

# RIGHTS FOR MENTAL HEALTH PATIENTS IN THE ORANGE COUNTY JAIL – CRISIS STABILIZATION UNIT

## INVOLUNTARY DETENTION ON THE CRISIS STABILIZATION UNIT

If you are brought to the CSU against your will, you have been placed on a 72-hour hold (W&I § 5150) for being a Danger to Self, Danger to Others, or Gravely Disabled. You will be advised of the reason for admission and hold, as well as the length of time your hold is valid. After the 72-hour hold is up, you may be able to sign a voluntary admission (W&I § 5326.2). If your doctor feels you need further involuntary treatment, you may be placed on a 14-day hold (W&I § 5250).

If you are placed on a 14-day hold, you must be provided a copy of the certification form on the day of the 14-day certification (W&I § 5253). You will be informed of your rights to have a Certification Review Hearing (also known as Probable Cause Hearing) within (4) days to determine if probable cause for involuntary detention exists (W&I § 5254). An Advocate from Patient's Rights or your attorney will represent you on the day of your hearing.

A hearing Officer will decide if there is enough reason to continue your hold or to release you from the CSU to another section of the jail. If you lose your Certification Review Hearing, you may request a Writ of Habeas Corpus (W&I § 5254.1). A court hearing will then be held in Superior Court within two (2) days after the petition is filed. An advocate from Mental Health America or your attorney will represent you in court and the Sheriff's Department will provide transportation.

At the end of your initial 14-day period if you threaten or attempt to take your own life and continue to present as an imminent threat to yourself, you may be certified for further intensive treatment pursuant to (W&I § 5260) for an additional period not to exceed 14 days. Upon the completion of the initial 14-day period of treatment, you may be certified for an additional period of not more than 30 days (W&I § 5270.15) if you remain gravely disabled as a result of a mental disorder or impairment by chronic alcoholism. You may also be held for an additional 180 days if you have attempted, inflicted or made serious threat of substantial physical harm upon another person (W&I § 5300).

## MEDICATION

You have the right to refuse psychiatric medication unless there is an emergency or a court has determined you do not have the capacity to refuse (W&I § 5332 [b], [e]). An emergency situation is one where action is immediately necessary for the preservation of life or to prevent serious bodily harm, and it is impracticable to first obtain consent (W&I § 5008 [m]). If you are not taking psychiatric medication, a psychiatrist can request a Capacity Hearing. During a Capacity Hearing, a hearing officer may take away your right to refuse medication if it is found by clear and convincing evidence that mental health symptoms are interfering with your ability to make a logical decision about taking psychiatric medications. You have the right to appeal if you lose a Capacity Hearing (W&I § 5334 [e]).



# RIGHTS FOR MENTAL HEALTH PATIENTS IN THE ORANGE COUNTY JAIL – CRISIS STABILIZATION UNIT

## CRISIS STABILIZATION UNIT

If you are a psychiatric patient and are now in the Orange County Jail Crisis Stabilization Unit (CSU), you have the rights contained in this pamphlet. These legal rights are granted to you by the State of California and Federal law, and may not be waived by a family member or a conservator.

All Patients' Rights and Regulations are preserved with the exception of those rights that may be legally preempted as a result of your status as an inmate in the custody of the Orange County Sheriff's Department. When an inmate's patient's rights conflict with the policies and procedures of the Orange County Sheriff's Department and/or poses a health risk, then the safety and security of all inmates and staff members shall take precedence.

These legal rights are granted to you by the State of California and Federal Law, and may not be waived by your parent, guardian or conservator.

## YOU HAVE THE RIGHT

- To dignity, privacy and humane care.
- To be free from harm including unnecessary or excessive physical restraint, medication isolation, abuse and neglect.



- To social interaction, participation in activities, physical exercise and recreational opportunities.
- To be able to participate in education programs set-up by the Inmate Services Division.
- To be allowed access to religious freedom and practice. To attend religious services as set-up by the Inmate Services Division.
- To be free from discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, medical condition, or sexual orientation.
- To wear standard jail issued clothing and shoes.
- To have money (within the approved limit) brought into the jail placed in your inmate account for purchases of commissary items.
- To have visitors on regularly scheduled visiting days per Sheriff's Policies and Procedures.
- To store approved belongings in the individual or shared cell.
- To have access to approved personal possessions brought into the jail by the Sheriff's Department and/or Correctional Health Services.
- To refuse psychiatric medication unless there is an emergency or a court has determined you do not have the capacity to refuse (Welfare & Institutions Code 5358; Penal Code 2603).
- To have reasonable access to a telephone to make calls to an outside party, and to make confidential calls to an attorney.
- To have access to letter-writing materials and stamps — to both send and receive mail that has not been examined by the staff of the Crisis Stabilization Unit Program. Only the usual security checks by the Sheriff's Department will apply.
- To consent or refuse to consent to treatment, unless there is a legally-defined emergency or a legal determination of incapacity.
- To prompt medical care and treatment.
- To refuse Electro-Convulsive Treatment (ECT) or any convulsive therapy or psycho-surgery.
- To services and information in a language you can understand and that is sensitive to cultural diversity and special needs.
- To see and receive the services of a Patients' Rights Advocate who has no direct or indirect clinical responsibility for the person receiving mental health services.
- To be free from hazardous chemical and clinical procedures such as the inappropriate use of seclusion and restraint and the use of harmful devices.
- To be informed of and provided access to grievance forms and procedures to address your concerns regarding your rights.
- To receive information about your treatment and to participate in planning your treatment.

- To client-centered services designed to meet your individual goals, diverse needs, concerns, strengths, motivations and disabilities.
- To treatment services which increase your ability to be more independent.

Denial of rights for psychiatric reasons in the CSU must be for "good cause" and denied by a doctor's order only. The right must be denied in the least restrictive means and returned to you as soon as good cause for denial no longer exists. You must be informed why the right was denied and what behavior is necessary to restore the right.

Any inmate who believes a right of his/hers has been violated; punitively withheld or unreasonably denied, may file a grievance with the Patients' Rights Advocate. You may contact our office at:

## MHS Patients' Rights Advocacy Services

600 West Santa Ana Blvd., Suite 805 Santa Ana, CA 92701

(714) 276-8145

(800) 668-4240

Fax: (714) 242-1579

## Hours of Operation

Monday through Friday  
8 AM – 5 PM.

[mhsinc.org/pras](http://mhsinc.org/pras)