



Santa Cruz County
Grand Jury

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response: Mental Health Crisis: Seeking an Integrated Response

1 message

Jillian Ritter <Jillian.Ritter@santacruzcounty.us>
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Fri, Aug 17, 2018 at 11:06 AM

Please see attached. A hard copy of the completed response packet was placed in the mail to Judge John Gallagher earlier this week.

Thank you,

Jillian

Jillian F. Ritter

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

701 Ocean Street, Room 500

Santa Cruz, CA 95060

831-454-2200

Jillian.ritter@santacruzcounty.us

2 attachments

Mental Health Crisis Response 8.15.18 1.docx.pdf
152K

MH Grand Jury Response_Board letter.pdf
217K



**The 2017–2018 Santa Cruz County Civil Grand Jury
Requires that the
Santa Cruz County Board of Supervisors
Respond to the Findings and Recommendations
Specified in the Report Titled
Mental Health Crisis
Seeking An Integrated Response
by August 15, 2018**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC §933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body's response approval: 8/7/18

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F2. Adding more mental health liaisons and increasing their hours of availability would increase the benefit of this program to law enforcement and people in crisis.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

F3. Having law enforcement be the primary responder to non-threatening 9-1-1 EDP calls reduces the overall availability of law enforcement to the community.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

F4. The Mobile Emergency Response Team (MERT) is not accessible through 9-1-1, resulting in overuse of law enforcement.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

While we agree that the MERT is not accessible through 9-1-1, we do wish to clarify one point.

We do not consider dispatching public safety officers to any 9-1-1 call to be "overuse." We encourage residents to call 9-1-1 even if they are unsure whether an emergency situation exists. Consequently, public safety officers frequently respond to calls that turn out to not pose imminent threats to life, safety or property, or even require any law enforcement attention. Even so, we do not consider these calls to be "overuse" of public safety resources.

As discussed later, differentiating threats based on a mental health-related 9-1-1 call, particularly one from family or loved ones in obvious distress, can be difficult. In these cases, we would not consider dispatching an officer to be "overuse" of resources should the call turn out to require a strictly clinical response.

F5. Current dispatch procedures do not distinguish between threatening and non-threatening EDP calls. Making this distinction would create an opportunity for MERT to respond to the 70 percent of 9-1-1 EDP calls that do not involve a threat.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

Current procedures do not designate a specific dispatch-related code to distinguish between threatening and non-threatening EDP calls. While some calls present as threats and could be distinguished immediately, the implication that all other calls are non-threatening and thus safe for unaccompanied mental health workers is untrue.

In April 2017, a City of Berkeley psychologist employed by the Mental Health Mobile Crisis Team was dispatched to a report of an individual threatening to harm himself. The worker was at first unable to find the patient. She was subsequently attacked and strangled. The County is unwilling to expose our employees to similar risks.

Based on its interviews, the Grand Jury estimated that 70 percent of 9-1-1 EDP calls **turn out** to be non-threatening. We have not analyzed our data to examine whether that figure is supported. Further, making those determinations beforehand based on a phone conversation creates unnecessary risks and potentially dangerous situations.

F6. Having a private, for-profit contractor operate the County BHU reduces transparency between the Behavioral Health Department and the people they serve.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

We disagree. The Grand Jury asked for and was provided a copy of the County's contract to operate the Behavioral Health Unit. The County answered multiple rounds of questions from the Grand Jury related to the operation of the Behavioral Health Unit. The Contracts for operation of the Behavioral Health Unit and Crisis Stabilization Program are approved by the Board of Supervisors and available to the general public, and include provisions for state-required disclosures, complaint processes and more.

Furthermore, the Behavioral Health Unit is independently accredited by the Joint Commission, which can be accessed by searching the www.qualitycheck.org website.

Contracting for medical services is not unusual in Santa Cruz County or in any other County. We believe this provides medical expertise and improved care for clients, as well as reducing costs for taxpayers, including future retirement obligations. Subject to HIPAA and other limitations on the disclosure on protected patient data, these contracts do not reduce transparency. While the Grand Jury was unable to obtain a tour of the facility, we understand that may have been a communication issue rather than a formal denial of access. As noted in the report, the County did provide the grand jury a floor plan.

