DAVIS POLICE DEPARTMENT
Misdemeanor Drug Offenses
Policy and Procedure 3.21-A

DEPARTMENT MANUAL

Index as:
Misdemeanor Drug Offenses
Arrests, Misdemeanor Drug Offenses

I. STATEMENT OF ISSUE
The Yolo County District Attorney’s Office, in partnership with Yolo County Health and Human Services Agency (HHSA), the Davis Police Department, and CommuniCare Health Centers, will be launching a pilot project in Davis that seeks to treat certain drug-related offenses as public health matters rather than criminal justice matters. The project will be the first of its kind in California, allowing for “warm-hand-offs” (person-to-person direct referral/contact) from Davis Police Officers to clinicians trained in the care and treatment of substance use disorders, in lieu of making an arrest and having the person prosecuted.

The Davis Navigation Center staff, located in the HHSA office at 600 A Street, Davis (north entrance), will accept law enforcement drop-offs and/or be dispatched to the field as needed to work with eligible offenders. The Navigation Program, contracted to CommuniCare Health Centers, will increase overall access to in-person mental health and substance use care in the City of Davis through extended hours and days of operation.

II. PROCEDURE
A. Determination of Eligibility and Process
1. As a general rule, there will be no prosecution for first or second misdemeanor personal possession of drug and/or paraphernalia offenses (e.g. Health & Safety Code §§ 11377, 11350, 11364), or being under the influence of drugs (e.g. Health & Safety Code § 11550), for any offender within a one year revolving period beginning February 10, 2020. In other words, arrests/prosecutions occurring prior to February 10, 2020, will not be used to determine program eligibility on a moving forward basis.

2. Program exclusions generally include:
   - Individuals previously convicted of sex crimes and/or are subject to strikes.
   - Individuals with co-occurring crimes unrelated to drug possession/use.
   - Individuals with two or more previous arrests for any drug offense in a revolving year.
   - Individuals who engage in violent and/or felony conduct at any time during the pilot.
   - Individuals determined by the officer or the District Attorney’s Office to pose an immediate public safety risk to the community.

3. At the time of initial contact/detention/arrest, eligible offenders will, in lieu of immediate criminal arrest and/or citation, be offered an opportunity to participate in a harm reduction/treatment-focused program administered by CommuniCare Health Centers (CCHC) Navigation team staff (funded by HHSA).
4. Officers will make the initial determination as to whether the quantity of drugs possessed is for personal use and also whether the person preliminarily qualifies for the pilot program based on a local records check through RIMS. Officers will not always have all of the information necessary at the time of contact (e.g. prior convictions) to determine final eligibility, thus, a good faith determination based on a local records check through RIMS is all that is required at the time of initial contact.

5. When dealing with an eligible person, officers will contact the CCHC team by phone ( ), discuss the situation, and decide collaboratively whether being escorted to the Navigation Center or a meeting in the field would be most appropriate for team and client needs.

6. Officers will need consent to transport the individual to the Navigation Center. If consent is not granted, either a field meeting would be appropriate or the person will be released if they still meet program eligibility.

7. If the Navigation Center is closed, or a warm hand-off cannot be reasonably accomplished, the person should be released and a report will be sent to the District Attorney’s Office and the CCHC team so that they can follow-up with the individual and offer the same services (see below for report details).

8. Whether the person engages with CCHC staff or chooses to engage in services is up to them. A lack of engagement by the offender will not normally change the outcome of the law enforcement contact. Officers do retain the discretion to make arrests when the offender is not from Yolo County or when a court appearance would be most appropriate under the totality of circumstances surrounding the law enforcement contact.

9. Officers will ensure that drugs and/or weapons are retained from eligible offenders before a warm hand-off with the CCHC team occurs.

10. If an eligible offender is intoxicated, the officer will transport the offender to an appropriate venue (e.g. ER) and may contact the CCHC team to determine whether they should respond to the hospital or other appropriate venue. The CCHC team can assist with this determination. Those who are violent or unable to be dealt with appropriately by CCHC staff should be arrested and handled in that manner.

11. The CCHC team will briefly assess an offender’s demeanor, intoxication, threat of violence to self or others at a warm-hand-off before the officer leaves. Officers should remain present until the team communicates to the officer they can leave.

12. If the person was arrested during the incident, or detained for other than a nominal period of time, depending on the circumstances, officers should release the person pursuant to Penal Code § 849(b) by filling out the required form when completing the warm-hand-off.

13. The officer will prepare a crime report labeled with the applicable offense(s); list the offender as a suspect; and forward the report to the District Attorney’s Office and the CCHC team for review.

14. The District Attorney’s Office will review the incident report(s) and make final eligibility determinations. At the District Attorney’s Office discretion, criminal charges may be filed and an arrest warrant may be sought for offenders who do not meet the program eligibility criteria. CCHC staff and Davis Police Department will subsequently be notified of offenders who are determined ineligible.
15. All seized contraband/evidence/property will be handled in accordance with applicable Department policies and procedures.

16. The CCHC team will notify dispatch if for any reason their hours of operation changes from their normal schedule.

17. CCHC will monitor and track program engagement and report out results to stakeholders on a regular basis.

Darren Pytel
Police Chief
2/2020