



DEPARTMENTAL
GENERAL
ORDER

Rev.
13 Mar 00

Ref: CALEA
Standard 84.1.7

H-4

Index as:
Firearms Taken from Mentally
Disordered Persons, Mentally
Disordered Persons and Weapons,
Weapons Taken from Mentally
Disordered Persons

WEAPONS TAKEN FROM MENTALLY DISORDERED PERSONS

The purpose of this order is to set forth procedures pursuant to Welfare and Institutions Code Section 8102 regarding weapons confiscated from persons taken into custody for psychiatric evaluation.

I. FIELD UNIT PROCEDURES

Whenever a member takes a person into custody for psychiatric evaluation, the member shall confiscate any firearm or other deadly weapon in the person's possession or control. The member shall also:

- A. Complete an Application for Emergency Psychiatric Detention (TF-1002).
- B. Complete a crime report (536-933) and a Consolidated Arrest Report (536-252) if a crime is involved. Enter "**Mental Illness – 5150 W&I**" as the crime. Document the reasons for confiscating the weapon on the crime report.
- C. Enter the name of the mentally disordered person on the Notice of Release of Patient form (TF-2088).
- D. Check the Weapons Unit "extra copy" box on Departmental forms.
- E. Give the ambulance crew or hospital's staff their copies of the Application for Emergency Psychiatric Detention and Notice of Release of Patient.
- F. Complete and submit the following forms to the Property and

Evidence Unit: Property Record (336-804), and Evidence Tag (536-802) for each item submitted and, a Firearm Referral Slip (TF-654) for each weapon submitted.

- G. Submit Departmental copies of reports in accordance with procedures for in-custody report packages.

II. RECORDS DIVISION PROCEDURES

The Records Division shall forward a copy of all reports and forms to the Weapons Unit.

III. WEAPONS UNIT INVESTIGATOR

- A. The Weapons Unit investigator shall contact the hospital to determine whether the mentally disordered person was released without judicial commitment.
- B. If the person was released without judicial commitment, the investigator shall conduct an investigation to determine if the person should be allowed to retrieve his or her weapon.
1. If the person is denied the weapon, the investigator shall complete a Follow-up Investigation Report (336-201) and forward a copy, together with a copy of all of the reporting officer's reports, to the assigned attorney in the Office of the City Attorney within five days of the person's release.
 - a. The assigned attorney will complete court documents and forward notifications to the mentally disordered person within ten days of his or her release from the hospital.
 - b. The assigned attorney will advise the investigator:
 - 1) When the person fails to respond and the court orders the weapon to be destroyed by default.

- 2) When the person responds, and the court determines whether the weapon is to be returned or destroyed.
2. If the person is eligible to retrieve the weapon, the investigator shall forward a Property Release form (TF-1008) to the Property and Evidence Unit.

By order of

Richard L. Word
Chief of Police

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OAKLAND POLICE DEPARTMENT

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