



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: MENTAL HEALTH CRISES AND
RESISTING, OBSTRUCTING,
DELAYING AN OFFICER**

DATE: September 19, 2022

Bulletin #2022-032

A person suffering a mental health crisis who is subject to [Welfare and Institutions Code section 5150 \(link\)](#) is a danger to themselves, danger to others, or is gravely disabled. Law enforcement has the ability, upon probable cause, to take the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention.

Department members may contact persons in the community who meet the criteria for 5150 W&I but are reluctant to seek help. At times, these individuals may become physically resistant or combative. When this happens, [Penal Code section 148\(a\) \(link\)](#) may apply as they are willfully resisting, delaying, or obstructing the officer in the discharge of their duties.

Duty Manual section L 9005 Transportation of Mentally Ill Patients states in part:

In criminal cases in which the suspect will be booked into County jail, the criminal process takes precedence over the psychiatric evaluation. In addition to completing pre-booking and felony affidavit forms for criminal charges, the State of California Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment (Form DHCS 1801) and the Department's 72-Hour Hold Application Supplemental (Form 204-29) forms must be completed to ensure the suspect will receive the appropriate psychiatric evaluation. This is especially important for those suspects who are at high risk of suicide and/or danger to others.

In cases where the only criminal charge is 148(a) PC, Department members are encouraged to transport the subject to one of the facilities listed in Duty Manual section L 9005 that are designated by the County of Santa Clara and approved by the State Department of Health Care Services to provide 5150 W&I evaluations and treatment. If the Department member transports the subject to a facility, not to jail, the Department member will document the violation of 148(a) PC in the General Offense report.

A handwritten signature in black ink, appearing to read "A. Mata".

Anthony Mata
Chief of Police

AM:SD:GB