

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CHIEF OF POLICE

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THE EXPANSION OF GRAVELY DISABLED FOR 5150 W&I

I. PURPOSE

To give officers guidance on the application of the 5150 Welfare and Institutions Code (5150 WI), encompassing the expanded definition of Grave Disability, when it is implemented on January 1, 2025.

II. SCOPE

This Training Bulletin applies to All Department personnel.

III. BACKGROUND

On October 10, 2023, Governor Gavin Newsom signed Senate Bill 43, which made substantive changes in mental health law for the first time in over 50 years. In December of 2023, the County of San Diego Board of Supervisors delayed Senate Bill 43 implementation until January 1, 2025, as allowed by law.

Prior to the bill's signing and until its implementation, officers may detain a subject pursuant to 5150 WI if there are articulable facts for a reasonable officer to believe the subject is a Danger to Self (DTS), Danger to Other (DTO) or Gravely Disabled (GD) as a result of mental illness, and transport the subject to an LPS facility.

With the implementation of Senate Bill 43, the authority of an officer to detain and transport a subject to an LPS facility for Danger to Self (DTS) or Danger to Others (DTO) pursuant to 5150 WI remains unchanged.

However, under SB 43's expanded definition of GD, officers will be able to detain and transport an individual pursuant to 5150 WI for being GD as a result of:

1. mental illness,

2. severe substance use disorder, or
3. co-occurring mental illness and severe substance use disorder,

when it results in an inability to provide for his or her basic needs for food, clothing, shelter, personal safety or necessary medical care.

V. PROCEDURES

- A. Officers must recognize that mental illness, severe substance use disorder and co-occurring mental health and severe substance use disorder, are diagnoses to be made by physicians.
- B. When evaluating a subject for detention on 5150 WI for Grave Disabled under the expanded definition, officers must articulate how the subject cannot provide for his or her basic needs for food, clothing, shelter, personal safety or necessary medical care as a result of:
 1. mental illness,
 2. severe substance use disorder, or
 3. co-occurring mental illness and severe substance use disorder
- C. Officers may consider the following information to aid in determining probable cause:
 1. Any physical evidence;
 2. A police officer's own observations;
 3. Other witness statements; and
 4. Recent similar incidents.
- D. Any inability to provide for food, clothing, shelter, personal safety or necessary medical care must be related to their mental illness, severe substance use disorder, or combination of both mental illness and severe substance use disorder, and not just poverty.
- E. As part of your detention conduct a records check on the subject and determine if the person is a Missing Person at Risk and handle pursuant to existing Department Procedure 3.17, Investigations Missing Adults.

- F. If the person is already under an LPS conservatorship, the subject is likely a conservatee of the San Diego County Public Conservator's Office (858-694-3500).
1. While the existence of a conservatorship does not automatically give the authority to detain and transport in itself, the conservator may provide critical details in subject's background and needs and may be useable as credible 3rd party statements per 5150.05 WI. See Department Procedure 3.17, Investigations Missing Adults.
 2. PERT Clinicians can be an invaluable resource in aiding in this assessment, however, PERT clinicians will be limited in the information they can share with officers due to state and federal Protected Health Information Laws. Officers can share most information with the PERT Clinician to assist in a determination.
 3. Subjects not meeting 5150 WI criteria and not needing medical transport shall be handled in accordance with existing Department Procedures;
 1. Subjects under the influence of a controlled substance shall be transported to the Recovery and Bridge Center (Formerly called the Sobering Center) or jail.
 2. Subjects under the influence of alcohol who cannot care for themselves, others, or as a result of being under the influence of alcohol interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way pursuant to 647(f)PC shall be transported to the Recovery and Bridge Center (RBC) or jail. See Department Procedure 6.19, Patrol, Public Inebriates.
 3. Those rejected from RBC shall be booked into jail in accordance with existing Department Procedures.
 4. Subjects not meeting 5150 WI criteria, have no warrants, no PC to arrest for other crimes, and not meeting the elements of drunk in public or under the influence of a controlled substance shall be released on a Field Interview.
 4. Multiple past arrests/citations for drug or alcohol violations, on their own, do not necessarily substantiate a detention under the expanded definition of GD. These contacts may indicate addiction, but not necessarily a Severe Substance Used Disorder. That information can contribute to a finding of probable cause to detain under 5150 WI for GD, when it has resulted in the person being unable to provide for his or her basic needs for food, clothing, shelter, personal safety or necessary medical care.

1. Officer(s) who make repeated contacts with a subject who they feel may meet 5150 WI criteria for Grave Disabled under the new definition may contact an Intervention Services Officer at Neighborhood Policing Division for assistance, guidance, or work to develop a plan to find a more meaningful solution for the person and officer(s), ultimately to reduce calls for service.