



**City of
Santa Clara**
The Center of What's Possible

(ENDORSED)
FILED
SEP 05 2018

Clerk of the Court
Superior Court of CA County of Santa Clara
BY Janice Jones DEPUTY

Mayor

Lisa M. Gillmor

Council Members

Debi Davis
Patrick Kolstad
Patricia M. Mahan
Teresa O'Neill
Kathy Watanabe

August 31, 2018

Honorable Patricia Lucas
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Dear Presiding Judge Lucas,

Please see the attached Report to Council. This report was unanimously approved at the July 10, 2018, meeting of the City Council of the City of Santa Clara.

Per California Penal Code sections 933(c) and 933.05, this report is the City of Santa Clara's response to the findings and recommendations found in the 2017-2018 Santa Clara County Civil Grand Jury Report, "**Police and the Mentally Ill: Improving Outcomes**".

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Gillmor".

Lisa M. Gillmor
Mayor
City of Santa Clara

Enclosure

cc: Chief of Police
City Manager
City Attorney



Agenda Report

18-810

Agenda Date: 7/10/2018

REPORT TO COUNCIL

SUBJECT

Action on Response to the 2017-2018 Civil Grand Jury Report entitled, "Police and the Mentally Ill: Improving Outcomes"

BACKGROUND

On May 9, 2018, the 2017-2018 Santa Clara County Civil Grand Jury published a report entitled, "Police and Mentally Ill: Improving Outcomes" (see Attachment 1)

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body.

California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this letter.

As stated in Penal Code § 933.05(a) public agencies are required to "Agree" or "Disagree" with each applicable finding. Further, as stated in Penal Code § 933.05(b), the City of Santa Clara is required to respond to each applicable recommendation with one of four possible actions:

1. The recommendation has been implemented, with a summary regarding the implemented action;
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation;
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report; or,
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The City's responses to the Civil Grand Jury's findings are due to the office of the Honorable Patricia Lucas, Presiding Judge, Santa Clara County Superior Court, no later than Tuesday, August 7, 2018.

DISCUSSION

One of the issues examined by the 2017-2018 Civil Grand Jury was, "the circumstances around law enforcement officers using deadly force against citizens who were in a mental health crisis, whether or not they were committing a crime." The key focus of the resulting report is law enforcement mental health training policies. The Grand Jury interviewed, surveyed and researched law

enforcement and dispatcher personnel, District Attorney's Office staff and County Behavioral Health staff, and the various training courses they receive. Information from and regarding the County of Santa Clara and the 11 law enforcement agencies operating within the County was reviewed. The Grand Jury's work culminated in a report entitled, "Police and Mentally Ill: Improving Outcomes." The report contained five findings and nine recommendations that are applicable to differing combinations of agencies, depending on the levels of record-keeping, crisis response units, and officer training that the agencies provide.

Currently, the City of Santa Clara provides four (4) hours of mandatory crisis intervention training to 100% of its officers and dispatchers. According to the report, SCPD is the only department in the County that requires this level of training for *all* of its officers and dispatchers. Only two findings/recommendations are listed as applicable to the City of Santa Clara and those are identified in the report as Recommendation (1) and Recommendation (2D).

FINDING 1:

The first finding requiring a response is Finding (1) which states, "The County's AB 71-required criminal justice reporting surpasses that of many jurisdictions nationwide. However, the presence of mental illness in a given incident report is not mandated by AB 71. Reporting this data would assist law enforcement agencies in understanding the relationship between mental illness and officer involved shootings, and help in revising their training programs."

RESPONSE:

The City of Santa Clara agrees with the finding per 933.05(a)(1) of the California Penal Code.

The presence of mental illness in officer involved shootings could be a significant factor and having this knowledge could help revise police training programs.

RECOMMENDATION 1:

As a result of Finding (1), the Civil Grand Jury issued Recommendation (1), which states, "Law enforcement agencies submitting AB 71-required data should report, to the extent possible, whether mental illness was involved in their use of force data, starting in 2019. This applies to all the agencies reviewed by the Grand Jury, which are the Santa Clara County Sheriff's Office, the Sunnyvale Department of Public Safety and the following law enforcement agencies: Campbell, Gilroy, Los Altos, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose and Santa Clara."

RESPONSE:

The City of Santa Clara will implement the recommendation per 933.05(b)(2) of the California Penal Code with the AB 71 reporting due by February 28, 2019.

FINDING 2:

The second finding requiring a response is Finding (2) which states, "The Grand Jury found that training in crisis intervention and de-escalation techniques beyond what is included in the POST Basic Police Academy helps improve the outcome of law enforcement contacts with the mentally ill."

RESPONSE:

The City of Santa Clara agrees with the finding per 933.05(a)(1) of the California Penal Code.

Crisis Intervention Training has been found to be a useful tool in defusing situations involving police and the mentally ill.

RECOMMENDATION (2D)

As a result of Finding (2), the Civil Grand Jury issued Recommendation (2D), which applies to the City of Santa Clara and it states, "The following law enforcement agencies should include Crisis Intervention Training and De-Escalation technique training in their Continuing Professional Perishable Skills and Communications training: Santa Clara County Sheriff's Office, the Sunnyvale Department of Public Safety and the following law enforcement agencies: Campbell, Gilroy, Los Altos, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose and Santa Clara."

RESPONSE:

The City of Santa Clara will implement the recommendation per 933.05(b)(2) of the California Penal Code.

The Santa Clara Police Department provides 80-hours of Advanced Officer Training (AOT) to each police officer over a two-year cycle. The department will add Crisis Intervention Training and De-Escalation technique training into this two-year cycle, with the first class being scheduled in the fourth quarter of 2019.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to sending the response other than administrative staff time and expense. However, implementing the additional record-keeping and training may result in increased expense, which will be addressed by budget action if necessary.

COORDINATION

This report has been coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Authorize Mayor Gillmor to send the City's response to the Civil Grand Jury Report to the Honorable Patricia Lucas, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than Tuesday, August 7, 2018.

Reviewed by: Michael J. Sellers, Chief of Police
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Grand Jury Report 1718-06 Final REVISED (05.08.18)