

EL DORADO COUNTY GRAND JURY 2019-2020



POLICING THOSE WITH BEHAVIORAL HEALTH ISSUES

CASE 19-04 • MAY 1, 2020

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POLICING THOSE WITH BEHAVIORAL HEALTH ISSUES A CHALLENGE FOR COUNTY LAW ENFORCEMENT

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SUMMARY

This investigation explored the adequacy of police training related to interacting with the mentally ill, specific law enforcement patrol measures in place to support policing the mentally ill, and the operations in our jails pertaining to the mentally ill. The universally recognized standard for police training concerning the mentally ill is Crisis Intervention Training (CIT). While not mandated by the Commission on Police Officer Standards and Training (POST), the El Dorado County Sheriff and Placerville Police provide its deputies and officers with *Continuing Professional Crisis Intervention Training*. South Lake Tahoe provided no documentation to the Grand Jury to support the premise they provided their officers with *Continuing Professional Crisis Intervention Training*.

The Sheriff's Office has established two innovative and effective programs for dealing with persons with behavioral health issues; the Homeless Outreach Team (HOT), and in conjunction with the County Health and Human Services Agency, the Psychiatric Emergency Response Team (PERT). The City of Placerville participates in the HOT. Neither Placerville nor South Lake Tahoe participate in PERT. County Jails' mental health screening and evaluations exceed standards established by the National Commission on Correctional Health Care. While much is being done in the county to deal with police interaction with the mentally ill, there are areas where improvement can be made.

BACKGROUND

Deinstitutionalization is the release of individuals with mental illness from institutional care into the community. The move toward deinstitutionalization is one of the most significant impacts to Law Enforcement operations in modern history. Starting in the 1960s, and continuing throughout the 1980's, an exodus of the mentally ill into the community was supported by Presidents Kennedy and Reagan. Deinstitutionalization was fueled by the belief that involuntary institutionalization of the mentally ill led to abuse, neglect and mistreatment, and that the mentally ill would be better treated in community-based programs.

Consequently, California's closure of state-run mental health facilities led to the release of the mentally ill into the communities. Unfortunately, significant deficiencies in community-based programs to support the mentally ill resulted in jails and prisons becoming substitutes for mental health facilities. Alarmed by the increased number of inmates in our jails and prisons, the California Legislature and voters subsequently passed laws significantly reducing the state inmate population. The mentally ill were again back in our communities resulting in a sharp rise in the homeless population. With community-based programs still lacking, it fell to the police to take responsibility for the mentally ill.

The police frequently find themselves as first responders to calls concerning individuals experiencing a mental health crisis. There might be criminal activity, erratic behavior or threats to harm one's self or others. These calls often take more time than other calls for service, requiring officers to have special training and skills that might also involve violent situations.

There are three police entities in El Dorado County - the El Dorado County Sheriff and Placerville and South Lake Tahoe Police Departments. All perform patrol functions that bring officers in contact with persons suffering with mental illness. The County Sheriff is also responsible for the operation of the County Jail, which has its own unique issues relating to the mentally ill. This investigation explored the adequacy of police training related to interacting with the mentally ill, specific law enforcement patrol measures in place to support policing of the mentally ill, and the operations in our jails pertaining to the mentally ill.

METHODOLOGY

DOCUMENT REVIEW

- Mountain Democrat 2019 article on the County Psychiatric Response Team
- National Commission on Correctional Health Care Website
- October 3, 2015 California Senate Bill 11, *Police Officer Training: mental health*
- *Wellpath* El Dorado County Jail intake *Receiving Screening* form
- County Jail Intake *Brief Jail Mental Health Screen* form

WEBSITE REVIEW

- Various websites pertaining to policing the mentally ill and deinstitutionalization
- Crisis Intervention Training (CIT) websites
- County Behavioral Health/Mental Health Service Act
- County Sheriff's Office

INTERVIEWS

- Numerous representatives from the El Dorado County Sheriff's Office
- Representatives from the Placerville and South Lake Tahoe Police Departments
- A *Wellpath* employee from the Placerville County Jail
- A representative from County Health and Human Services Agency (HHSA)

DISCUSSION

Training

The universally recognized standard for police training concerning the mentally ill is Crisis Intervention Training (CIT). CIT was first developed in Memphis, Tennessee in the aftermath of a police shooting of a mentally ill suspect. CIT provides police officers training to effectively respond to citizens experiencing a behavioral crisis. The training encompasses crisis resolution skills, de-escalation, available community-based services, medication and side effects, suicide prevention and interacting with individuals with multiple disorders. CIT courses of 8, 12, 16, 24, 32 and 40 hour durations are offered throughout the state.

