

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

5585 EVALUATION

Title 15, Section 1437 & 1437.5

Authority:

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Purpose:

To establish uniform procedures for the processing and disposition of 5585 youth. Licensed Forensic Adolescent Services Team (FAST) clinicians shall perform the 5585 evaluation on a youth detained in the Juvenile Detention and Assessment Centers (JDACs) or Treatment Facilities (TFs).

Definitions:

Community Crisis Response Team (CCRT): A Department of Behavioral Health mobile unit that responds to mental health crisis in the community.

Lanterman-Petris-Short Act (LPS) of 1967: LPS concerns the involuntary civil commitment of individuals for psychiatric treatment in California. An LPS facility is specifically designated to receive 5585 patients.

Welfare & Institutions Code Section 5585: The Children's Civil Commitment and Mental Health Treatment Act of 1988. (Mental Health Emergency)

Medical Clearance: Any youth with a medical complaint/injury that requires a medical evaluation by a provider.

Mental Health Emergency: A youth who as a result of a mental disorder, is a danger to self, danger to others, or is unable to perform the elements of life which are essential to health, safety, and development, including food, clothing and shelter, even though provided to youth by others.

Mental Health Facility: A health care facility dealing with promotion and improvement of mental health and treatment of mental illness.

Suicide Observation Status Level 3 (SOS 3): SOS 3 is an immediate and critical level of observation based upon suicidal threats and suicide attempts. Youth shall receive constant one on one visual observation and supervision by Probation staff or by FAST staff during a FAST consultation.

Welfare & Institutions Code Section 5150: When any person, as a result of a mental disorder, is a danger to others, or to themselves, or gravely disabled [and authorization for voluntary treatment is not available], a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place them

in a facility designated by the county and approved by the State Department of Mental Health as a facility for seventy-two (72) hour treatment and evaluation.

Welfare & Institutions Code Section 5585.50: When any youth, as a result of a mental disorder, is a danger to others, or to themselves, or gravely disabled and authorization for voluntary treatment is not available, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the youth into custody and place them in a facility designated by the county and approved by the State Department of Mental Health as a facility for seventy-two (72) hour treatment and evaluation of youth. The facility shall make every effort to notify the youth's parent or legal guardian as soon as possible after the youth is admitted.

Responsibilities:

I. Probation Corrections Officer (PCO):

- A. Immediately notify FAST and the area Probation Corrections Supervisor I (PCSI) when a youth is experiencing a mental health emergency.
- B. Maintain a visual contact of the youth until relieved of duty.
- C. Maintain the appropriate "Room Check Log" and Caseload Explorer (CE) documentation for Suicide Observation Status (SOS) and/or Individualized Treatment Watch (ITW), when applicable.

II. Probation Corrections Supervisor I (PCSI):

- A. Ensure FAST is notified when a youth is experiencing a mental health emergency.
- B. Ensure medical staff is notified, if applicable.
- C. Contact the Transportation Unit to initiate the transport.
- D. Notify the Watch Commander (WC)/Treatment Facility Supervisor (TFS) of the youth's ongoing status.

III. Medical Services:

- A. Determine the necessity for a medical clearance prior to admittance to a 5585 facility.
 1. Refer the youth to an onsite physician if needed.
- B. Communicate with the WC/TFS the need to transport the youth to the Emergency Room (ER) and complete the appropriate referrals.
- C. Shall contact ER to obtain ongoing status of youth, when applicable.
- D. Collaborate with WC/TFS and FAST to complete the 5585 Evaluation Checklist (Attachment C).

IV. Forensic Adolescent Services Team (FAST):

- A. Notify the WC/TFS when a youth is experiencing a mental health emergency which warrants a 5585 evaluation.
- B. Contact the medical staff to determine the need for a medical clearance.
 1. When medical clearance is required, obtain updates from nursing staff until the youth is cleared.
- C. Conduct a preliminary Application for Assessment, Evaluation and Crisis Intervention or Placement for Evaluation and Treatment Form (Attachment A), but do not sign or date until a LPS bed is located.
- D. Contact all San Bernardino County LPS facilities for bed availability.
 1. If a bed is not available:
 - a. Place the youth on the waiting list and check daily for bed availability.

