

INDIVIDUALS IN CRISIS

The Right Care at the Right Time

SUMMARY

The 2023-24 Santa Barbara County Grand Jury determined that there have been several previous attempts to improve the Co-Response Team effort with Behavioral Wellness, local police departments, and the Sheriff's Office regarding mental health crises throughout the county. Law enforcement officers have and will continue to benefit from enhanced training in assessing individuals with mental issues, especially in determining appropriate use of the Welfare Institutions Code 5150 involuntary holds. Furthermore, if the County would clarify the guidelines under which peace officers are expected to initiate 5150 holds, currently under the sole authority of Behavioral Wellness, it would enable them to promptly and effectively use probable cause for involuntary detention of individuals with mental disorders. As a result, these individuals would be better served, and the community would be safer.

BACKGROUND

The California State Welfare and Institutions Code (WIC), Division 5, Mental Health Services, Article 1 is commonly referred to as "5150 holds," also known as the Lanterman-Petris-Short Act (LPS Act). Specifically, a 5150 hold describes criteria for detention of mentally disordered individuals, defined as "a danger to others, or to themselves, or gravely disabled." This Code further specifies that "qualified peace officers or designated mental health experts can, upon probable cause, take, or cause to be taken, a person into custody for a period of up to 72-hours for evaluation and crisis intervention or be placed into a treatment facility designated by the County."

Despite having full legal authority to issue 5150 holds, Santa Barbara County (County) law enforcement agencies have been constrained by an obscure historical limitation. This indirect or implied limitation originated in July of 1978 following passage of State Proposition 13, a property tax limitation initiative. As a result of budgetary restraints caused by the passage of Proposition 13, the Santa Barbara County General Hospital was shuttered. This event prompted the County to formally request that Mental Health Services, the precursor to Behavioral Wellness, assess

individuals with mental disorders, determine their status and, when necessary, issue a 5150 hold. Consolidating and streamlining services, lessening the burden on law enforcement, and controlling costs were the reasons behind this decision.

Several years later the County contracted with a private mental health care provider (Baldrige) to assume a similar role. This arrangement continued for eight years. In 1989, the County began utilizing Mobile Life Support, a paramedic provider. Similar reasoning encouraged the County's use of their service, which included cost containment, preserving good relationships with the private hospitals, shorter processing times for the patient and family, and avoiding overuse of State Hospital beds if the local Psychiatric Health Facility (PHF, often referred to as the "Puff") was full. In the early 2000s County Behavioral Wellness (BWell) assumed the lead role in dealing with the complex issues surrounding mental health related requests.

This timeline demonstrates that over the past 46 years there has been an inferred but unwritten agreement between County, law enforcement, and various mental health agencies to allow the current mental health agency (BWell) to assume sole responsibility and authority to issue 5150 involuntary holds.

Santa Barbara is the only California county where law enforcement officers do not initiate WIC 5150 holds.

METHODOLOGY

The 2023-2024 Santa Barbara County Grand Jury (Jury) conducted ten interviews including:

- Sheriff's Office staff
- Santa Barbara Police Department
- Lompoc Police Department
- Santa Maria Police Department
- Public Defender's Office staff
- Behavior Wellness staff
- Board of Supervisors staff
- County Executive Office staff

OBSERVATIONS

Behavioral Wellness

BWell has mobile crisis teams which are trained, designated, and empowered to issue the 5150 holds in Santa Barbara County. In most instances BWell endeavors to rapidly respond, de-escalate and stabilize individuals with mental disorders that pose serious risks. Their intervention often reduces the danger to the person and the community, avoids unnecessary emergency department care, and lessens or circumvents law enforcement involvement. In many responses, the individual of concern is stabilized on site, sometimes agreeing to a voluntary admission into a mental health facility, and therefore no involuntary hold is required.

Beginning January 2024, BWell no longer relies exclusively on a phone assessment in requests for their mobile crisis response services. Staff must respond in person within 60 minutes. The usual response time is now 20-40 minutes.

BWell is currently faced with a shortage of qualified personnel to fully staff their mobile crisis services and the Co-Response Teams, which often leads to delays in attending each mental health related request 24/7/365. Weekends and nights are of particular concern especially when absences occur due to staff vacations and sick leaves.

In the fiscal year 2022-2023 there were 425 involuntary 5150 holds written by BWell in Santa Barbara County.

Police Departments

There are eight incorporated cities within Santa Barbara County. Santa Barbara, Santa Maria, and Lompoc have independent police departments; the others contract with the Santa Barbara County Sheriff's Office for law enforcement. Santa Barbara and Santa Maria City Police Departments and the Sheriff's Office have Co-Response Teams.

The LPS Act allows for a law enforcement officer to respond to an undetermined 911 call to determine whether to issue a 5150 involuntary hold. The Co-Response Team model includes a qualified BWell clinician responding with law enforcement when dispatched to a suspected or clearly defined mental health crisis. In times of urgency, if a BWell clinician is not available, peace officers should not hesitate to issue a 5150. Law enforcement officers are often the first on the

scene for most, if not all, crisis concerns reported to 911. Data suggests that 7-10% of law enforcement calls are in response to individuals displaying moderate to severe mental illness behaviors.