In 2013, Governor Brown signed Senate Bill 11 into law. It mandated that the Commission on Police Officer Standards and Training (POST) basic course include a minimum of 15 hours of training related to responding to persons with mental illness. All law enforcement professionals interviewed considered this training more of an overview, and not sufficient to fully prepare officers for dealing with persons having behavioral health issues. All three law enforcement agencies in El Dorado County participate in POST. POST also requires 24 hours of *Continuing Professional Training and Perishable Skills/Communication Training* every 2 year cycle. It also requires *Refresher Training* in numerous areas on 1, 2 or 5 year cycles depending on the topic. Post does not mandate CIT in either training.

All interviewees considered CIT an important and perishable skill. Placerville Police Department and the County Sheriff send their officers/deputies to post-academy CIT as a form of voluntary *Continuing Professional Training and Perishable Skills/Communication Training*. All Placerville police department officers, except one, have attended some level of post academy CIT. The remaining officer was scheduled to attend in March 2020. The El Dorado County Sheriff's Office reported 101 of their sworn staff have attended post-academy CIT. While staffing fluctuates, in November 2019 operations sworn staff was 134 personnel. They have also developed an in-house 40 hour CIT course, which has not yet been implemented. In both departments, there is a wide variance in the type (hours) of courses their personnel have attended. It appears courses selected for attendance are based on availability rather than content. None of these departments have set a course hours standard for their post-academy CIT, either in hours or frequency of attendance. South Lake Tahoe provided no documentation to the Grand Jury to support the premise they provided their officers with any *Continuing Professional Crisis Intervention Training*.

Patrol Measures · Homeless Outreach Team (HOT)

El Dorado County HOT is a combined team of sheriff deputies and Placerville police officers. It services Placerville and the entire unincorporated portion of the county including the Tahoe Basin. The South Lake Tahoe Police Department does not participate in HOT. The primary goal is to find permanent housing for those homeless willing to help themselves and connects the homeless with local services for which they qualify. Since the inception of HOT in 2016, over 140 homeless individuals have been housed.

Sixty-eight percent of the active homeless population in the county admit to substance abuse and thirty-six percent admit to mental health issues. Professionals interviewed informed the Grand Jury this number is probably under reported. HOT reports they have consistently seen a correlation between untreated mental health issues and substance abuse.

HOT's success stems from identifying homeless individuals who are willing to help themselves, and persistently following or monitoring those individuals to insure they receive the available services they require, such as substance abuse counselling. Ultimately, HOT aims to bring them to a point where they can be placed in available housing to provide an increased chance of successful transition from homelessness. Driving individuals to appointments, to the DMV to obtain identification or the Social Security Office to obtain a Social Security Card are examples of what HOT does to assist the homeless move into a more stable environment.

The homeless population is not stationary. Individuals frequently move from unincorporated areas of the county into cities and back. There is a synergistic effect when the County and Placerville work together on homeless issues. Placerville Representatives recognize the benefit of participating in HOT when it brings county and other resources into the city where they are needed.

The Grand Jury believes South Lake Tahoe would receive the same benefits by participation in HOT.

A recent innovation is the HOT trailer which has computers, heat and air conditioning, and provides privacy for HHSA clinicians conducting individual needs assessments and services for homeless. When set up in either Placerville or in an unincorporated area of the county, it is surrounded by other providers of homeless services such as providing flu shots, haircuts, assistance with Social Security and other county services offering important information and assistance homeless participants can receive.