- b. Place the youth on SOS 3 status and assess daily.
 2. When a bed becomes available:
 - a. Provide the WC/TFS with the location to initiate transportation.
 - b. Complete the Application for Assessment, Evaluation and Crisis Intervention or Placement for Evaluation and Treatment Form (Attachment A).
 - c. Complete the required section of the 5585 Evaluation Checklist (Attachment C).
 - d. Fax documents obtained from WC/TFS, medical staff and FAST as a packet to the LPS facility.
 - e. Schedule an appointment for Hospital Hold/Admission Psychiatric in TechCare: Electronic Health Record (EHR).
 - f. Document in EHR.
 3. If a LPS facility is available out of county:
 - a. Contact the youth's attorney to request a Special Hearing for the Court to grant an out of county LPS placement.
 - b. Contact the 5585 Certified Probation Officer (located in Prob. Tools) for assistance in completing the Application for Assessment, Evaluation and Crisis Intervention or Placement for Evaluation and Treatment Form (Attachment A). Only the probation officer may sign the documents for out of county LPS facilities placement.
 - c. Complete section D, 2 c-f; and have the certified 5585 probation officer sign the documents.
 - E. Once the youth is admitted:
 1. Contact LPS hospital daily.
 - a. Obtain identification number (ID) for youth.
 - b. Call Adolescent Unit to speak to nurse and social worker to obtain ongoing status of youth.
- V. Probation Transportation Officer (PTO):
- A. Confer with FAST, medical staff and WC/TFS prior to departure.
 - B. Obtain all the necessary documents from the Intake Release Officer (IRO), WC/TFS, FAST and medical staff.
 - C. Ensure all pertinent information and medications accompany the youth.
 - D. Search the youth and use the least restrictive mechanical restraints to safely transport pursuant to WIC 210.6.
 - E. Ensure the youth is properly and safely secured in the vehicle; load audio recorder and begin Digital In-Vehicle Recording System (DIVRS) during transport.
 - F. Upon arrival at the receiving facility, submit the youth's medical paperwork and the Probation 5585 Contact List (Attachment B).
- VI. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
- A. Ensure FAST, medical staff and the Transportation Unit is notified.
 - B. Adhere to the Required JDAC Notification of a Youth's Emergency Transportation/Hospital Admittance (Non-Death) procedure.
 - C. Collaborate with FAST and medical staff to completing the 5585 Evaluation Checklist (Attachment C).
 - D. Complete the Probation 5585 Contact List (Attachment B) to send with the transporting officers.

Guidelines:

- A. Youth who appear to be a danger to themselves or others, or to be gravely disabled due to mental health condition shall be evaluated pursuant to applicable statute or by on-site health personnel to determine if treatment can be initiated at the juvenile facility, and provision for timely referral, transportation, and admission to licensed mental health facilities and follow-up for youth whose psychiatric needs exceed the treatment capability of the facility.
- B. Staff will notify FAST when a youth in a JDAC/TF experiences a mental health emergency.
- C. Only a FAST clinician or probation officer who is 5150 certified can perform 5585 evaluations.
- D. A medical clearance may be required prior to admittance to a 5585 facility.
- E. Once a 5585 evaluation is written, only a psychiatrist may discharge a 5585 youth to return to a JDAC or TF.
- F. Staff will be professional and treat youth with dignity and respect.
- G. When a youth is admitted into a hospital and then determined to require a transfer to another hospital, the transport may be done by ambulance, the probation officer or the Transportation Unit. This would apply to medical transfer from one hospital to another.
- H. When a youth is admitted into the hospital and then determined to require a transfer to an out-of-county psychiatric facility, the Court must approve the youth being placed out of county. Transport may be done by ambulance, the probation officer or the Transportation Unit.
- I. If a youth is medically cleared, but a bed cannot be located, the youth shall be returned to the JDAC or TF and placed on an ITW or SOS 3. However, if the youth is placed on a 5585 hold by ARMC ER, and a LPS facility has not accepted the youth, the youth must remain at ARMC ER until FAST locates a bed or the hold is discontinued. A designated DBH psychiatrist will provide medication support services when applicable and the FAST Clinical Supervisor or designee will meet with the youth daily while on 5585 hold at the ER.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

California Code of Regulations – Title 15, Section 1437 & 1437.5
Welfare & Institution Code Section 5150
Welfare & Institution Code Section 5585
Welfare & Institution Code Section 5585.50
Welfare & Institution Code Section 210.6

References:

Procedures:

