

County of Santa Clara

Office of the Sheriff

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Laurie Smith
Sheriff

October 9, 2018

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

(ENDORSED)
FILED
OCT 09 2018
Clerk of the Court
Superior Court of CA County of Santa Clara
BY Janice Jones DEPUTY

RE: Santa Clara County Sheriff's Office Response to Grand Jury Report, "Police and the Mentally Ill"

Dear Judge Lucas:

In response to the Civil Grand Jury 2017-2018 Final Report entitled, "*Police and the Mentally Ill: Improving Outcomes*," the Santa Clara County Sheriff's Office is providing the below response.

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.

Sheriff's Office Response

The Sheriff's Office agrees with this finding.

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.

Sheriff's Office Response

The Sheriff's Office agrees with this recommendation and complies with specific reporting requirement under AB 71 within the Use of Force reporting component of our Blue Team database. Even though State law does not require reporting of suspected mental health issues; our system provides a non-mandatory field that documents the deputy's perception of the presence of mental health difficulties. Since the Sheriff's Office possesses the data currently, this recommendation from the Grand Jury will be implemented in our next Use of Force reporting to the State. The State has modified their reporting system, and if the system remains the same as during our last reporting, the Sheriff's Office will include the deputy's perception in the narrative of the report.

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.

Sheriff's Office Response

The Sheriff's Office agrees with this finding. As the facilitator of a Regional POST Basic Police Academy and STC Correctional Academy, the Sheriff's Office works closely with POST and STC to ensure academy mental health curriculum and on-going perishable skills training requirements are improved to meet the ever-changing complexities of interacting with our mentally ill community. These improvements, in addition to facilitating the 40 hour CIT program in Santa Clara County beyond the academy training, will enhance law enforcement response to mental health incidents in our community.

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.

Sheriff's Office Response

The Sheriff's Office agrees with this finding. POST and STC training academies contain state mandated crisis intervention and mental health curriculum that provide new officers with the foundation necessary to identify mental illness and effectively interact with mental health individuals. The Sheriff's Office builds on this fundamental academy training and is dedicated to ensuring all deputies complete a 40 hour CIT program, as well as de-escalation training, beyond the state mandated academy training. This training plan is already in place and the Sheriff's Office Training and Compliance Unit is coordinating this effort.

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.

Sheriff's Office Response

The Sheriff's Office agrees with this finding. The Sheriff's Office has implemented a CIT and de-escalation training plan. Our training plan goes beyond state mandated academy training and includes additional non-mandated training, such as a 40 hour CIT program training, 16 hours of de-escalation custody training, and four hours of CIT and de-escalation refresher training for all Sheriff's Office sworn staff. The CIT and de-escalation continued professional training our deputies receive is beyond the academy and also includes an emphasis within the Field Training Program of newly designed mental health force option simulator scenarios. The Sheriff's Office four hour mental health de-escalation simulator training and four hour CIT refresher training will be provided to all sworn staff every two years as part of the POST/STC certified perishable skills training within the Sheriff's Office.

To date we have trained 100% of our custody deputies in our certified 16 hour de-escalation training and 40% of our custody deputies in our certified 40 hour CIT program. Additionally, we have trained 90% of our enforcement deputies in our certified simulator scenario de-escalation/use of force training, 46% of our enforcement deputies in our certified 40 hour CIT program, and are in the process of providing the four hour refresher course. The Sheriff's Office is scheduled to complete this CIT and de-escalation training well within the recommended deadline of June 30, 2020.

RECOMMENDATION 2D

The following law enforcement agencies should include Crisis Intervention Training and De-Escalation technique training in their Continued 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, Palo Alto, San Jose and Santa Clara.

Sheriff's Office Response

The Sheriff's Office partially agrees with this recommendation. As previously mentioned, the Sheriff's Office has already created and provided instruction on mental health specific simulator training scenarios. The Sheriff's Office has also added an additional four hour CIT/de-escalation refresher training that will be incorporated as part of perishable skills training for our deputies.

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.

Sheriff's Office Response

The Sheriff's Office disagrees with this finding. The Sheriff's Office is certified to present the 40 hour CIT program for up to 125 students, and while the Video Simulation Training component is only directly experienced by a portion of the class in the officer role, the curriculum and delivery of that simulation allows for learning to take place among all students; whether in an observing role or officer role. With that said, the Sheriff's Office is in the process of exploring alternative one-on-one scenario exposure that all students will be able to experience from the officer perspective. It is anticipated that this amended scenario exposure will be implemented by January 2019.


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.

Sheriff's Office Response

The Sheriff's Office disagrees with this recommendation. The Sheriff's Office CIT Program is in high demand throughout County law enforcement agencies. In order to maintain our County-wide goal of ensuring officers within our community are able to properly respond to mental illness related calls, we need to maintain the current class size and schedule. Reducing class size would have an adverse impact on the training for officers and the service to the community. However, as stated above we consistently re-evaluate our curriculum to identify additional opportunities to engage participants.

Sincerely,



Laurie Smith
Santa Clara County Sheriff