Recommendations

R1. The County Health Services Agency and the County’s five law enforcement agencies should create a plan to make mental health liaisons available to respond to 9-1-1 EDP calls at all hours in all jurisdictions. (F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Response explanation, summary, and timeframe:

While having a team of round-the-clock mental health liaisons operating in all jurisdictions within the County is an admirable goal, we believe the skillful application of existing resources to their best possible use, receptivity to continuous quality improvement, and actively seeking new funding opportunities and programs are sufficient to address the mental health and public safety needs of the community. Responsible stewardship of County resources is one of the primary obligations of the Board of Supervisors.

The County values our partnerships with local law enforcement agencies, and we have worked closely together to address the very significant and difficult issues raised by the Grand Jury. Based on Sheriff's Office data supplied to the Health Services Agency, very few EDP calls are currently received overnight. We will continue to make data-driven staffing decisions in conjunction with our partners, and should the need for reevaluation occur, we will do so.

R2. The County Health Services Agency and the County’s five law enforcement agencies should create a plan to make MERT available to respond to 9-1-1 EDP calls at all hours in all jurisdictions. (F3-F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The County has in place existing agreements allowing MERT units to co-respond to calls alongside public safety officers in Scotts Valley and Capitola once a scene has been secured. However, we have no plans to increase staffing or implement policy changes allowing MERT teams to respond to calls in all jurisdictions and at all hours.

Because law enforcement liaisons require a higher degree of training (including hostage negotiations, the use of personal protective equipment such as bullet proof vests, and more) the program has not proven to be a perfect fit for all partners, particularly in smaller cities with fewer resources and fewer EDP 9-1-1 calls. In those cases, the County has agreements in place making MERT units available.

However, for reasons discussed above and below, the County does not plan to expand the MERT program nor implement changes allowing them to serve as primary responders to EDP 9-1-1 calls.

R3. The County Health Services Agency, the County's five law enforcement agencies, and Santa Cruz Regional 9-1-1 should develop a dispatch plan that classifies 9-1-1 EDP calls as threatening (the subject presents a danger to others) or nonthreatening (the subject does not present a danger to others). (F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

While it may be possible to identify EDP 9-1-1 calls as threatening based on caller information, the Board is highly concerned about the welfare of County staff and would be reluctant to classify calls as non-threatening based on information provided by callers involved in highly emotional situations. At this time, we are unwilling to substitute a dispatch plan for the judgments and expertise of public safety officers.

The Board wishes to stress that mentally ill persons do not exhibit aggressive tendencies at rates greater than the population as a whole, and in fact are 10 times more likely to be victims of a violent crime than the general population. (See <https://www.mentalhealth.gov/basics/mental-health-myths-facts>).

However, the Board feels that if a situation has escalated to a point that a member of the public feels the need to call 9-1-1, the initial responders in all situations should be public safety officers. Following an on-scene assessment, the County is more than happy to make the full range of County mental health services available to the parties involved.

The County has walk-in crisis services available at our Emeline Clinic, as well as 24-hour access to psychiatric services at the Behavioral Health Unit. The MERT and law enforcement mental health liaisons augment these services in the field. The Sheriff's Office has also taken the lead on Crisis Intervention Training for local law enforcement agencies to help protect both the public and law enforcement officers and improve outcomes for all involved.

R4. Santa Cruz Regional 9-1-1 should dispatch MERT with a law enforcement liaison in response to non-threatening 9-1-1 EDP calls. (F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

Following initial on-scene assessments by public safety officers and law enforcement liaisons, MERT teams are available to respond. The Board does not believe those teams should be co-dispatched, particularly when a mental health liaison is available.

