Committee Assignments - C4 J

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Tanya K. Bhatt
DATE: January 31, 2024

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS THE CITY'S PROCESS FOR DETERMINING THE APPROPRIATE BAKER ACT RECEIVING FACILITY TO DELIVER A PERSON IN NEED OF AN INVOLUNTARY MENTAL HEALTH EXAMINATION.

BACKGROUND/HISTORY

Was Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? __Yes X No

If so, specify name of lobbyist(s) and principal(s): N/A

ANALYSIS

Please place on the January 31, 2024 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to discuss the City's decision-making process in determining the appropriate Baker Act receiving facility to which a person suffering from a mental health issue and requiring involuntary examination, evaluation and/or treatment should be transported.

Unfortunately, mental health issues are pervasive throughout the world and affect persons of all ages, races, genders, ethnicities, sexual orientations, and religions. In Florida, a shocking 170,048 involuntary examinations were administered for approximately 115,239 different people in FY 2021-2022 alone. The State of Florida addresses mental health in Chapter 394 of the Florida Statutes, which is known as "The Florida Mental Health Act" or, more commonly, "The Baker Act." Pursuant to the Baker Act, an individual may be taken to a receiving facility for involuntary examination if:

1. There is reason to believe he/she has a mental illness and due to the mental illness, the individual has refused or is unable to determine if examination is necessary; and
2. Without care or treatment, the individual is unlikely to care for himself/herself which can result in substantial harm to their well-being, and it is not evident that harm can be avoided through familial intervention or other services; or
3. It is likely, based on recent behavior, that without treatment, the individual will pose a serious threat to himself/herself or others.

Fla. Stat. 394.463 provides that when a person appears to meet the criteria for involuntary examination, a law enforcement officer (such as an MBPD Officer) shall take such person into custody and deliver the person, or have him or her delivered, to an appropriate, or the nearest, facility within the designated receiving system for examination. To that end, it is my understanding that the MBPD Officers will transport a person meeting the statutory criteria for involuntary examination to either Mount Sinai or Jackson Health.

Accordingly, I'd request that the Police Department be prepared at Committee to discuss the factors its police officers are directed to consider in determining whether to transport a person to Mount Sinai versus Jackson Health for an involuntary examination/assessment. I would also like to discuss with my colleagues, and the Police Department, whether the Police Department should re-evaluate such factors in order to provide persons experiencing mental health issues with the best, and most appropriate, care and outcome.

SUPPORTING SURVEY DATA
N/A

FINANCIAL INFORMATION
None at this time.

Applicable Area
Not Applicable

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Does this item utilize G.O. Bond Funds?

No No

Legislative Tracking
Commissioner Tanya K. Bhatt