

OFFICE OF CHIEF OF POLICE  
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 03 Oct 14

SUBJECT: Revision of DGO O-1, PERSONS WITH MENTAL ILLNESS (30 Apr 01)

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The purpose of the revision to DGO O-1 is to update policy and procedure consistent with law enforcement best practices and changes to applicable law. Additionally, procedures have been implemented regarding the guarding, processing and pick-up of subjects arrested in conjunction with a psychiatric detention.

The COP memo (09 Dec 13) regarding the pick-up and transportation of prisoners from John George Psychiatric Pavilion has been incorporated in to the DGO and is hereby cancelled.

The Evaluation Coordinator for this order shall be the Training Commander. The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, without further notice, to the Planning and Research Section.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of



Sean Whent  
Chief of Police

Date Signed: 10-6-14



DEPARTMENTAL  
GENERAL  
ORDER

O-1

Index as:

Persons with Mental Illness

Effective Date:  
03 Oct 14

Evaluation Coordinator:  
Training Commander

Evaluation Due Date:  
03 Apr 15

Automatic Revision Cycle:  
3 Years

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## PERSONS WITH MENTAL ILLNESS

The purpose of this order is to set forth policy and procedures regarding detentions and arrests of persons with mental illness.

### I. INTRODUCTION

- A. Welfare and Institutions Code Section 5008h(1) defines gravely disabled as a condition in which persons are unable, as a result of mental disorder, to provide for their basic personal needs for food, clothing or shelter.
- B. Pursuant to Welfare and Institutions Code Section 5150, upon probable cause, members may detain mentally ill persons to a facility designated by the County and approved by the State Department of Mental Health if such persons are:
  - 1. A danger to themselves, or
  - 2. A danger to others, or
  - 3. Gravely disabled.

### II. ON-SCENE RESPONSIBILITIES

- A. Request an ambulance to transport the person. Ambulance personnel will determine the most appropriate facility:
  - 1. Adults
    - a. John George Psychiatric Pavilion (JGP), 2060 Fairmont Drive, San Leandro, CA; or

- b. Alameda County Hospital, Highland (ACH), 1411 E. 31<sup>st</sup> Street, Oakland, CA (if medical treatment is needed); or

**NOTE:** The County is responsible for transferring the subject to the appropriate psychiatric facility, if necessary, after medical treatment.

- c. Alta Bates – Herrick Campus, 2001 Dwight Way, Berkeley, CA; or

- d. Kaiser (Oakland) – 3801 Howe St., Oakland, CA.

- 2. Children (Under 12 years of age)

Children’s Hospital, 5275 Claremont Ave., Oakland, CA.

- 3. Juveniles (12-17 years of age)

Willow Rock, 2050 Fairmont Drive, San Leandro, CA.

- B. Conduct a cursory search for objects that may be used as a weapon prior to transport.
- C. Assist the ambulance crew, as needed, to place the person in the ambulance under restraint.
- D. Provide a police escort, as needed, to the receiving facility.
- E. Permit persons detained at their residence to collect a few personal items and make a telephone call and/or leave a note before being transported to the hospital.
- F. Secure the homes of persons who are removed from their residences or ensure that responsible persons are there to secure the premises. Members shall describe the security measures taken in the appropriate report.
- G. Ask relatives of hospitalized persons, if they are present, to contact the hospital directly as soon as possible to provide additional information and aid in the disposition of the patients.

### III. TRANSPORT

#### A. Medical Clearance

1. Mentally ill persons requiring medical clearance shall be transported by ambulance to a medical facility. The transporting ambulance personnel determine if the person requires medical attention and have the final decision as to the appropriate facility for medical clearance.

Such persons include those who are:

- a. Physically injured or seriously ill;
  - b. Suspected of an overdose of medicine, drugs, or toxic substances;
  - c. Under the influence of alcohol or drugs;
  - d. Unconscious; and/or
  - e. Other symptoms as determined by the transporting ambulance personnel.
2. Mentally ill persons not requiring medical clearance shall be transported by ambulance to the designated psychiatric facility.

#### B. Transporting Mentally Ill Persons

1. If the person is violent and the ambulance crew requests a police escort to the receiving facility or a member believes an escort is necessary for the safety of the involved persons, members shall escort the ambulance to the receiving facility and stand guard until the person is secured before leaving the facility. If the person is being transported outside of the City, members shall request approval from a supervisor or commander.
3. Members shall not transport a violent, mentally ill person in a police vehicle.
4. Members may transport non-violent, mentally ill persons in a police vehicle with approval from a supervisor or commander.
5. All such persons shall be properly searched for weapons or contraband prior to transport.

#### IV. POLICE HOLDS: CRIMINAL AND PSYCHIATRIC CHARGES

##### A. Guards

1. Any subject under arrest for a violent felony or any mandatory custodial arrest, in conjunction with a 5150 W&I detention, shall be guarded until one of the following occurs:
  - a. The suspect is secured in an ambulance for transport to John George Psychiatric Pavilion (JGPP);
  - b. The suspect is medically cleared and secured in an ambulance for transport to JGPP;
  - c. The suspect is medically cleared for incarceration and transported to a jail facility;
  - d. The suspect is charged and transferred to the custody of the Alameda County Sheriff or other law enforcement agency;
  - e. The suspect is released per 849(b) PC; or
  - f. The District Attorney's Office declines to charge the case.