R5. The County should conduct a compliance audit of the Telecare facility to investigate the allegations in the NAMI Santa Cruz task force report, post the results of the investigation on the Health Services Agency website, and recommend appropriate changes to performance specifications in any future contract. (F6)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe
(not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Health Services Agency previously met with Telecare and NAMI Santa Cruz to discuss the allegations in the task force report. HSA and Telecare developed a set of recommendations and have implemented most of them, and consider nearly every one resolved. The task force report and resulting discussions were seriously addressed by Telecare and included the participation of their president and medical director. The task force report has resulted in improvements such as additional on-site lab services and workforce enhancements.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**



Santa Cruz County CA

Approved
Aug 7, 2018 9:00 AM

Agenda Item DOC-2018-662

Approve proposed Board of Supervisors and Health Services Agency responses to findings and recommendations of the 2017-18 Santa Cruz County Civil Grand Jury report, "Mental Health Crisis: Seeking an Integrated Response" and accept and file the Sheriff-Coroner response to the same report, as recommended by the County Administrative Officer

Information

Department:

County Administrative
Office

Sponsors:

County Administrative
Officer Carlos J. Palacios

Attachments

[Board Memo](#)

[Grand Jury Report: Mental Health Crisis - Seeking an Integrated Response](#)

[Mental Health Crisis - BOS Response](#)

[Mental Health Crisis - HSA Response](#)

[Mental Health Crisis - Sheriff Response](#)

[\(Upload New Attachment\)](#)

Board Letter

Recommended Action(s):

- 1) Approve the attached Board of Supervisors and Health Services Agency responses to the findings and recommendations in the 2017-2018 Grand Jury report, "Mental Health Crisis: Seeking an Integrated Response," and request the Chairperson to forward the responses to the Presiding Judge with a copy to the Grand Jury; and
- 2) Accept and file the attached Sheriff-Coroner response to the findings and recommendations in the 2017-2018 Grand Jury report, "Mental Health Crisis: Seeking an Integrated Response," and request the Chairperson to forward the responses to the Presiding Judge with a copy to the Grand Jury.

Executive Summary

Attached for the Board's approval is a proposed Board of Supervisors response to the findings and recommendations contained in the 2017-2018 Santa Cruz County Civil Grand Jury report titled, "Mental Health Crisis: Seeking an Integrated Response". A proposed Health Services Agency response and the Sheriff-Coroner response to the report are also attached.

Background

The Grand Jury is an independent body under the jurisdiction of the Superior Court of California, County of Santa Cruz, with primary responsibilities to perform an oversight function for local governments, initiate investigations, serve as ombudsman for citizens, and publish investigative findings and recommendations to improve governmental operations. According to Sections 25253 and 27100 of the Government Code, all County funds and Special District funds under the Board of Supervisors are subject to annual audit by the Grand Jury. The Auditor-Controller-Treasurer-Tax Collector's budget provides for a contract with an independent audit service for this purpose. On May

17, 2018, the Grand Jury released the attached report titled, "Mental Health Crisis: Seeking an Integrated Response".

The Grand Jury has required responses from the Santa Cruz County Board of Supervisors and the County Sheriff-Coroner and requested responses from the Health Services Agency in addition to other local jurisdictions as detailed in the linked report. The Grand Jury has requested that the Board respond no later than August 15, 2018.

Analysis

The Grand Jury report is organized into findings and recommendations. Agencies named in the reports are provided with response packets that allow for the subject agencies to respond accordingly and provide explanation for the response. With the Board's approval, the attached Board of Supervisors and Health Services Agency responses to the findings and recommendations in the 2017-2018 Grand Jury report, "Mental Health Crisis: Seeking an Integrated Response," will be forwarded to the Presiding Judge of the Superior Court of California, County of Santa Cruz, with a copy to the Grand Jury. As an elected official, the Sheriff-Coroner response is independent but included for coordination purposes and ease of reference.

Body

Strategic Plan Element:

1.D (Comprehensive Health & Safety: Behavioral Health) - An integrated response to community behavioral health needs directly aligns with the Behavioral Health goal of supporting residents and lessening community impacts through increased access to integrated mental health, substance use disorder and health care services.

Meeting History

Aug 7, 2018 9:00 AM Video	Board of Supervisors	Regular Meeting	 Draft
Caput voted "no" on this item			
RESULT:	APPROVED [4 TO 1]		
MOVER:	John Leopold, First District Supervisor		
SECONDER:	Ryan Coonerty, Vice Chair, Third District Supervisor		
AYES:	John Leopold, Zach Friend, Ryan Coonerty, Bruce McPherson		
NAYS:	Greg Caput		

Discussion

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