



MONTEREY COUNTY, CALIFORNIA
SHERIFF'S OFFICE
Keeping the peace since 1850

Tina M. Nieto
Sheriff-Coroner

June 14, 2024

Honorable, Stephanie Hulsey
Judge of the Superior Court
c/o Office of the County Counsel
Attention: Sandra Ontiveros
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

RE: Response by Sheriff-Coroner Tina M. Nieto to the 2023-2024 Civil Grand Jury Report Entitled, "Monterey County's Response to Community Members Experiencing a Mental Health Crisis"

Honorable Judge Hulsey,

This letter will serve as my response to the findings and recommendations of the Civil Grand Jury in my official capacity as the Sheriff-Coroner of Monterey County.

INTRODUCTION

On April 5, 2024, the Monterey County Civil Grand Jury (CGJ) released a report titled. "Monterey County's Response to Community Members Experiencing a Mental Health Crisis." While this report is informative, and identified some areas for improvement, I believe that the report falls short of identifying the actual scope of the problem facing law enforcement in Monterey County and the actions that are actually being taken to support our community members who are suffering from mental health issues, while at the same time, protecting the communities that we serve.

BACKGROUND

The issues involving subjects who are in crisis have significantly changed the conversation regarding the treatment of persons suffering from mental health issues across the nation and within the State of California. This includes the County of Monterey. We have seen how these issues have resulted in an increase in homelessness as well as increases in the use and abuse of drugs and alcohol among community members who are self-medicating as a means of coping with untreated or undertreated mental health issues.

The result of the lack of resources has resulted in law enforcement becoming the de facto mental health service provider for our nation. The top three locations housing the mentally ill are Rikers Island Prison in New York, Los Angeles Twin Towers County Jail, and Cook County Jail in Chicago.

The five state hospitals within the California Department of State Hospitals (DSH) have beds for 6,398 patients; 90 percent of whom have been placed there on forensic commitments.¹ (By comparison, the Los Angeles County Sheriff reports that on any given day, they have 10,000 patients who suffer from extreme mental health issues, who have either been convicted of crimes or are awaiting trial) In addition to forensic commitments, DSH treats patients who

¹ These patients are sent to DSH through the criminal court system and have committed or have been accused of committing crimes linked to their mental illness.

have been classified by a judge or jury as Sexually Violent Predators. They are committed to DSH for treatment until a judge deems, they are no longer a threat to the community.²

On any given day, the Monterey County Sheriff Office (MCSO) has 894 inmates in our custody who are either been convicted of crimes, or are awaiting trial. On a monthly average, 488 Incarcerated Persons (IP) are treated for chronic mental health issues while in custody, 292 of whom are on psychiatric medications, costing an average of \$16,300 dollars per month in psychiatric medications alone.

It was also noted that the number of calls for service involving the those in mental health crisis identified in the CGJ was not accurate. A review of the Computer Assisted Dispatch (CAD) showed that the MCSO responded to 337 mental health crisis calls in 2023, and an additional 1,532 calls classified as “Welfare Checks.”³ Of these calls for service 313 individuals were placed on involuntary mental health holds in accordance with Welfare and Institutions Code, Section 5150 (5150) in 2022, and 238 in 2023, a vastly higher number than those listed in the CGJ report.

CRISIS INTERVENTION AND DE-ESCALATION TRAINING

The Crisis Intervention Team (CIT) Training programs have evolved since the development of the “Memphis Model” in 1988. The CIT model is a course focused on helping to de-escalate persons in mental health crisis, and over the years, the term CIT training, Crisis Intervention training and De-escalation training have been used synonymously. In fact, the term Crisis Intervention Team (CIT) Training is actually copywritten by CIT International and only those courses that are actually approved by CIT International can call themselves CIT. A check of the California Police Officer Standards and Training (POST) catalog identifies that there are not any CIT courses currently being offered in Monterey County. However, there are a number of Crisis Intervention and De-escalation courses offered throughout the state including a course titled “*Law Enforcement Response to Developmentally Disabled and Mentally Ill (Course # 23293)*” which is offered by the South Bay Regional Training Consortium and co-taught by the Monterey County Behavioral Health, which is apparently the course referred to in the CGJ report.

California Commission on Peace Officer Standards and Training (POST) has recognized the need for training in De-escalation and has incorporated this training into many facets of law enforcement training to ensure that it is addressed. For example, POST requires 24-hours of Continuing Professional Training (CPT) and 24-hours of Perishable Skills Program (PSP) courses every 24 months. PSP courses are those that require an additional focus because they involve perishable skills that need refresher courses more regularly than CPT courses, which can be a one-time course (i.e. Homicide School, Detective Course, etc.) These PSP courses include Use of Force, Firearms, Driver Training, Arrest and Control, and Strategic Communications (De-escalation). Of these mandated courses, Use of Force, Firearms, Arrest and Control, and Strategic Communications each have de-escalation as part of the lesson plans.⁴ These courses and those that focused on de-escalation were identified during the Training Needs Assessment completed in March 2023 and were emphasized as part of the 2023 Training Plan completed in August 2023.

² These patients have served prison sentences for committing crimes enumerated under the Sexually Violent Predator Act (*Welfare and Inst. Code Sections 6600 et. al.*).

³ “Welfare Checks” are generally calls for service from doctors, nurses, licensed clinical social workers, family members, and even Monterey County Behavioral Health, to identify calls involving subject in mental health crisis who are generally suicidal or posing a threat to the community members where a law enforcement response is appropriate.

