

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Edgardo Garcia
Chief of Police

SUBJECT: DUTY MANUAL REVISION **DATE:** June 15, 2020
L 9004 IN-CUSTODY MENTALLY
ILL PERSONS (CROSS REPORTING)

Memo# 2020-027

BACKGROUND

Duty Manual section L 7204 CROSS REPORTING & OUTSIDE AGENCIES governs cross reporting to Adult Protective Services (APS) in certain matters involving Elders and Dependent Adults. Specifically, it requires officers to immediately contact APS by phone when an elder or dependent adult has been taken into custody on a 5150 W&I hold.

Duty Manual section L 9004 IN-CUSTODY MENTALLY ILL PERSONS governs 5150 W&I holds but does not mention the cross-reporting requirement contained in DM L 7204. DM L 9004 is being revised to add language that will remind officers of the requirement to make a telephonic report to APS when taking a mentally ill person who is 65 years old or older or who is a dependent adult into custody for 5150 W&I.

ANALYSIS

The Duty Manual has been revised to reflect the following changes to DM section L 9004 – IN CUSTODY MENTALLY ILL PERSONS. Additions are shown in *italics and underlined*.

L 9004 IN-CUSTODY MENTALLY ILL PERSONS: *Revised 6-15-20*

An officer who takes custody of a mentally ill person shall comply with the following:

- *If the mentally ill person is 65 years old or older or is a dependent adult, the officer shall immediately contact and advise Adult Protective Services as required by DM L 7204 – CROSS REPORTING & OUTSIDE AGENCIES.*
- Each person, at the time he or she is first taken into custody under provisions of Section 5150 W&I, shall be provided by the person who takes such other person into custody the following information orally. The information shall be in substantially the following form:

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"My name is _____ I am a peace officer with the San Jose Police Department. You are not under criminal arrest, but I am taking you for examination by mental health professionals at

(Name of Facility)

You will be told your rights by the mental health staff."

- If taken into custody at his or her 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."

ORDER

Effective immediately, all sworn personnel will adhere to the procedures in Duty Manual section L 9004 IN-CUSTODY MENTALLY ILL PERSONS.



EDGARDO GARCIA
Chief of Police

EG:PC