The Watch Commander or their designee may determine, on a case by case basis, to cancel a guard on a violent felony arrest.

2. Members having any other arrest in conjunction with a 5150 W&I detention, **other than a mandatory custodial arrest**, shall consider whether one of the following is a more appropriate action, and may take such action, if applicable:
  - 1) Release the subject and seek a complaint warrant; or
  - 2) Issue a citation or NTA;

##### B. Adult Arrestees

If the subject is under arrest in conjunction with a 5150 W&I detention, the member shall consult with the Paramedic/EMT to determine if medical clearance is needed.

1. If medical clearance is not needed, the member shall:

- a. Provide the paramedic/EMT with the Application for an Emergency Psychiatric Detention form and standby until the suspect is secured for transport to JGPP; and
  - b. Follow the ambulance to JGPP, when requested by ambulance personnel or when the member believes it is necessary.
2. If medical clearance is needed, the member shall:
    - a. Provide the paramedic/EMT with the Application for an Emergency Psychiatric Detention form; and
    - b. Follow the subject to the hospital and remain on guard until the suspect is medically cleared and secured in an ambulance for transport to JGPP.

**NOTE:** On occasion hospital staff will clear a subject medically and remove the psychiatric detention. Members may then transport the subject directly to the appropriate jail facility.

C. Juvenile Arrestees

1. If the subject is under arrest in conjunction with a 5150 W&I detention, the member shall consult with the Paramedic/EMT to determine if medical clearance is needed.
2. Regardless of whether a juvenile arrestee needs medical treatment, the members shall follow and guard the juvenile until either:
  - a. The member can issue a Notice to Appear (NTA) and release the arrestee to a guardian; or
  - b. The arrestee has been medically and/or psychologically cleared and transported to the YFSS Intake desk for processing.

D. Protocol for Prisoner Pick-ups at JGPP

To ensure prisoners are not released from custody the following protocol for prisoner pick-up shall occur:

1. Upon notification to the Communications Section, that an OPD prisoner is ready for pick-up at JGPP, the first available Patrol unit (Adam unit or two Lincoln units), Citywide, shall be dispatched to conduct the pick-up and transportation of the prisoner regardless of where the prisoner was arrested.
  - a. Sergeants and Commanders shall not be utilized for JGPP pick-up calls.
  - b. Canine units and sworn technicians may be utilized however not as a primary transporting unit. Priority canine search and technician requests take precedence over JGPP pick-up calls.
2. Absent approval of the Communication Section supervisor, manager or commander, JGPP prisoner calls shall remain as dispatched. In the event a JGPP prisoner call is re-stacked it shall be dispatched to the next available Patrol unit.
3. If no Patrol unit is available one (1) hour after the call was received, the pick-up call shall be upgraded to a Priority 1 and dispatched based on Communications Section protocol. Upon the call being upgraded to a Priority 1, Patrol units on directed patrol, special assignment or other similar assignment may be pulled from the assignment to handle the pick-up and transport.
4. If no Patrol unit is available one and a half (1.5) hours after the call was received, any available Non-Patrol unit shall be dispatched to pick-up and transport the prisoner.

**V. NONVIOLENT MENTALLY ILL PERSONS OR PERSONS WITH DEMENTIA**

- A. Members who observe nonviolent mentally ill persons not meeting the criteria for an Emergency Psychiatric Detention, or persons who appear to be suffering from Dementia, shall not take them into police custody. Members may consider one of the following alternatives:
  1. If such persons can identify themselves and their residences, members shall take them to their homes if the distances involved are minimal and a caretaker is available.
  2. If a person appears to be disoriented or confused and cannot provide needed information, the member shall:

- a. Contact the Child Abuse/Missing Persons Unit of the Youth and Family Services Section (YFSS).
- b. Describe the person.
- c. Delay further action until the YFSS completes attempts to locate the person's residence.

**B. Youth and Family Services Section Responsibilities**

1. Consult the Child Abuse/Missing Persons Unit to ascertain if the subject is missing and for possible identification and residence information.
2. If residence information can be confirmed, YFSS personnel shall instruct the field officer where to take the person.
3. The subject may be brought to YFSS to await the arrival of friends or relatives only under the following circumstances:
  - a. The person is nonviolent;
  - b. The person is not under arrest; and
  - c. Personnel in YFSS have specifically requested that the person be brought there.
4. In the event friends or relatives of a person suspected to be suffering from Dementia cannot be located or are unable to care for them, members shall arrange transport to a medical facility for treatment and Adult Protective Service notification. Psychiatric facilities do not treat dementia related behaviors.

**VI. MENTAL HEALTH SERVICES INFORMATION**

OPD personnel should consider providing a Mental Health Resource Card (TF-3354) to any individual, family member, or caregiver as a means to connect the individual with county mental health services.



**VII. FIREARMS**

Departmental General Orders H-4, WEAPONS TAKEN FROM MENTALLY DISORDERED PERSONS and H-9, DISPOSAL OF FIREARMS AND MISCELLANEOUS WEAPONS, sets forth Department policy and procedures concerning the confiscation and disposal of weapons from persons taken into custody for psychiatric evaluation.

By order of



Sean Whent  
Chief of Police

Date Signed: \_\_\_\_\_