

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 96.3

CONFIDENTIAL INFORMATION FROM MENTAL HEALTH

ISSUED APRIL 2006

96.3.1 Confidential Information from Mental Health

Purpose

Procedure for obtaining mental health information (via E.P.S.) when Santa Clara Police personnel are actively involved with present or former mental health patients.

Policy

Disclosure of confidential mental health information may be authorized by a patient's psychotherapist based on his/her determination that the patient presents a dangerous or violent threat to themselves or to foreseeable victim(s) and disclosure is appropriate in order to avert the threatened danger (Evidence Code Section 1024; Welfare and Institutions Code Section 5328, subd. (s).)

The Chief of Police shall designate certain members of the Department who will be authorized to receive confidential mental health information. The Communication Department will maintain the list of officers so authorized and a copy will be sent to the Mental Health Department.

Requests for confidential patient information may be directed to Santa Clara County Mental Health Bureau by an officer designated to receive such information when Santa Clara Police personnel are actively involved in barricade/hostage/murder/suicide situations and the officers believe the information may be helpful to defuse the immediate danger of the situation.

All patient information will remain absolutely confidential and shall not be included in any crime reports, criminal or civil proceedings or reports to the media.

Procedure:

When officers of the Santa Clara Police Department become actively involved in an on-going hostage/suicide/murder or potential life threatening situation and have reason to believe the suspect may be a current or former mental health patient, and believe the information may help resolve the situation, they may request the desired information through a designated officer.

The designated officer receiving confidential mental health information will be responsible to ensure that its confidentiality is maintained. Further, the designated officer will, within a reasonable amount of time, review and sign a copy of the Oath of Confidentiality form and mail it to the Department of Mental Health providing the date and reason for the information provided and related case number(s).