



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

July 27, 2017

Jim Mellander, Foreperson
2016-2017 Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

VIA EMAIL AND US MAIL

Dear Mr. Mellander:

I received your letter dated June 20, 2017 requesting my Office respond to the Grand Jury Report No. 1710, "Law Enforcement Use of Force and Mental Health Awareness," by the 2016-2017 Contra Costa Grand Jury.

As requested, please find the attached response. You are also welcome to attend an academy class entitled "Persons with Disabilities" on August 16, 2017 at the Law Enforcement Training Center. The class contains de-escalation techniques and scenario-based training I believe you would find informative. If you are interested in this opportunity, please contact Captain Will Duke at 925-427-8248 or wduke@so.cccounty.us.

Should there be any remaining issues not addressed by my response, please feel free to contact Undersheriff Michael Casten at 925-335-1512 or mcast@so.cccounty.us.

Thank you.

Sincerely,

DAVID O. LIVINGSTON
Sheriff - Coroner

DOL:sl

cc: Undersheriff Michael Casten, Contra Costa County Office of the Sheriff
Assistant Sheriff Mark Williams, Support Services Bureau
Captain Will Duke, Training Division

Law Enforcement Use of Force and Mental Health Awareness

CCCSO Response

Findings:

F1. There are at least three possible agencies that may investigate a use of force incident involving the Sheriff's Office.

Agree.

F2. The agency or agencies responsible for investigating a use of force incident involving the Sheriff's Office depend on the severity of force and if it resulted in injury or death.

Agree.

F3. During the hiring process, selection of candidates for police officer training is detailed and thorough.

Agree.

F4. CIT training provides effective techniques for law enforcement officers to engage with persons in mental crisis or intoxicated with drugs or alcohol.

Agree.

F5. CIT training may reduce or eliminate the need for a law enforcement officer to engage with persons in mental crisis or intoxicated with drugs or alcohol.

Agree. Law enforcement training experts agree CIT training may reduce or eliminate the need for deputies to physically engage or use other force when resolving conflicts with those persons in mental health crisis.

F6. A substantial number of law enforcement officers in the County have not yet attended CIT training.

Disagree. The Office of the Sheriff expects to have all first responders in the Sheriff's Office trained in CIT by June 1, 2018.

F7. The Sheriff's Office does not have a method to provide updated CIT training material for past attendees of CIT training.

Disagree. The Office of the Sheriff Training Division recently obtained certification from the Commission on Peace Officer Standards and Training (P.O.S.T.) to present an eight-hour Crisis Intervention and De-Escalation Techniques course for peace officers. The Office of the Sheriff currently provides updated CIT training and will continue to provide recurring training in future years.

F8. The Sheriff's Office does not operate a Mental Health Evaluation Team (MHET).

Agree. The Office of the Sheriff has requested from the County the last two budget years (FY 16/17 & 17/18) to fund three additional Deputy Sheriff positions to staff the Mental Health Evaluation Team

(MHET); one in West County, Central County and East County. No additional positions were funded by the Board of Supervisors.

We have trained all of the Patrol Division on how to make referrals to the MHET program currently staffed by Pittsburg, Concord, and Richmond, and County Behavioral Health. However, due to not having dedicated MHET Deputies ourselves, our referral rate is low; however, we have had some participation of resident Deputies during MHET meetings.

F9. The Sheriff's Office has not studied whether implementing a MHET team would be an effective way to reduce the number and severity of Sheriff deputy responses to mental health related calls.

Partially Disagree. It is not possible to determine whether Office of the Sheriff personnel have, at some point in time, studied whether implementing a MHET team would be an effective way to reduce the number and severity of Sheriff deputy responses to mental health related calls. However, the Office of the Sheriff does recognize the potential value in doing so and the need to identify the necessary funding and personnel required to accomplish a study of this nature, specific to the Office of the Sheriff.

Recommendations:

R1. The Sheriff should consider broadening and enhancing CIT training to educate all law enforcement officers.

The recommendation has been implemented.

The Office of the Sheriff Training Division recently obtained certification from the Commission on Peace Officer Standards and Training (P.O.S.T.) to present an eight-hour Crisis Intervention and De-Escalation Techniques course for peace officers. To date, Field Training Officers from the Office of the Sheriff have successfully completed the training pursuant to a new P.O.S.T. requirement. Additionally, the course has been included in this year's Advanced Officer training cycle and classes will continue to be offered for peace officers within the county. The County has also updated its 32-hour "Crisis Response Team, First Responder" Course. This course is a more in-depth look at mental health issues, intellectual disabilities, substance abuse disorders, cross-cultural sensitivity issues, and tactical communication.

R2. The Sheriff should consider coordinating with the Contra Costa Police Chief's Association in their effort to create additional CIT training in the County.

The recommendation has been implemented.

The Office of the Sheriff Training Division recently obtained certification from the Commission on Peace Officer Standards and Training (P.O.S.T.) to present an eight-hour Crisis Intervention and De-Escalation Techniques course for sworn personnel. The Police Chief's Association has been advised the class will continue to be offered to outside agencies as well. The Office of the Sheriff will also be seeking assistance from agencies within the County via the Chiefs' Association to recruit and train a broad cross section of instructors in order to enhance agency effectiveness when responding to mental health issues.

R3. The Sheriff should consider researching methods to document the effectiveness of CIT training, and identifying funds to do so.

The recommendation has not yet been implemented, but will be implemented within three months.

According to subject matter experts, any attempt to review incidents involving law enforcement contact with persons in mental health crisis to measure the effectiveness of CIT training would lead to a specious result, as each incident is directly influenced by numerous variables. These variables include: the time available to make decisions, whether the individual poses an immediate threat to deputies or others, whether they are actively resisting or attempting to evade arrest by flight, the number of deputies present, the proximity to potential weapons, age, size and strength compared to deputies, special knowledge or skills, the deputy's exhaustion or injury, known facts about the individual's drug use or mental state, knowledge or prior contacts, the opportunity to give warning or try and establish a dialog with the subject, other subjects present, and environmental factors. However, the effectiveness of CIT training may be compared in the classroom. For example, deputies and officers attending CIT training are exposed to a training scenario at the beginning of the class which provides instructors with a baseline understanding of the student's ability. The results could be compared to similar training scenarios conducted at the completion of the training class to determine the efficacy of the training provided.

No funding has been allocated by the Board of Supervisors, notwithstanding the concerns noted above, the Office of the Sheriff will continue to research methods of documenting the effectiveness of CIT training and will work with the County and State to seek additional funding to support research, documentation, and training. Additionally, the use of trained Health Services mental health professionals in the training classes cannot be overstated, as these professionals are critical to the success of the course and their participation is a P.O.S.T. requirement.

R4. The Sheriff should consider providing annual updates of CIT training course materials to police departments, and identifying funds to do so.

The recommendation will not be implemented because it is not warranted.

The Office of the Sheriff will update the Crisis Intervention and De-escalation Techniques course annually pursuant to P.O.S.T. requirements. The class will be offered year-round at the Sheriff's Training Center for all peace officers in the County.

R5. The Sheriff should consider conducting a feasibility study to determine the benefits of establishing additional MHET teams.

The recommendation has not been implemented, but will be implemented if the appropriate funding is provided by the County.

The Office of the Sheriff has requested from the County the last two budget years (FY 16/17 & 17/18) to fund three additional Deputy Sheriff positions to staff the Mental Health Evaluation Team (MHET); one in West County, Central County and East County. The County did not approve the funding for the 3 MHET deputies.