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File #: 15-0675, Version: 1

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Approve the City's Response and Authorize the Mayor to Sign the Letter in Response to the 2014-2015 Santa Clara Civil Grand Jury Final Report, "Protecting Our Most Vulnerable Residents"

#### **BACKGROUND**

On June 8, 2015, the Santa Clara County Civil Grand Jury (Grand Jury) released a report titled "Protecting Our Most Vulnerable Residents" (Attachment 1). The report details the findings and recommendations from the Grand Jury's investigation into a complaint regarding the purported failure of law enforcement's use of California Penal Code Section 368 in reporting incidences of elder and/or dependent adult abuse, especially when the alleged abuse was mental or emotional. Specifically, the complainant suggested that law enforcement agencies whose policies did not include a specific reference to Penal Code Section 368 were more likely to treat elder and/or dependent abuse as a social service issue and not a criminal matter.

Penal Code Section 368 identifies elders as those 65 and older, and dependent adults as those 18 through 64, and provides for criminal penalties for any person who causes or permits an elder or dependent adult to suffer unjustifiable pain or mental suffering.

California Penal Code 933(c) requires the governing body of the public agency that has been the subject of the Grand Jury report to respond to the Presiding Judge of the Superior Court on the findings and recommendations within 90 days from submission of the report. This response, which is included as Attachment 2 to this report, is due no later than September 8, 2015.

#### **EXISTING POLICY**

California Penal Code 933(c): No later than 90 days after the Grand Jury submits a final report on the operations of any public agency to its reviewing authority, the governing body of the public agency shall comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body.

#### **ENVIRONMENTAL REVIEW**

The submittal of this response to the Grand Jury does not require environmental review because it is an administrative activity that will not result in a direct or indirect physical change to the environment. (CEQA Guidelines 15061(b)(3), 15378(b)(5).)

#### **DISCUSSION**

The Grand Jury concluded that "law enforcement and social service agencies are competent and committed to the protection of the elder and dependent adult population." Sunnyvale Department of Public Safety's (SDPS) existing policies already address elder abuse. The Grand Jury investigation resulted in only one finding and one recommendation for SDPS. The Grand Jury found that the

County Elder and Dependent Adult Abuse Protocol has not been updated in five years. They also concluded that the document is "overly long and should be reviewed and revised." The recommendation for SDPS is:

- The City of Sunnyvale Department of Public Safety, as a member of the Police Chiefs' Association of Santa Clara County, should advocate for revision of the Elder and Dependent Adult Abuse Protocol for Santa Clara County Law Enforcement.

The City agrees with the Grand Jury's finding and recommendation and supports a protocol update. On June 11, 2015 the Santa Clara County Police Chiefs Association met and discussed finding and recommendation. The association agreed with the finding and recommendation and supported taking action to comply. The recommendation is in the process of being implemented and the County Elder and Dependent Adult Abuse Protocol is currently being revised by the Santa Clara County Elder Death Review Team (EDRT). A response letter authored on behalf of the EDRT was sent to the Civil Grand Jury notifying them of the review currently being conducted. There is no further action required of Council beyond approval of the City's response to the Presiding Judge of the Santa Clara County Superior Court. A draft letter of response is included with this report as Attachment 2.

### **FISCAL IMPACT**

There is no fiscal impact from the City's response to the Grand Jury report.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **STAFF RECOMMENDATION**

Approve the City's response and authorize the Mayor to sign the letter in response to the Santa Clara Civil Grand Jury Report.

Prepared by: Frank J. Grgurina, Director of Public Safety

Reviewed by: Jane Chambers, Interim Assistant City Manager

Approved by: Kent Steffens, Assistant City Manager for Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Santa Clara Civil Grand Jury Final Report "Protecting Our Most Vulnerable Residents"
2. Response to the Civil Grand Jury Report: "Protecting Our Most Vulnerable Residents"
3. Letter from Civil Grand Jury with Revised Response Date