



Santa Cruz County
Grand Jury

Grand Jury <grandjury@scgrandjury.org>

Health Services Agency Response

1 message

Erik Riera <Erik.Riera@santacruzcounty.us>
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Tue, Jul 10, 2018 at 8:26 AM

To the Santa Cruz County Grand Jury;

Attached, please find the responses from the Health Services Agency in regards to the recent recommendations, "Mental Health Crisis: Seeking an Integrated Response".

On behalf of the Health Services Agency, we appreciate the time the Grand Jury spent with our staff reviewing these issues and formulating your recommendations for our consideration.

Sincerely;

Erik G. Riera

Director, Behavioral Health

County of Santa Cruz, Health Services Agency

1400 Emeline Avenue

Santa Cruz, CA 95060

(831) 454-4515

Health Services Agency Response to Grand Jury Report Junly 2018.pdf
1628K



County of Santa Cruz

**HEALTH SERVICES AGENCY
BEHAVIORAL HEALTH**

1400 EMELINE AVENUE Santa Cruz, CA 95060
(831) 454-4170 FAX: (831) 454-4663 TDD: (800) 523-1786

Behavioral Health Director's Office

Erik G. Riera, Director

July 6, 2018

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

Dear Judge Gallagher;

Enclosed, please find the response to the Grand Jury Report, "Seeking an Integrated Response" on behalf of the Health Services Agency. We wish to express our appreciation to the Grand Jury for their work in analyzing these issues in the community and formulating a set of recommendations for consideration.

Sincerely;

A handwritten signature in blue ink, appearing to read "Erik Riera".

Erik G. Riera
Behavioral Health Director



RE: HSA Director Response to Grand Jury Findings and Recommendations

1 message

Erik Riera <Erik.Riera@santacruzcounty.us>
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Tue, Oct 30, 2018 at 10:12 AM

Dear Grand Jury,

Attached, please find a revised response packet from the Health Services Agency.

Sincerely;

Erik G. Riera

Director, Behavioral Health

County of Santa Cruz, Health Services Agency

1400 Emeline Avenue

Santa Cruz, CA 95060

(831) 454-4515

 **Grand Jury Report Response SIP Revised October 2018.docx**
100K

On Mon, Oct 22, 2018 at 12:46 PM, Erik Riera <Erik.Riera@santacruzcounty.us> wrote:

Hi,

I reviewed the packet and our responses and it looks like we responded to some additional findings and recommendations.

I am fine including just the required responses to the packet sent to us for our requested formal response.

Sincerely;

Erik G. Riera

Director, Behavioral Health

County of Santa Cruz, Health Services Agency

1400 Emeline Avenue

Santa Cruz, CA 95060

(831) 454-4515



**The 2017–2018 Santa Cruz County Civil Grand Jury
Requires that the
Santa Cruz County Health Services Agency
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:

___N/A___

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

F1. The 24-hour Crisis Intervention Training Course has given law enforcement responders additional tools for dealing with people in crisis, resulting in less use of force.

- AGREE (*with clarification)**
- PARTIALLY DISAGREE** – explain the disputed portion
- DISAGREE** – explain why

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

We agree that the Crisis Intervention Training Course (CIT) which is modeled after a national Evidence Based model originally developed in Memphis TN has given law enforcement additional tools for dealing with individuals in crisis, we are not able to determine if that training has resulted in less use of force.

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**):

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

AGREE (*with clarification)

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

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

We agree that the MERT is not accessible through 9-1-1, but do not consider dispatching law enforcement to a 9-1-1 call to be an overuse of law enforcement. As an organization, we continue to encourage any member of the public who has immediate concerns about a public safety issue to call 9-1-1, even if they are unsure whether or not it rises to the level of an emergency. Although following a response from law enforcement may determine the call did not rise to a level of an imminent threat or an emergency, we would not consider those calls an overuse of public safety resources. We depend on the skills of the law enforcement officer to make an appropriate assessment of the situation in the field, and use their training and experience to determine the appropriate next steps.

As we will discuss later, the proposed model of differentiating threats based on a mental health-related 9-1-1 phone call, particularly one from family or loved ones in obvious distress, is very difficult. A law enforcement officer being dispatched to the scene to make a further determination of what is needed is in our opinion an appropriate use of those resources.

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 to aspire to, sufficient funds to implement and sustain such a comprehensive effort do not exist at this time. Responsible stewardship of County resources is one of the primary obligations of the County and existing resources are being applied strategically to their best possible use to address the diverse and increasingly complex demands on our system today.

The County greatly values our partnerships with local law enforcement agencies and local municipalities, 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 commit to 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 the cities of Scotts Valley and Capitola once a scene has been secured. However, we have no plans at this time 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 negotiation, 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 the MERT team available.

In addition, the Crisis Stabilization Program operates 24-hours a day, 7-days per week, and is a site that any local law enforcement agency can bring an individual for evaluation and disposition planning.

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 is likely possible to identify EDP 9-1-1 calls as threatening based on caller information, and 9-1-1 dispatchers do provide that information to first responders, the County 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 County reiterates its position, which has been consistently supported by national research, 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 County feels that if a situation has escalated to a decision on the part of one of the parties involved 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, Crisis Stabilization Program. 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.

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. The County, NAMI and Telecare continue to meet on a quarterly basis.

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.**