



July 18, 2018

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

**(ENDORSED)**  
**FILED**  
JUL 30 2018  
Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY Janice Jones DEPUTY

**Re: Santa Clara County Civil Grand Jury Report Response**

Glenn Hendricks  
Mayor

Larry Klein  
Vice Mayor

Jim Griffith  
Councilmember

Gustav Larsson  
Councilmember

Nancy Smith  
Councilmember

Russ Melton  
Councilmember

Michael S. Goldman  
Councilmember

Honorable Judge Lucas,

The Sunnyvale City Council received the 2017-2018 Santa Clara County Civil Grand Jury's Final Report on *Police and the Mentally Ill: Improving Outcomes*. The following is the Council's response to the Findings and Recommendations applicable to the City of Sunnyvale, as required by section 933.05 (a) of the California Penal Code.

**Finding 1**

*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: Agree**

Reporting data as to the presence of mental illness in any given incident report would assist law enforcement agencies in understanding the relationship between mental illness and officer involved shootings, and help in revising their training programs.

**Recommendation 1**

*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.*

**Response: Implementation in Process**

The Sunnyvale Department of Public Safety has the ability within the current report writing system to capture whether mental illness was involved in an incident. A software update is required to implement this and is expected to be complete by the end of 2018. Corresponding training and procedure updates will instruct officers to document any known mental health factors on use of force cases.

**Finding 2**

*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 contact with the mentally ill.*

**Response: Agree**

Sunnyvale DPS for the past 10 plus years has had a pro-active Crisis Intervention Team, which uses crisis intervention and de-escalation techniques to de-escalate and stabilize incidents. The team also ensures wrap-around services are provided to mental health consumers they contact. DPS also has policy specific to crisis intervention, which encourages de-escalation.

**Recommendation 2A**

*The law enforcement agencies of Gilroy, Los Altos, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, Sunnyvale and San Jose, and the Santa Clara County Sheriff's Office should prepare a plan to ensure that all their officers receive POST-approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy, by the end of calendar 2018.*

**Response: Implemented**

Since 2017, DPS policy has had a training plan in place to have all officers complete the 40 hour Basic CIT course. So far over 70 officers have attended the 40-hour course (more than 35% of sworn personnel).

### **Recommendation 2B**

*The law enforcement agencies of Gilroy, Los Altos, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, Sunnyvale and San Jose, and Santa Clara County should provide funding for their law enforcement agencies to complete POST-approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy, by June 30, 2019.*

### **Response: Implemented**

As noted in the response to recommendation 2A, attendance for this training is already part of the DPS training plan. The necessary corresponding funding to execute that goal is already part of the DPS budget. DPS evaluates the training budget annually as part of the citywide budget process and adjusts as necessary to ensure sufficient funding for Department members to attend crisis intervention and de-escalation training and all other required trainings.

### **Recommendation 2C**

*The following law enforcement agencies should execute their plan to ensure that all officers receive POST-approved Crisis Intervention Training and De-Escalation technique training, beyond training included in the POST Basic Police Academy, by June 30, 2020: Gilroy, Los Altos, Los Gatos-Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, Sunnyvale and San Jose, and the Santa Clara County Sheriff's Office.*

### **Response: Will not be fully implemented by 2020 because of recommended experience requirements required for the 40-hour training.**

As noted in the response to Recommendation 2A, DPS has had a plan prior to this Grand Jury report for all officers to attend the 40 hour CIT training, and more than one third of Department sworn members have already been trained. The Department anticipates that it will be able to train all eligible officers by 2020, contingent on available training space as the course is currently only offered by a limited number of providers in this region. However, it is important to note that course instructors recommend that officers with a minimum of three years of experience attend the training, so officers will receive this training only when they meet the instructors' recommendation. Thus, training will not be complete by 2020 for officers that have not

yet met the experience recommendation. However, DPS plans to continually train all officers beyond 2020 as they have enough job-related experience to meet the eligibility requirements for this course.

**Recommendation 2D**

*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: Implemented**

Prior to this report DPS has put officers through de-escalation training provided by the County Mental Health law enforcement liaisons. The 8-hour training involved an interactive process using de-escalation techniques. Mental health awareness, crisis intervention, tactical communication, and de-escalation techniques will continue to be a part of the Department's POST Perishable Skills Program training.

If you have any comments or questions, please contact me at (408) 730-7473.

Sincerely,



Glenn Hendricks  
Mayor