All California police academies have a 40-hour course in Crisis Intervention Training (CIT) which is included in their basic Police Officer Standards and Training curriculum. Furthermore, the Sheriff's Office currently has a clinician who instructs law enforcement officers in CIT and the proper procedures for 5150 issuances. This is in direct response to the need for some officers to receive supplemental training to ensure competency when responding to individuals in mental health crises. The Santa Barbara County Sheriff's Office launched a pilot program allowing its officers, under highly specific circumstances, to issue 5150 holds. In 2023 only one such 5150 hold had been issued. This low number has been cited to rebut widespread concerns among emergency department doctors and mental health care administrators that their facilities would be overrun by enabling law enforcement to issue 5150 holds.

The intent has never been to issue more 5150 holds, but rather to have law enforcement officers fully trained to evaluate, stabilize or refer mentally ill persons to a Crisis Stabilization Unit (CSU), PHF, emergency department, or available alternative and social services. This change would help guarantee future protection of individual civil rights and assist in providing the right treatment at the right time to those in need. The County Sheriff deputies, along with the Santa Barbara and Santa Maria City police officers, participated in CIT training and were authorized to make 5150 holds. It was stated to the Jury that the Sheriff's Office has issued only two 5150 referrals through February 2024.

Holding Facility Capacity

A critical concern in the discussion of which agency or department is authorized to issue 5150s focuses on the number of available beds in the PHF run by BWell. Under federal and state medical guidelines, to be eligible for Medi-Cal and Medicare reimbursements, the County is permitted one PHF with a 16-bed maximum. There are preliminary plans, based on updated State allowances, for the PHF to be expanded to 19 beds by 2026. It has been estimated that for Santa Barbara County's population the number of beds should be closer to 40, and even that number is considered a low estimate when compared to the guidelines established by the State.

The 16-bed limitation often begs the following question: Who is the gatekeeper for patients that require the services provided in the 72-hour hold in the PHF? The answer to this question is subject to some dispute. Community-based mental health advocates and social watchdog groups state that simply claiming a lack of available beds does not properly address the urgent needs of those in their time of crisis. Mentally distraught patients who are a danger to themselves or others are entitled to the same medical services as for any other emergency. When the local PHF is at capacity, new patients who require an involuntary detention can be sent to an out of county psychiatric facility.

The experience at the Marian Medical Center's Crisis Stabilization Unit (CSU) in Santa Maria, opened in 2022, has demonstrated that 70% of the admitted patients stabilize within the 24-hour timeframe. By receiving de-escalation, social services, and medications, patients are often released to family members, caregivers, or into the general population. An added benefit is that the CSU diverts these patients from entering the emergency department, which can be overburdened, sometimes chaotic, and therefore not an altogether safe environment for someone with serious mental issues. In July of 2024, a Crisis Stabilization Unit is slated to open in Santa Barbara with an eight-bed locked facility admitting patients for detentions of up to 24-hours.

Santa Barbara Cottage Hospital has a locked psychiatric ward. The Emergency Department Physician can place an individual on a California Health and Safety Code 1799.111 hold to detain the person for 24 hours until a designated professional is able to evaluate the patient for a 5150 hold. All patients presented to the Emergency Department (ED) for psychiatric assessment will be registered as an ED patient and seen per ED protocol. Because Cottage Hospital is not an LPS Act designated holding facility, efforts to secure placement for each patient placed on a 5150 hold will begin immediately upon admission.

CONCLUSION

Previously unresolved barriers are slowly being recognized and lessened, thereby advancing the methodical process of training and empowering County and City law enforcement to issue 5150 involuntary detentions.

Full implementation of the LPS Act-5150 hold, with complete cooperation of the Santa Barbara County Sheriff, independent City Police Departments, and Behavioral Wellness will hopefully

prevent negative outcomes of persons acting in an endangering manner, threatening harm to themselves or others.

FINDINGS AND RECOMMENDATIONS

Finding 1: The Jury finds that increased implementation of the 5150 holds by trained law enforcement officers and more Behavioral Wellness clinicians would benefit all citizens of Santa Barbara County.

Recommendation 1a: The Jury recommends that the Board of Supervisors direct Behavioral Wellness to increase the number of clinicians available for Co-Response Teams.

Recommendation 1b: The Jury recommends that all County and City law enforcement officers who are trained in crisis intervention, in accordance with State guidelines, be encouraged to fully exercise the issuance of 5150 holds in appropriate circumstances.

REQUEST FOR RESPONSE

Santa Barbara County Board of Supervisors – 90 days

Finding 1

Recommendation 1a

City of Santa Barbara – 90 days

Finding 1

Recommendation 1b

City of Santa Maria – 90 days

Finding 1

Recommendation 1b

City of Lompoc – 90 days

Finding 1

Recommendation 1b

Santa Barbara County Sheriff's Office – 60 days

Finding 1

Recommendation 1b

Pursuant to California Penal Code Section 933 and 933.05. the Santa Barbara County Grand Jury requests each entity or individual named below respond to the enumerated findings and recommendations within the specified statutory limit:

Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree with partial explanation

Response to Recommendations shall be one of the following:

- Has been implemented, with brief summary of implementation actions taken
- Will be implemented, with implementation schedule
- Requires further analysis, with analysis completion date of no more than six months after the issuance of the report
- Will not be implemented, with an explanation of why