

APPLICATION FOR 72-HOUR DETENTION FOR EVALUATION AND TREATMENT

DETAINMENT ADVISEMENT

Confidential Client / Patient Information

See California Welfare and Institutions Code (W & I) Code, Section 5328

W & I Code, Section 5157, requires that each person when first detained for psychiatric evaluation be given certain specific information orally, and a record be kept of the advisement by the evaluating facility.

My name is I am a (Peace Officer, etc.) with (Name of Agency). 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.

Advisement Complete / Advisement Incomplete

NOTE: 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.

Good Cause For Incomplete Advisement

Advisement Completed By:

Position

Date

Application is hereby made to for the admission of residing at California, for 72-hour treatment and evaluation pursuant to Section 5150 et seq. (adult), or Section 5585 et seq. (minor), of the W & I Code. If a minor, to the best of my knowledge, the legally responsible party appears to be/is: (Circle one) Parent; Legal Guardian; Juvenile Court as a W & I Code, Section 601/ 302; Conservator. If, available provide names, addresses and telephone numbers, as well as for the Conservator of an adult:

The above person's condition was called to my attention under the following circumstances:

The following information has been established: (Please give sufficiently detailed information to support the belief that the person for whom the evaluation and treatment is sought is in fact a danger to others, a danger to himself/herself and/or gravely disabled. For minors detained under W & I Code, Section 5585, please also provide the basis for concluding that authorization for voluntary treatment is not available.

Based upon the above information it appears that there is probable cause to believe that said person is, as a result of mental disorder:

A danger to himself / herself A danger to others Gravely disabled adult Gravely disabled minor

Minors only: Based upon the above information, it appears that there is probable cause to believe that authorization for voluntary treatment is not available.

Signature, Title, Badge #, Date, Time, Name of Law Enforcement Agency or Evaluation Facility/Person, Phone, Address of Law Enforcement Agency or Evaluation Facility/Person, Date, Time

Weapon was confiscated and detained person notified of procedure for return of weapon pursuant to W & I Code Section 8102. (officer/unit & phone #)

NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY

NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATMENT FACILITY IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:

Person has been referred under circumstances in which criminal charges might be filed pursuant to W & I Code Section 5152.1 and 5152.2. Notify (officer/unit & phone #) Weapon was confiscated pursuant to W & I Code Section 8102. Notify (officer/unit & phone #)

SEE REVERSE SIDE FOR LEGAL AUTHORITY

DEFINITIONS**GRAVELY DISABLED**

“Gravely Disabled” means a condition in which a person, as a result of a mental disorder, is unable to provided for his or her basic personal needs for food, clothing and shelter. SECTION 5008 (h) W & I CODE

“Gravely Disabled Minor” means a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. SECTION 5585.25 W & I CODE

Mental retardation, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not by themselves, constitute a mental disorder.

PEACE OFFICER

“Peace Officer” means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer or probation officer specified in Section 830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility. SECTION 5008 (i) W & I CODE

WELFARE & INSTITUTIONS CODE SECTIONS 5152.1, 5152.2, 5585 AND 8102**Section 5152.1 WIC**

The professional person in charge of the facility providing 72-hour evaluation and treatment, or his designee, shall notify the county mental health director or his designee and the peace officer who makes the written application pursuant to Section 5150 if both of the following conditions apply:

(a) The peace officer requests such notification at the time he makes the application and he certifies in writing that the person has been referred to the facility under circumstances in which a criminal charge might be filed.

(b) The person admitted pursuant to such application is not detained by the facility or is detained for a period less than the full period of allowable detention in the 72-hour facility.

Section 5152.2 WIC

Each law enforcement agency within a county shall arrange with the county mental health director a method for giving prompt notification to peace officers pursuant to Section 5152.1.

Section 5585 et seq. WIC

WIC Section 300 is a minor who is under the jurisdiction of the Juvenile Court because of abuse (physical or sexual), neglect or exploitation.

WIC Section 601 is a minor who is adjudged a ward of the Juvenile Court because of being out of parental control.

WIC Section 602 is a minor who is adjudged a ward of the Juvenile Court because of crimes committed.

Section 8102 WIC (EXCERPTS FROM)

Whenever a person who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any deadly weapon, the firearm or other deadly weapon shall be confiscated by a law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. . . .

Where the person is released without judicial commitment, the professional person in charge of the facility, or his or her designee, shall notify the person of the procedure for the return of any firearm or other deadly weapon that may have been confiscated.

Upon confiscation of any firearm or other deadly weapon from a person who has been detained or apprehended for examination of his or her mental condition, the peace officer or law enforcement agency shall notify the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated.

Health facility personnel shall notify the confiscating law enforcement agency upon release of the detained person, and shall make a notation to the effect that the facility provided the required notice to the person regarding the procedure to obtain return of any confiscated firearm.

HEALTH AND SAFETY CODE 1799.111 (d)

A person detained under this section in a medical emergency room shall be credited for the time detained, up to twenty-four hours, in the event he or she is placed on a 72-hour hold pursuant to Section 5150 of the Welfare and Institutions Code.