



Office of the City Attorney
RICHARD DOYLE, CITY ATTORNEY

October 5, 2015

FILED

OCT 14 2015

The Honorable Rise Jones Pichon
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY BRITNEY HUELBIG DEPUTY

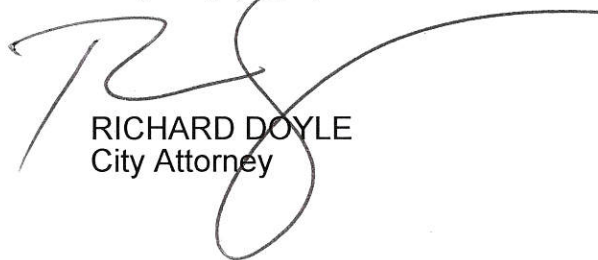
Re: Grand Jury Report

Dear Judge Pichon:

Pursuant to California Penal Code section 933, et seq., please accept the City's response to the 2014-2015 Santa Clara County Civil Grand Jury Report, "Protecting Our Most Vulnerable Citizens." The City Council approved the City's response to the Grand Jury Report on September 15, 2015. The approved City response and the Grand Jury's Report are enclosed for your review.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Very truly yours,



RICHARD DOYLE
City Attorney

Enclosures

cc: Mayor Sam Liccardo
Norberto Duenas, City Manager
Larry Esquivel, Chief of Police

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Audit of Curbside Recycling.

Recommendation: As recommended by the Transportation and Environment Committee on June 1, 2015, accept the Audit Report on Curbside Recycling. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

[Transportation and Environment Committee referral 6/1/15 – Item D(4)]
(Deferred from 6/16/15 – Item 7.1 and 8/4/15 – Item 7.1)

Accepted, with the inclusion of the memorandum from Councilmember Manh Nguyen, dated September 15, 2015; and including the memorandum from Councilmembers Kalra, Carrasco, Rocha and Khamis, dated, September 11, 2015, with item (d) from this memorandum to be addressed in Closed Session as soon as possible, and with item (e) to return to Council pursuant to completion of the study. Abstain: Councilmember Tam Nguyen

8. PUBLIC SAFETY SERVICES

8.1 Response to Santa Clara County Civil Grand Jury Report Entitled “Protecting Our Most Vulnerable Residents.”

Recommendation: Review and accept the City of San José’s response to the 2014-2015 Santa Clara County Civil Grand Jury’s Report entitled “Protecting Our Most Vulnerable Residents.” CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Police)

Accepted, including Mayor Sam Liccardo’s memorandum dated September 15, 2015, and with the item to return for follow-up to the Public Safety, Finance and Strategic Support Committee.



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: SEE BELOW

DATE: September 15, 2015

Approved

Date

9/15/15

**SUBJECT: RESPONSE TO SANTA CLARA COUNTY CIVIL GRAND JURY
REPORT ENTITLED "PROTECTING OUR MOST VULNERABLE
RESIDENTS"**

RECOMMENDATION

I recommend the City Council take the following actions:

1. Accept the staff memo as the City of José's response to the 2014-2015 Santa Clara County Civil Grand Jury's report entitled "Protecting Our Most Vulnerable Residents" and direct the City Manager to include the following:
 - a. Revise the San José Police Department Duty Manual to explicitly refer to the County Elder Abuse Protocol, and to encompass the intent of California Penal Code Section 368(c), specifically encouraging officers to look for, and enforce against, abusive conduct by caretakers and conservators that results in isolation, abandonment, and other forms of mental suffering against an elder client.
 - b. Ensure that appropriate training for police academy recruits and current officers comports with the changes in the Duty Manual for recognizing and responding to Elder and/ or Dependent Adult Abuse.

DISCUSSION

Isolation constitutes a key pathway for predatory caretakers and conservators in many financial scams and episodes of sexual or physical abuse: by preventing loved ones and friends from visiting the elder, the client becomes increasingly dependent on the abusive caretaker, and subject to his whims. Additionally, the isolation directly harms the elder emotionally, and contributes to neglect.

I appreciate the efforts of the San José Police Department in recognizing the need to revise and update their duty manual to refer to the County Elder and Dependent Abuse Protocol, and we hope to see those revisions reflected in ongoing training.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Larry Esquivel

SUBJECT: SEE BELOW

DATE: August 24, 2015

Approved

Date

9/2/15

**SUBJECT: SANTA CLARA COUNTY CIVIL GRAND JURY REPORT –
PROTECTING OUR MOST VULNERABLE RESIDENTS**

RECOMMENDATION

It is recommended that the City Council review and accept this memorandum as the City of San José's response to the 2014-2015 Santa Clara County Civil Grand Jury's report entitled "Protecting Our Most Vulnerable Residents."

