



(ENDORSED)  
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*San José Police Department*

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

July 31, 2018

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

**Re: San Jose Police Department Response to the Santa Clara County Civil Grand Jury's Final Report Entitled Police and the Mentally Ill: Improving Outcomes.**

Honorable Patricia Lucas:

The purpose of this correspondence is to respond to the Santa Clara County Civil Grand Jury's Final Report entitled Police and the Mentally Ill: Improving Outcomes. The following are the San Jose Police Department's responses to the findings and recommendations of the Grand Jury's report:

**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.

*Agree.*

**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. 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.

*Agree. The Homicide Unit will collect data on whether mental illness was involved in Officer Involved Shootings. This will be accomplished prior to January 1, 2019.*

HONORABLE PATRICIA LUCAS

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## **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 contacts with the mentally ill.

*Agree.*

## **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.

*Agree. SJPD already has a plan in place to ensure "all officers receive POST – approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy." As part of the plan, the Department has mandated the 40-hour Crisis Intervention Training (CIT) course for all sworn personnel. While it will take 1.8 years to train all sworn personnel in the 40-hour CIT course and will not meet the December 31, 2018 timeline, the Department has already incorporated CIT and De-Escalation technique training into its State of California Commission on Peace Officer Standards and Training (POST) mandated Continuing Professional Training (CPT).*

*SJPD has incorporated de-escalation training into all topics covered during CPT (Force Options, First Aid/CPR, Driving Simulators, Communications, Domestic Violence, Arrest Control Techniques). Officers are taught to de-escalate situations, when practical, using either pre-incident planning/tactics or on-scene strategies to mitigate the use of force, injuries to officers, and injuries to the public. De-escalation training incorporates information officers have learned/will learn in CIT class (use of force, medical assistance, calls for service, etc.).*

*In the Academy, de-escalation training is covered in LD 20- "Use of Force" and LD 37- "People with Disabilities." In LD 37, a 15-hour block of instruction, recruits are trained to recognize mental and physical impairment and interact/communicate with individuals with these impairments. The Academy also provides approximately 20-24 hours of scenario demonstrations involving the topics of deadly force options and mental illness; each demonstration encompasses de-escalation tactics to solve the situation provided to the recruit officer. After the training, each recruit officer must then pass a POST approved scenario test to demonstrate he/she was able to handle situations involving deadly force and mental illness. The recruit must come to a safe resolution utilizing the tactics he/she was taught.*

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### **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.

*Agree. SJPD has already allotted funds for all sworn personnel to attend a 40-hour CIT course.*

### **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.

*Agree. SJPD is in the process of having all sworn personnel attend a 40-hour CIT course and, per the current training schedule, should have all sworn personnel trained in 1.8 years. This timeline allows the Department to meet the recommended completion date of June 30, 2020. The Department has already incorporated CIT and De-Escalation technique training into its POST mandated CPT classes. As the Department continues to hire new personnel, training will be on-going.*

### **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.

*Agree. SJPD already reinforces CIT and De-escalation technique training in all CPT classes (Force Options, First Aid/CPR, Driving Simulators, Communications, Domestic Violence, Arrest Control Techniques). SJPD recently completed a POST mandated Communications Perishable Skills course, which is mandated every two years by POST; this course included the stated topics. As previously stated, SJPD is in the process of ensuring all sworn personnel attend the 40-hour CIT course, which is currently not mandated by POST. SJPD is also in the process of implementing a "refresher" course for sworn personnel who have attended the CIT course more than 5 years ago.*

HONORABLE PATRICIA LUCAS

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### Finding 3

The Grand Jury found that in large classes, the 40-hour Crisis Intervention Training often does not provide enough time for all attendees to participate in the simulation exercises.

*Disagree. Each attendee either role plays or observes the simulation exercises, and then engages in a debriefing of the scenario with the entire class. SJPD believes this equates to meaningful participation for all attendees.*

### Recommendation 3

The Santa Clara County Sheriff's Office and the San Jose Police Department, as the County's primary Crisis Intervention Training providers, should by Dec. 30, 2018, adjust class sizes in order to provide enough time for all attendees to participate in the simulation exercises.

*Disagree. SJPD recognizes the importance of practical application, but believes learning can still be facilitated by observation, especially when each scenario is debriefed by the entire class. While having a smaller class size is optimal, decreasing the number of students could delay the training for personnel who have not yet received it; currently, SJPD offers three CIT classes a year and trains 70 students per class (210 students per year). Altering class size could impact our ability to ensure all personnel attend the 40-hour CIT course by June, 30, 2020 (Recommendation 2C).*

*This recommendation will impact the Department financially if we want all sworn personnel trained in the 40-hour CIT course by the June 30, 2020 deadline. As stated, POST has set the class size at 70 students and SJPD hosts three CIT classes per year. If class size is decreased to 30 (as mentioned by the Grand Jury), SJPD will need to request a modification from POST, so the same number of students can be trained each year; to train 210 students per year, 30 students per class would require seven sessions per year. In the past, POST has had the Department send officers to training put on by other providers rather than grant SJPD the authority to put on additional classes. Whether POST has our Department send officers to outside CIT classes or approves our request to increase the number of CIT classes we host, there will be a financial impact to the Department.*

Sincerely,



Edgardo Garcia  
Chief of Police

EG:PS:GT