Patrol Measures · Psychiatric Emergency Response Team (PERT)

PERT is a community-based outreach program funded by the State of California Mental Health Service Act (MHSA) and administered by the Behavioral Health Division of the County HHS. The El Dorado County Board of Supervisors approved its continuation in June 2019. In the El Dorado County Fiscal Year 2019-2020 Mental Health Services Act Annual Update the HHS described PERT:

The Psychiatric Emergency Response Team (PERT) is a collaboration between the El Dorado County Sheriff's Office and Behavioral Health on the West Slope. A Behavioral Health Clinician is partnered with a Crisis Intervention Trained Deputy to provide mobile crisis response services when requested by central law enforcement dispatch. PERT carefully evaluates each situation, assesses the mental health of each individual, and provides individualized intervention in the field. PERT also follows-up individuals to increase stabilization and reduce barriers to accessing Behavioral Health services.

Representatives from the El Dorado County Sheriff's Office told the Grand Jury that PERT's benefits to the department and the community have "*exceeded expectations*". When PERT responds to a call for service, it frees up the initial responding deputy to go back on patrol. Without PERT, when a deputy responds to a call with possible behavioral health issues, there is a good chance the deputy, who is not qualified to do a mental health assessment, would be obligated to transport the individual to the hospital where a mental health assessment could be conducted. This would often tie up the deputy for hours. With PERT, a mental health assessment can be conducted in the field by the Behavioral Health Clinician. This has significantly reduced the need to transport individuals to the hospital, reducing the impact upon hospital emergency rooms and keeping individuals out of law enforcement channels. HHS reported that prior to PERT, the emergency room at Marshall hospital would see 80-120 people a month for a perceived mental health crisis. HHS estimated that sixty-five percent of those individuals did not require such a hold.

The Grand Jury confirmed with HHS that Placerville and South Lake Tahoe do not participate in PERT. The Fiscal Year 2019-2020 MHSA Annual Update reports; "*At this time, PERT is funded only on the West Slope. However, MHSA will continue to evaluate expansion needs.*"

Individuals knowledgeable in PERT suggested to the Grand Jury that expansion of PERT to three teams in the county would be desirable. Multiple sources agreed the limited number of calls for service in the Tahoe Basin do not justify a dedicated PERT. However, that justification may exist if PERT was expanded into South Lake Tahoe. Two teams dedicated to the West Slope would allow expansion of the days and hours PERT would be available for dispatch to call upon.

Jail Operations

The *Health Insurance Portability and Accountability Act* (HIPAA) requires healthcare providers to comply with privacy and security regulations as it pertains to their clients. Healthcare professionals in our jails are not exempt from HIPAA. According to the El Dorado County Sheriff's Office HIPAA does not preclude constructive communication between families of inmates who suffer from mental illness and the jails in our county. The Sheriff's office website contains a five-page document, *Mental Illness Arrests*, that provides a step-by-step guide "...to help families cope

with the criminal justice system in El Dorado County when a family member who suffers from a brain disorder (mental illness) is arrested". It asks families to provide specific information such as the family member's diagnosis, psychiatrist's name, phone number and address, prescribed medications, past history of suicide attempts or other violent intentions and any other urgent medical conditions that may require immediate attention. HIPPA restricts information that jail healthcare providers can pass to inmate family members, which is sometimes frustrating. However, it does not restrict family members from providing information to assist in the jail's assessment of an inmate.

In the early 1970's an American Medical Association (AMA) study of jails found a lack of national standards and disorganized health services in jails. The AMA established the National Commission on Correctional Health Care (NCCHC) as an independent, not-for-profit organization to evaluate and develop healthcare policy and programs for correctional facilities. The NCCHC has developed mental health screening and evaluations standards for correctional facilities. It prescribes that within 14 days, all inmates must receive an initial mental health screening conducted by qualified mental health professionals. It further states that this standard can be accomplished by specially trained nursing staff during intake into the facility that would fulfill the "*initial mental health screening within 14 days*" requirement. If this screening reveals or verifies mental health problems, the inmate must be referred to a psychiatrist, psychologist, psychiatric nurse, or psychiatric social worker for further evaluation.

Medical services in both El Dorado County jails is provided under contract by *Wellpath*, a private company, that provides medical and behavioral health care to inmates. In both jails, *Wellpath* has a robust staff of licensed vocational nurses, registered nurses, psychologists, psychiatrists and licensed clinical social workers. *Wellpath* has the ability to temporally move its personnel between the Placerville and South Lake Tahoe jails should the need arise.

