



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



522.01 HANDLING MENTALLY ILL PERSONS 3-16-18

PURPOSE

The purpose of this order is to establish procedures for handling mentally ill persons taken into custody pursuant to 5150 of the Welfare and Institutions Code (W&I).

POLICY

It shall be the policy of the Sacramento Police Department that officers handling mentally ill persons proceed in a manner consistent with the safety and well-being of all persons involved. Officers are increasingly required to respond to and intervene on behalf of persons who are in mental health crisis. While officers are not expected to make mental health diagnoses, they are expected to recognize signs and symptoms that may suggest a mental illness, as well as behaviors that are indicative of mental health crisis. The goal is to use de-escalation techniques to maximize the likelihood of a safe outcome for officers, individuals, and the community.

PROCEDURE

A. GENERAL

1. When reasonable to do so and absent exigent circumstances, officers dispatched to a welfare check in which an involved person may be a danger to him/herself or others shall conduct a Department of Justice Automated Firearms System (AFS) check of the named person via the California Law Enforcement Telecommunications System (CLETS) prior to making contact.
2. In the event an officer lacks access to a computer, the officer shall conduct the records check via radio through Dispatch or Records.
3. Officers shall attempt to locate and seize any firearm(s) by way of consent in the event the person owns and/or possesses firearm(s) **and** meets 5150 W&I criteria. Firearms located on the person detained or legally accessible to the officer without a warrant shall be seized (e.g., plain view, vehicle warrant exception, consent to search from 3rd party with authority, etc.).
4. If a person does meet the 5150 W&I criteria, does possess and/or own firearm(s), and refuses consent to search the area where the firearm(s) are believed to be kept, the officer shall contact his or her sergeant for further direction.
5. Sergeants should consider application for a search warrant to take possession of firearm(s) inside a residence or any other area in which a warrant would be required to access pursuant to 8102 W&I and 1524(a)(10) PC.

B. 5150 W&I HOLDS

1. Officers shall take persons into custody who, for reason of mental illness, are a danger to themselves, a danger to others, or gravely disabled.
2. Officers may act upon their personal observations or upon reasonable cause.
3. Officers shall not remove a 5150 W&I hold once it has been placed on a person.
4. Officers shall be aware firefighters, EMT's, and the majority of medical personnel do **NOT** have the authority to place or maintain a 5150 W&I hold unless the individual is certified and designated through the County of Sacramento Department of Health and Human Services.

C. USE OF FORCE OR PHYSICAL RESTRAINTS

1. Officers shall utilize only that amount of force necessary to secure the custody of the mentally ill person pursuant to 5150 W&I. Officers shall handcuff all mentally ill persons taken into custody unless the age or physical condition of the person is such that the personal safety of the person and officer will clearly not be jeopardized.
 - a. Officers shall handcuff a mentally ill person taken into custody when the person is not restrained by means of a straitjacket or leather restraining straps.



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- b. When handcuffing a mentally ill person, officers shall use only Departmentally approved handcuffs and ensure that handcuffs are double-locked.
 - c. "Flex cuffs," temporary plastic restraining straps, should not be used to restrain a mentally ill person, nor shall they be furnished to other personnel or private persons for use in restraining a mentally ill person.
2. Officers shall request an ambulance to transport mentally ill persons when
- a. The person is violent and requires restraint in a reclining position.
 - b. The person is injured or physically ill and in need of immediate medical attention.
- D. NON-ARREST
1. When no injuries have occurred, and/or no obvious medical condition exists, the person shall be taken directly to the nearest emergency room. [REDACTED]
[REDACTED]
[REDACTED]
 2. If the person has been injured or has an obvious medical condition needing attention, officers shall transport the individual to the nearest hospital or have an ambulance transport the subject, if necessary. Officers shall remain with the person until the hospital admits him or her and arranges for security and custody, particularly if the subject is violent.
 3. In cases in which psychiatric out-patients are currently receiving care from a local physician, arrangements can be made with the physician or a County of Sacramento Mental Health official to respond to the scene or to transport the patient to the physician's location for treatment. In situations in which the out-patient's doctor cannot be contacted, the patient will be handled as previously outlined.
- E. NON-ARRESTED MINORS
1. When no injuries have occurred, and/or no obvious medical condition exists, minors shall be taken directly to the nearest emergency room. Officers may transport juveniles to the SCMHTC.
 2. SCMHTC will not accept care for minors whose behavior is clearly caused by something other than a mental disorder (e.g., medical problem, under the influence of drugs or alcohol, etc.).
 3. If the minor has been injured or has an obvious medical condition needing attention, officers shall transport the minor to the nearest hospital or have an ambulance transport the minor, if necessary. Officers shall remain with the minor until the hospital admits him or her and arranges for security and custody, particularly if the minor is violent.
 4. Officers who detain and transport a minor who is later determined not to meet the criteria for a 5150 W&I to a mental health facility shall remain responsible for the care of the minor and consider his/her transportation needs if he/she is released from custody.
- F. ARREST
- When no injuries have occurred
1. Persons charged with a crime shall be taken directly to the Sacramento County Jail if bookable per Department policies.
 2. Jail personnel shall be notified of the person's mental status and problems (e.g., suicidal, hallucinatory, aggressive, etc.).
 3. Officers' comments shall be included in the arrest report.
- G. DOCUMENTATION
- Officers shall complete the following reports when placing a person on a 5150 W&I hold:
1. Department of Mental Health "Application for 72-hour Detention for Evaluation and Treatment" (MH-302).
 2. The original MH-302 and the medical clearance form, if applicable, shall be given to the staff at the treatment facility. A copy of the MH-302 shall be given to Records, even if the subject was taken to the treatment facility by Fire Department personnel.
 3. A casualty report with a classification of 5150 I-RPT shall be completed, noting details of the



