigned to that patient and retain a copy of the application to be attached to the related report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

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The officer shall also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

When transporting an individual with medical issues to 1799.111 H&S facilities (e.g. SMEH-UCLA or St. John's Hospital), the officer should inquire if the evaluating staff would like the officer to complete the application or if the evaluating staff would like to complete the evaluation and application due to existing medical problems.

In addition to the application or any other report forms including crime reports, information received reports, and injured persons reports, officers shall complete a Field Identification Card for any individual who voluntarily commits or is involuntarily committed into an authorized facility pursuant to Welfare and Institutions Code § 5150. The Field Identification Card will include:

- (a) A brief summary of the investigation and disposition.
- (b) The name of the facility the individual was transported for treatment.
- (c) The name of the medical/mental health professional receiving the individual.
- (d) Whether the services of the Los Angeles County Department of Mental Health were utilized.
- (e) If a patient's treating mental health professional was involved or made arrangements for treatment with another medical facility.

409.7.1 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).

409.8 CRIMINAL OFFENSES

When practical, any individual who is charged with a crime and may qualify for a 5150 commitment, shall be booked at the Santa Monica Police Department Jail before being transported to the authorized facility.

If the subject has injuries or some other medical condition, he/she shall be transported to the hospital and officers shall notify a supervisor. If the officer is unable to identify the subject, he/she shall attempt to fingerprint and photograph the subject with the assistance of Forensic

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Technicians, or other means (mobile finger print reader, etc.).

If the subject was arrested for a misdemeanor offense, and the subject has valid identification and qualifies per Penal Code § 853.6, the subject may be cited out and transported to the appropriate facility.

If the subject was arrested for a serious criminal offense, the officer shall:

- (a) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (b) Facilitate the individual's transfer to jail.
- (c) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Department to regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 ACTIVE DUTY MILITARY PERSONNEL WHO ARE MENTALLY ILL

If an officer has reasonable cause to believe that a person currently on active duty in the military is mentally ill to the degree that they present themselves to be a danger to self or others (or gravely disabled), the following procedures shall be utilized.

- (a) Request a field supervisor to respond the location and determine whether or not the subject should be detained due to possible mental illness.
- (b) If the supervisor and officer concur that the subject should be evaluated, the subject shall be taken to the appropriate mental health facility in accordance with Department guidelines (refer to § 409.6).
- (c) The detaining officer should then notify, or cause to be notified, the Department of Defense Police.
- (d) If military personnel being handled as mentally ill by this Department have committed a criminal offense, the detaining officer will contact the appropriate base and shall:
 - 1. Confirm whether or not Military Police will respond to take custody of the individual.
 - 2. Coordinate the response with Military Police to determine the appropriate pick-up location.
 - 3. Document the response in the related crime report.
 - 4. Refer to Policy Manual § 400 for further procedures following the detention of military personnel for a criminal offense.

409.10 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

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in Welfare and Institutions Code § 8100. 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 receipt 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).

409.10.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Criminal Investigations Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

If no petition is initiated within the above period, the Department shall make weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33850(a).

In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than the 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

409.11 APPREHENSION AND TRANSPORTATION OF ESCAPED MENTAL PATIENTS

In accordance with § 7325 of the Welfare and Institutions (WIC) code, the following procedures are established: Welfare and Institutions Code § 7325 requires that officers of this Department assist with the apprehension and transportation of all involuntarily detained mental patients who have escaped from any Federal, State or designated County mental health facilities or hospitals when the four following criteria are met:

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1. The qualifying mental health facility or hospital from where the subject escaped requests the Santa Monica Police Department's assistance in locating, apprehending and transporting the escaped subject back to the facility / hospital
2. At the time of the escape, the subject was involuntarily detained pursuant to one of the statutes or orders listed in § 7325 WIC. These currently include:
 - (a) Committed by a court to a State hospital or other institution on or before June 30, 1969
 - (b) Judicially committed on or after July 1, 1969
 - (c) Involuntarily detained pursuant to Part 1 (commencing with § 5000) of Division 5 of the WIC, including sections: Judicially committed on or after July 1, 1969
 1. § 5150 (72-hour hold)
 2. § 5250 (14-day hold)
 3. § 5260 (second 14-day hold)
 4. § 5270 (30-day certification)
 5. § 5301 (180-day certification)
3. The date and time that the subject was due to be released from the above listed detention has not expired.
4. The physician or their designee authorizing the apprehension and transportation of the involuntarily detained subject, completes an SMPD form #918E (Apprehension and Transportation Order – § 7325 WIC) and provides a copy of the completed form to a responding officer and/or faxes a copy to the Watch Commander.
 - (a) When the above criteria are met, and an officer locates the escaped subject, the officer shall transport the subject back to the facility/hospital that issued the Apprehension and Transportation Order (form #918E).
 - (b) If the escapee cannot be located and the escape was from a designated County mental health facility or hospital located within the City of Santa Monica, and the subject is charged with any crime involving physical harm to children, this agency shall, pursuant to § 7325(c) WIC, provide copies of the completed form (#918E) to school districts:
 1. In the vicinity of the hospital or other facility in which the escapee was being held,
 2. In the area the escapee is known to, or is likely to frequent, and
 3. In the area where the escapee resided immediately prior to confinement.
 - (c) Note: The requirement to notify the school districts in the above-mentioned areas includes areas that may be outside of Santa Monica. If the agency in that jurisdiction cannot accommodate our request to make the required notification, SMPD personnel shall make the notifications.

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409.12 TRAINING

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