Immediately upon intake into county jails, all inmates receive two mental health screenings which are conducted 24 hours a day, 7 days a week as needed. A correctional officer conducts one assessment using a mental health-screening document and asks specific questions relating to an inmate's possible mental health issues. A second screening also conducted 24 hours a day, 7 days a week, is conducted by a *Wellpath* licensed vocational nurse using an 8-page intake receiving screening form that is much more detailed than the screen conducted by the correctional officer. At the conclusion of the *Wellpath* screen, an on-duty or on-call *Wellpath* registered nurse reviews the results. If either of these screens identify a possible mental health concern, the inmate is taken to a hospital emergency room for further evaluation by a mental health clinician. After evaluation and a determination that the inmate can be returned to the jail, a safety plan is established. The inmate is returned to the jail and most probably placed in a *safety cell* specifically designed for individuals with behavioral health issues. If a determination is made that the inmate cannot be safely returned to the jail, arrangements are made for placement in a medical facility to stabilize the patient. He/she can later be returned to the jail.

Inmates are seen and evaluated by a licensed clinical social worker by at least day 7 and again by day 14. If on medication for behavioral health problems, the inmate is seen every 30 days, at a minimum, by a psychiatrist. Additionally, Psychiatrists and Psychologists are available for sessions with inmates on an as needed basis.

FINDINGS

EL DORADO COUNTY SHERIFF'S OFFICE

- F1. While not mandated by POST, the Sheriff's Office provides its deputies with *Continuing Professional Training* in Crisis Intervention Training.
- F2. The Sheriff's Office has not established an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours or for *Refresher Training* Crisis Intervention Training.
- F3. The Sheriff's Office has established innovative and effective programs for dealing with persons with behavioral health issues.
- F4. County Jails' mental health screening and evaluations exceed standards established by the National Commission on Correctional Health Care.

PLACERVILLE

- F5. While not mandated by POST, the Placerville Police Department provides its officers with *Continuing Professional Training* in Crisis Intervention Training.
- F6. The Placerville Police Department has not established an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours or for *Refresher Training* Crisis Intervention Training.
- F7. The Placerville Police Department participates in HOT and does not participate in PERT.

SOUTH LAKE TAHOE

- F8. While not mandated by POST, the South Lake Tahoe Police Department does not provide its officers with *Continuing Professional Training* in Crisis Intervention Training.
- F9. The South Lake Tahoe Police Department has not established an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours or *Refresher Training* Crisis Intervention Training.
- F10. The South Lake Tahoe Police Department does not participate in HOT or PERT.

COUNTY HEALTH AND HUMAN SERVICES AGENCY

- F11. While PERT is funded only on the West Slope the MHSA Project Team has stated they will continue to evaluate PERT expansion needs.

RECOMMENDATIONS

EL DORADO COUNTY SHERIFF'S OFFICE

- R1. The Sheriff's Office should establish an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours and *Refresher Training* Crisis Intervention Training.
- R2. The County Sheriff's Office should explore the expansion of HOT into the City of South Lake Tahoe Police Department.

PLACERVILLE

- R3. The Placerville Police Department should establish an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours and *Refresher Training* Crisis Intervention Training.
- R4. Expansion of PERT into the Placerville Police Department should be explored with the County Health and Human Services Agency.

SOUTH LAKE TAHOE

- R5. The South Lake Tahoe Police Department should establish an internal standard for *Continuing Professional Training* for Crisis Intervention Training course hours and *Refresher Training* Crisis Intervention Training and have their officers attend such training.
- R6. The South Lake Tahoe Police Department should explore with the County Health and Human Services Agency, the expansion of PERT into the City.
- R7. Expansion of HOT into the South Lake Tahoe Police Department should be explored with the County Sheriff's Office.

COUNTY HEALTH AND HUMAN SERVICES AGENCY

- R8. The County Health and Human Services Agency should explore the expansion of PERT into both Placerville and South Lake Tahoe Police Departments.

REQUEST FOR RESPONSES

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Please review *Responding to a Grand Jury Report*, a separate document included with this report.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Responses to F2, R1 and R2 are required from the El Dorado County Sheriff.
- Responses to F5, R3 and R4 are required from the City of Placerville.
- Responses to F8, R5, R6 and R7 are required from the City of South Lake Tahoe.
- Response to F11 and R8 are required from the El Dorado County Board of Supervisors.