Watch Commander Duties and Responsibilities
Roles and Responsibilities of Probation Correction Supervisors (PCSI/II)
Roles and Expectation of a Probation Corrections Officer
Incident Reports
Suicide Prevention Program
Required JDAC Notifications of a Youth's Emergency Transportation/Hospital Admittance (Non-Death)
Psychiatric Services and Psychotropic Medications
Treatment and Requests for Health Care Services (Non-Emergency)
Confidential Health Records
Use of Physical Restraints in the JDACs and TFs

Policies:

Relations with Other Agencies
Suicide Prevention
Special Needs Youth: Disability/IEP

Issued by:

 11-29-18
Michelle Scray Brown, Chief Probation Officer Date

Original Issue Date: April 19, 2010

Revised: April 29, 2010
Revised: December 20, 2017
Revised: September 14, 2018
Revised: November 29, 2018

Attachments:

- A – Application for Assessment, Evaluation and Crisis Intervention or Placement for Evaluation and Treatment (DHCS Form 1801) (Rev 07/2014)
- B – San Bernardino County Probation 5585 Contact List
- C – 5585 Evaluation Checklist

DETAINMENT ADVISEMENT

APPLICATION FOR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT

Confidential Client/Patient Information
See California W&I Code Section 5328 and HIPAA Privacy Rule 45 C.F.R. § 164.508

Welfare and Institutions Code (W&I Code), Section 5150(f) and (g), require 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.

Advisement Complete

Advisement Incomplete

Good Cause for Incomplete Advisement

Advisement Completed By

Position

My name is _____.
I am a (peace officer/mental health professional) 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.

If taken into custody at his or her residence, the person shall also be told the following information:

You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.

Language or Modality Used

Date of Advisement

To (name of 5150 designated facility) _____

Application is hereby made for the assessment and evaluation of _____

Residing at _____, California, for up to 72- hour assessment, evaluation and crisis intervention or placement for evaluation and treatment at a designated facility pursuant to Section 5150, et seq. (adult) or Section 5585 et seq. (minor), of the W&I Code. If a minor, authorization for voluntary treatment is not available and to the best of my knowledge, the legally responsible party appears to be / is: (Circle one) Parent; Legal Guardian; Juvenile Court under W&I Code 300; Juvenile Court under W&I Code 601/602; Conservator. If known, provide names, address and telephone number:

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

I have probable cause to believe that the person is, as a result of a mental health disorder, a danger to others, or to himself/ herself, or gravely disabled because: (state specific facts) _____

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

A danger to himself/herself.

A danger to others.

Gravely disabled adult.

Gravely disabled minor.

Signature, title and badge number of peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, designated members of a mobile crisis team, or professional person designated by the county.

Date

Phone

Time

Name of Law Enforcement Agency or Evaluation Facility/Person

Address of Law Enforcement Agency or Evaluation Facility/Person

NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY

Notify (officer/unit & telephone #) _____

NOTIFICATION OF PERSON'S RELEASE IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:

- The person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.
- Weapon was confiscated pursuant to Section 8102 W&I Code. Upon release, facility is required to provide notice to the person regarding the procedure to obtain return of any confiscated firearm pursuant to Section 8102 W&I Code.

SEE REVERSE SIDE REFERENCES AND DEFINITIONS

DHCS 1801 (07/2014)

State of California - Health and Human Services Agency

Page 1 of 2

California Department of Health Care Services

APPLICATION FOR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT

REFERENCES AND DEFINITIONS

"Gravely Disabled" means a condition in which a person, as a result of a mental disorder, is unable to provide 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. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. SECTION 5585.25 W&I Code.

"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.

Section 5152.1 W&I Code

The professional person in charge of the facility providing 72-hour evaluation and treatment, or his or her designee, shall notify the county mental health director or the director's designee and the peace officer who makes the written application pursuant to Section 5150 or a person who is designated by the law enforcement agency that employs the peace officer, when the person has been released after 72-hour detention, when the person is not detained, or when the person is released before the full period of allowable 72-hour detention if all of the conditions apply:

- (a) The peace officer requests such notification at the time he or she makes the application and the peace officer certifies at that time in writing that the person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.
- (b) The notice is limited to the person's name, address, date of admission for 72-hour evaluation and treatment, and date of release.

If a police officer, law enforcement agency, or designee of the law enforcement agency, possesses any record of information obtained pursuant to the notification requirements of this section, the officer, agency, or designee shall destroy that record two years after receipt of notification.