⁴ Those officers/deputies who graduate from a POST approved Basic Officer Course during the Training Cycle are exempt from additional PSP requirements during that training cycle, because these are mandated as part of the Basis Course.

In the current POST Training Cycle (January 1, 2023-December 31, 2024) of the 287 sworn personnel required to maintain the CPT and PSP training, 171 (79.9%) have completed all of the PSP requirements except the Use of Force segment, which is already scheduled to take place over the next four months. The remaining 45 have completed all POST required training for this Training Cycle, bringing that number to over 85% of the MCSO being in or close to compliance.

A review of the Training files revealed that 138 of the deputies in the MCSO have taken a Crisis Intervention training, most of which were not the course offered by MCBH due to unavailability of the classes. This brings the percentage of MCSO deputies who have taken a Crisis Intervention Course to 48%, a number that I agree is far too low.⁵

FINDINGS AND RECOMMENDATIONS

Finding 1: In 2022, there were 662 sworn officers in Monterey County. Those without the 40-hour CIT training, offered twice a year for 35 first responders per session, are unlikely to be as effective at responding to people in crisis, leading to potentially dangerous outcomes for officers and community members.

Response: Agree.

Finding 3: The Mapping Project found no formal collaboration exists among the various entities that respond to people with mental health difficulties who are in crisis. A case-by-case response is not a consistent or effective strategy and does not serve the community well.

Response: Agree.

Finding 4: SPD and MCSO have not prepared annual training needs and assessments as required by their internal policies. Consequently, their training plans are out of date leaving officer and deputies less equipped/prepared to respond to crisis calls for service and putting themselves and the public at risk.

Response: Disagree. As mentioned above, when I took office in January 2023, we conducted a thorough Training Needs Assessment and identified several areas for improvement. These were incorporated into our Annual Training Plan, dated August 2023.

⁵ It should also be noted that the conclusion made by the CGJ that “since only 35-40 participants are accepted into the CIT training offered once or twice a year, it is unlikely that all 662 officers have received this training” may be flawed. It would be more accurate if the MCBH course was the only course offered that law enforcement could attend to get this training, but it is not. The current POST Catalog identifies courses in a variety of sessions in 8, 16, 24, 32, 37, and 40-hour formats offered in Santa Clara, Fresno, San Luis Obispo, and Kern County in addition to online courses that are available to law enforcement personnel, all of which are POST approved and most qualify meet the minimum 2-hour PSP requirement for Strategic Communications (De-escalation).

Finding 5: Current standards, policies, practices, operating procedures, and education and training materials are not conspicuously posted on either SPD or MCSO websites causing them to be out of compliance with California Senate Bill 978 and making it more difficult for the public to obtain such information.

Response: Agree.

Recommendation 1: Monterey County Department of Behavioral Health develop a POST-certified, abbreviated in-service training course on CIT by December 31, 2024, designed for law enforcement officers who have not taken the 40-hour course to be facilitated annually by Field Training Officers.

Response: This recommendation requires further analysis. I agree with this recommendation in part as while the MCBH is a valuable partner in helping to provide training and can help to develop law enforcement-based classes, I believe the MCSO is in a better position to develop, update, and maintain these classes. The MCSO is currently in the process of getting POST approval for an 8-hour Crisis Intervention course for use by not only the MCSO, but other law enforcement partners within the region. It is anticipated that this course will be approved by POST in the next course approval cycle beginning July 1, 2024 and available for training classes to begin in advance of December 31, 2024. As a partner in this process, we have reached out to MCBH for input and expertise in preparing this course.

Recommendation 3: Monterey County appoint a liaison to establish regular meetings among entities such as MCBH, LEAs, 911 dispatchers, hospital ER staff, and relevant nonprofit service providers that respond to individuals with mental health difficulties by July 31, 2024.

Response: This recommendation has not yet been implemented but will be implemented in the future. I support this recommendation and am willing to work with other agencies and entities to create a more collaborative response to persons experiencing a mental health crisis. A liaison within the Sheriff's Office will be designated in advance of July 31, 2024, to work with the parties noted in the Grand Jury's recommendation.

Recommendation 4: The Salinas Police Chief and the Monterey County Sheriff prioritize the completion of an annual training needs assessment and plan by no later than July 31, 2024, and by the end of each fiscal year thereafter.

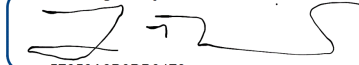
Response: This recommendation has been implemented and in fact was in place in advance of the Civil Grand Jury report. As mentioned above, when I took office in January 2023, we conducted a thorough Training Needs Assessment and identified several areas for improvement. These were incorporated into our Annual Training Plan, dated August 2023.

Recommendation 5: The Salinas Police Department and Monterey County Sheriff's Office conspicuously post all current standards, policies, practices, operating procedures, and education and training materials to their websites by June 30, 2024.

Response: This recommendation has been implemented. The MCSO website currently has our Standards, Policies, Practices, and Operating Procedures posted on our website. It should be noted that this is a continual and ongoing

process as new legislation and case laws are constantly changing resulting in regular modification to these policies and procedures. The MCSO currently has nine courses that are approved by POST that are being used for instruction. These have been added to our website and are currently available to the public.

Respectfully submitted,

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Tina M. Nieto
Sheriff-Coroner

Cc: Sonia De La Rosa, County Administrative Officer
Nick Chiulos, Assistant County Administrative Officer
County of Monterey Board of Supervisors