Lanterman-Petris-Short Subcommittee Report to the Advisory Board
September 24, 2026

Robert Alm, Subcommittee Chair

In our last meeting we had a robust discussion on the term Gravely Disabled. This is a key term in LPS law. Law enforcement and other authorized professionals are given the responsibility to make determinations of a danger to self or a danger to others as a result of a mental health disorder. When they determine that there is danger as a result of a mental health disorder then they may apprehend the individual and take them to an LPS facility for evaluation and treatment involuntarily. It appears that the systems of BHS contractors and Local law enforcement are adhering to state law with the danger provisions.

However, when it comes to making a determination of Gravely Disabled, which carries the same options of involuntary treatment, county contractors and some local law enforcement appear to be restricted. I have personally witnessed several instances of MCRT and our Center Star ACT (or FACT) field teams and clinicians telling me that the individual "Does not meet our criteria for Gravely Disabled" when they clearly did. In one instance an ACT supervisor responded to a complaint from an ILF. When she arrived she found the man sleeping on the sidewalk a block away. In her notes the man was covered with ants. Her report stated that he was not gravely disabled because when asked if he knew that it was better to sleep in the bed in the house than on the sidewalk, he responded yes. This man was arrested 4 days later and taken to jail instead of an LPS facility for treatment. He is still in jail.

This has led me to look into the training material given to these organizations. In that pursuit I have found a universal distortion in the teaching of Gravely Disabled.

The law says that if a person is unable to provide for their basic personal needs of food or clothing or shelter or personal safety or medical care as a result of a mental health disorder or substance use disorder then the person is gravely disabled and may be taken to a facility for treatment. The standard of judgement to be used is probable cause, which is simply "that would lead a person of ordinary care and prudence to believe, or to entertain a strong suspicion, that the person detained is mentally disordered and is gravely disabled." This definition was confirmed by Advocacy in our last meeting.

I am finding that instead of teaching this definition the training materials use arbitrary descriptions like "If chronically homeless, they aware of shelter options, or able to describe how shelter needs are met." Or "Able to explain the manner by which they obtain food – i.e., prepare own meals or prepared by third party." Extra-legal descriptions such as these mislead students into a bias towards non-determination of gravely disabled and can leave gravely disabled people to suffer on the streets. Needless to say, our training materials need to be reviewed and brought to a more precise legal understanding of this important term.

If it is true that the county is not properly training its employees and contractors on gravely disabled, then the county may not be providing services to our gravely disabled population as is required under our County Performance Contract WIC 5651.b.2. If we are not providing these services, we may be out of compliance with this Performance Contract and we may be putting our state funding at risk.

Furthermore; If the county is not adhering to state law regarding treatment for the gravely disabled it may be exposing itself to lawsuits similar to what the sheriff has and is experiencing.

And lastly; if the county or its contractors are not adhering to the legal definition of gravely disabled then thousands of individuals and their families continue to suffer needlessly without help from this department of behavioral health services.

Gravely disabled will continue to be an important topic of interest in this subcommittee as well as other possible resistance points in LPS practices in the county.

Robert Alm
Subcommittee Chair

Citations

WIC 5150.
(a) When a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services. The 72-hour period begins at the time when the person is first detained. At a minimum, assessment, as defined in Section 5150.4, and evaluation, as defined in subdivision (a) of Section 5008, shall be conducted and provided on an ongoing basis. Crisis intervention, as defined in subdivision (e) of Section 5008, may be provided concurrently with assessment, evaluation, or any other service.

WIC 5008.
(h) (1) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), Article 3 (commencing with Section 5225), and Article 4 (commencing with Section 5250) of Chapter 2, and for purposes of Chapter 3 (commencing with Section 5350), "gravely disabled" means any of the following, as applicable: (A) A condition in which a person, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.

From BHS 5150 Training Manual
In People v. Triplett, 144 Cal. App.3d 283, 287-288 (1983), the California Court of Appeals formulated the now standard interpretation of probable cause in the context of a § 5150.

To constitute probable cause to detain a person pursuant to section 5150, a state of facts must be known to the peace officer (or other authorized person) that would lead a person of ordinary care and prudence to believe, or to entertain a strong suspicion, that the person detained is mentally disordered and is a danger to himself or herself or is gravely disabled. In justifying the particular intrusion, the officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant his or her belief or suspicion. (Internal citations omitted.)

In other words, the § 5150 designee must be able to identify specific information that would cause any reasonable person to believe or strongly suspect that the subject of the § 5150 has a mental health disorder (or a severe substance use disorder, or co-occurring mental health disorder and severe substance use disorder, if gravely disabled), which, at present, results in behavior indicating dangerousness to self and/or others, and/or grave disability.