Section 5152.2 W&I Code

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

Section 5585.50 W&I Code

The facility shall make every effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained. Section 5585.50 W&I Code.

A minor under the jurisdiction of the Juvenile Court under Section 300 W&I Code is due to abuse, neglect, or exploitation.

A minor under the jurisdiction of the Juvenile Court under Section 601 W&I Code is due to being adjudged a ward of the court as a result of being out of parental control.

A minor under the jurisdiction of the Juvenile Court under Section 602 W&I Code is due to being adjudged a ward of the court because of crimes committed.

Section 8102 W&I Code (EXCERPTS FROM)

(a) 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 other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon.

"Deadly weapon," as used in this section, has the meaning prescribed by Section 8100.

(b)(1) 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 issue a receipt describing the deadly weapon or any firearm and listing any serial number or other identification on the firearm and shall notify the person of the procedure for the return, sale, transfer, or destruction of any firearm or other deadly weapon which has been confiscated. A peace officer or law enforcement agency that provides the receipt and notification described in Section 33800 of the Penal Code satisfies the receipt and notice requirements.

(2) If the person is released, 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 which may have been confiscated.

(3) 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.

SAN BERNARDINO COUNTY PROBATION DEPARTMENT 5585 CONTACT LIST

Youth Name: _____ **CE PIN:** _____ **DOB:** _____

Precautionary

List any behaviors the hospital staff should be aware of such as violence towards others, gang involvement, and/or sexually inappropriate behavior.

If you have questions regarding the youth in your care, please contact one of the teams listed below:

	Central Valley	High Desert	Gateway Central	Gateway @ Regional
	900 E. Gilbert Street San Bernardino, CA 92415	21101 Dale Evans Pkwy Apple Valley, CA 92307	900 E. Gilbert Street San Bernardino, CA 92415	740 E. Gilbert Street San Bernardino, CA 92415
Watch Commander/ Treatment Facility Supervisor: <i>Non-health related questions</i>	Phone: (909) 387-6912 Fax: (909) 387-7557	Phone: (760) 961-6683 Fax: (760) 961-6684	Phone: (909) 387-6912 Fax: (909) 387-7557	Phone: (909) 387-6972 Fax: (909) 386-8533
Medical Team: <i>Physical Health Questions</i>	Phone: (909) 387-7186 Fax: (909) 387-7160	Phone: (760) 961-6680 Fax: (760) 961-6679	Phone: (909) 387-7186 Fax: (909) 387-7160	Phone: (909) 387-7186 Fax: (909) 387-7160
FAST: <i>Mental Health Questions</i>	Phone: (909) 387-7118 Fax: (909) 386-0750	Phone: (760) 961-6730 Fax: (760) 961-6793	Phone: (909) 387-7118 Fax: (909) 386-0750	Phone: (909) 387-7118 Fax: (909) 386-0750

San Bernardino County
5585 Evaluation Checklist

Name: _____
DOB: _____

Date: _____
PIN#: _____

To be prepared collectively by Probation Nursing, FAST, and the Watch Commander (WC) /Treatment Facility (TF) Supervisor.

Shall be faxed to the Psychiatric Hospital by WC/TF Supervisor.

The following items should accompany the minor to the hospital:

- ___ 1) Completed Application for 72 Hour Detention for Evaluation and Treatment form.
 - ___ 2) FAST progress notes regarding current crisis.
 - ___ 3) Copy of Medication Consent Form, if available.
 - ___ 4) Urgent Medical Referral form, if a Medical Clearance is required.
 - ___ 5) Probation Contact List (To be completed by WC/TF Supervisor) Include precautionary behaviors: i.e. gang involvement, violence toward others, inappropriate sexual behavior.
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If the following documents are not readily available at the time of transport, they are to be available to the Psychiatric Hospital with-in 24 hours.

- ___ 6) Medical Release Plan (if available)
- ___ 7) Psychiatric Evaluation (if one exists)
- ___ 8) Most recent Physical Examination
- ___ 9) Medication Order Form

FAST:

1. Fax documents obtained from Probation Medical Staff and FAST as a packet to the Psychiatric Hospital.
2. Attach \fax transmittal confirmation to packet.
3. Place the faxed packet and checklist in the universal health record.

FAXED BY

Date/Time