



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve City's Response to the 2017- 2018 Santa Clara County Civil Grand Jury Report entitled "Police and the Mentally Ill: Improving Outcomes"

BACKGROUND

On May 9, 2018, the Santa Clara County Civil Grand Jury released a report, *Police and the Mentally Ill: Improving Outcomes* (Attachment 2). The report details the findings and recommendations from the Grand Jury's investigation concerning law enforcement officers' use of deadly force against citizens who were in a mental health crisis. The key focus of this report is recommendations for policies addressing mental health training for law enforcement officers.

During the investigation, the Grand Jury employed the following methodology:

- Interviewed law enforcement officers, District Attorney officials, San Jose PD Communications Center staff and County Behavioral Health Services managers.
- Distributed a survey to municipal and county law enforcement agencies as to their respective mental health training requirements and compliance statistics.
- Reviewed District Attorney's Office Involved Shootings reports.
- Reviewed several websites that collect officer-involved encounters throughout the United States.
- Monitored portions of a weeklong Crisis Intervention Training (CIT) class.
- Participated in Force Options Simulator training.

California Penal Code 933(c) requires the government body of the public agency that has been the subject of the Grand Jury report respond to the Presiding Judge of the Superior Court on the findings and recommendations. This response, which is included as Attachment A to this report, is due no later than August 7, 2018.

EXISTING POLICY

California Penal Code section 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 control of the governing body.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California

Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

The Grand Jury investigation resulted in four findings and five recommendations for Sunnyvale DPS. The five recommendations applicable to Sunnyvale DPS were:

- AB 71- required data should report, to the extent possible, whether mental illness was involved in use of force data, starting in 2019.
- Ensure all officers received Commission of Peace Officers Standards and Training (POST) approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy, by the end of 2018.
- Provide funding to complete POST approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy, June 30, 2019.
- Ensure all officers receive POST approved Crisis Intervention Training and De-Escalation technique training, beyond the training included in the POST Basic Police Academy, June 30, 2020.
- Include Crisis Intervention Training and De-Escalation technique training in Continuing Professional Perishable Skills and Communications training.

DPS staff reviewed the recommendations and addresses them in the response attached as Attachment 1. Overall, Sunnyvale DPS agrees with all the Grand Jury findings and recommendations to improve law enforcement mental health training policies. In fact, DPS implemented a plan in 2017 for all officers to receive the 40-hour training recommended by the grand jury. To date, more than 1/3 of the officers in the Department have completed it.

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.

ALTERNATIVES

1. Approve the City's response to the 2017-2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 and authorize the Mayor to sign the response.
2. Approve the City's response to the 2017-2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 with modifications and authorize the Mayor to sign the response.

RECOMMENDATION

Alternative 1: Approve the City's response to the 2017-2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

Prepared by: Shawn Ahearn, Captain
Reviewed by: Phan S. Ngo, Director, Public Safety
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft City Response Letter
2. Civic Grand Jury Report