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contact. The casualty report shall note if a firearm is seized from the subject and/or if the person is on active military duty (See section I.3. when seizing firearms.)

H. SPECIAL PROVISIONS FOR MEDICAL FACILITIES

1. [REDACTED]
2. Requests for police to respond to aid in restraining mentally ill persons shall be evaluated by the immediate supervisor.
3. Officers shall be dispatched only if someone's life is endangered by the mentally ill person's actions at the time of the request.
4. Refer to G.O. 533.02 (Missing Persons Cases – Reporting and Investigating) for reporting and investigating “At Risk” mentally ill persons who walk away from a medical facility.

I. SEIZURE OF FIREARMS/DEADLY WEAPONS

1. Officers confiscating weapons pursuant to 8102 W&I shall
 - a. Clearly state the authority for confiscation (e.g., permission given to search house/vehicle, probable cause, etc.) in the police report.
 - b. Ensure that the deadly weapon or firearm qualifies for seizure under 8102 W&I. See 16590 PC for applicable deadly weapons.
NOTE: Ammunition and gun cases do not qualify under 8102 W&I.
 - c. Give a copy of the SPD 779 (yellow, 2nd copy) to the person from whom the firearm/deadly weapon was taken and document it in the report.
NOTE: If the SPD 779 was given to someone other than the owner, the owner's name and contact information should be noted in the “comments” portion on the back of the SPD 779.
 - d. Inform the owner/agent to contact the Evidence & Property Section for information on claiming the firearm (information located on the back of SPD 779).
 - e. Confirm the owner's last known address.
2. All firearms and deadly weapons shall be booked pursuant to General Order 525.01 (Evidence and Property).
3. Officers confiscating firearms from persons detained and transported per 5150 W&I shall
 - a. Document the probable cause for the hold on the MH 302; complete the appropriate sections on the SPD 779 form; complete SPD 809 Mental Health Firearms Seizures Packet Envelope, including a copy of the MH302 and the SPD 779; and book the firearm(s).
 - b. Check the box at the bottom of the MH 302 form that indicates that law enforcement shall be notified when the person is released from treatment. The individual to be notified is the Evidence & Property Supervisor (EPS). Make sure the contact phone number is listed (916-808-8119). If the box is not marked, the EPS will not be notified of the release.
 - c. Complete an Incident Report documenting the facts about the incident, including thorough documentation to convince the court the firearm should not be returned to the person.
 - d. Include witness and supplemental forms to document all information concerning, but not limited to
 - (1) Who called or alerted the officers.
 - (2) Who witnessed the abnormal behavior and the nature of the abnormal behavior.
 - (3) Who witnessed what the person did with the firearm, especially concerning assaultive, threatening, or suicidal behavior.
 - (4) Where each firearm was found, by whom, and under what circumstances.
 - (5) Prior 5150 W&I calls regarding the person.
 - (6) Military duty status, if applicable.



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- (7) Statements or assessments by health care professionals.
 - (8) Reasons for confiscation of the firearms.
 - (9) Reasons for the decision to transport for evaluation and the name of the facility to which the person was transported.

 - (10) "Observations" concerning which officers responded, interviewed, transported, booked property, etc.
 - (11) In the "Remarks" field on the Property Report screen in Versadex, officers should notate that a 5150 W&I hold has been placed on the person.
4. If the 5150 W&I subject requires medical treatment, the medical facility will be provided a statement signed by a sworn officer requesting a psychological evaluation (Form MH-302). Provide a copy to the Records Section.