OUTCOME

The purpose of this memorandum is to provide the City Council with the City of San José's formal response for approval, as well as to comply with California Penal Code Section 933(c), which requires the City Council to respond to a Civil Grand Jury report no later than 90 days after the Grand Jury submits its final report to the presiding judge of the Superior Court. The Grand Jury passed and adopted its report on June 3, 2015. Assuming that this report was filed with the presiding judge the same day it was adopted by the grand jury, the City's response is due by September 1, 2015. Approval of this report will satisfy the Penal Code requirement.

BACKGROUND

On June 17, 2015, the Santa Clara County Civil Grand Jury (Grand Jury) provided the San José Police Department (SJPD) with its final report of findings and recommendations regarding elder and/or dependent adult abuse entitled, "Protecting our Most Vulnerable Residents." The Grand Jury's inquiry focused on the efficacy of the following:

- Santa Clara County law enforcement agencies' policies, rules, and procedures referencing Penal Code Section 368 (elder and/or dependent adult abuse);

- Uniformity among County law enforcement agencies on how to address elder and/or dependent adult abuse;
- Training received by County law enforcement officers regarding elder and/or dependent adult abuse;
- Avenues for reporting elder and/or dependent adult abuse so that the District Attorney's Office is able to prosecute appropriate cases.

The Grand Jury reviewed duty manuals of local law enforcement agencies related to elder and/or dependent adult abuse. The Grand Jury also reviewed (1) the Santa Clara County Police Chiefs Association's Elder and Dependent Adult Abuse Protocol; (2) current training provided to County law enforcement officers in elder and/or dependent adult abuse assignments; (3) investigation responsibilities of local law enforcement agencies; and (4) reporting responsibilities of local law enforcement agencies.

The Grand Jury's report contained one finding and two applicable recommendations for the SJPD. The purpose of this memorandum is to provide the City Council with the SJPD's formal response, for approval, as well as to comply with the requirements of Penal Code Section 933(c).

ANALYSIS

The Grand Jury's report identified seven findings for local law enforcement agencies, of which only one finding and two recommendations were directed to the SJPD, as follows:

Civil Grand Jury Finding #1: The San Jose Police Department's Duty Manual refers to the County Child Abuse protocol and not to the County Elder and Dependent Adult Abuse Protocol.

Civil Grand Jury Recommendation to Finding #1: The San Jose Police Department should revise its duty manual to refer to the County Elder and Dependent Adult Abuse Protocol.

SJPD RESPONSE TO RECOMMENDATION #1: The SJPD agrees with Finding #1 and is in the process of revising the current Duty Manual section to correctly refer to the County Elder and Dependent Adult Abuse Protocol.

Civil Grand Jury Finding #6: The Elder and Dependent Adult Abuse protocol for Santa Clara County Law Enforcement, dated July 2010, has not been revised in five years, is over 100 pages long, and should be revised and shortened.

HONORABLE MAYOR AND CITY COUNCIL

August 24, 2015

Subject: Santa Clara County Civil Grand Jury Report – Protecting Our Most Vulnerable Residents

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Civil Grand Jury Recommendation to Finding #6: All local law enforcement agencies should advocate for revision of the Elder and Dependent Adult Abuse Protocol for Santa Clara County law enforcement.

SJPD RESPONSE TO RECOMMENDATION #6: Although not specifically directed towards SJPD, the SJPD agrees with Finding #6. As a member of the Police Chiefs Association of Santa Clara County, the SJPD is currently participating with other members of the Association in the review and discussion of updating the current Elder and Dependent Adult Abuse Protocol for Santa Clara County law enforcement.

EVALUATION AND FOLLOW-UP

No additional follow-up action with City Council is expected at this time.

PUBLIC OUTREACH

Upon approval of this memorandum by the City Council, the City Attorney will submit the memorandum to the presiding judge of the Superior Court, as required under Penal Code Section 933(c). In turn, the SJPD will post this memorandum on the SJPD.org website and it will also be available on the City Clerk's website.

COORDINATION

This memorandum has been coordinated with the City Manager's Office and the City Attorney's Office.

CEQA

Not a Project, File No. PP10-069(a), Staff Report.

/s/

LARRY ESQUIVEL

Chief of Police, Police Department

For questions, please contact Deputy Chief Phan Ngo, at (408) 277-4147.