

Review of Less than Lethal Force by Law Enforcement Agencies When Dealing with the Mentally Ill

Background

The 2001-2002 Ventura County Grand Jury conducted protocol visits to all of the law enforcement agencies governed by the County or the cities within the County. The purpose of these visits was to monitor how police services are administered to the citizens of Ventura County.

As downsizing of mental health facilities proceeds, more police officers are responding to situations involving the mentally ill. The Grand Jury decided to investigate further to see if there is adequate training for the police officers to handle mentally ill suspects in a responsible and sensitive manner.

Methodology

The Grand Jury, through its protocol visits, contacted all of the County and city police agencies within the County. We looked at how officers respond to calls involving the mentally ill and the laws that govern the officer's behavior.

We also reviewed statistics dealing with fatal shootings by Ventura County law enforcement officers from 1992 through 2001.

The Grand Jury also looked at how other cities and counties across the country are dealing with the mentally ill regarding law enforcement.

Findings

- F-1. Since August 3, 1992, thirty-two (32) suspects have been fatally wounded by police gunfire in Ventura County. At least seventeen (17) of those shootings involved the mentally ill. (See Appendix)
- F-2. Section 5150 of the Welfare and Institutions Code provides for peace officers to take into custody individuals who as a result of a mental disorder pose a threat to others or themselves. They must be taken to an approved mental health facility and remain for a 72 hour period for treatment and evaluation.
- F-3. The Grand Jury became aware of the "Memphis Plan" which was developed and implemented by the community and the police department in Memphis, Tennessee.

- F-4. The “Memphis Plan” calls for the formation of Crisis Intervention Teams (CIT) of police officers and mental health providers specifically trained to respond to situations involving the mentally ill.
- F-5. Under the “Memphis Plan” police officers are taught techniques for de-escalating a crisis situation and how to increase their personal proficiency in non-violent crisis intervention techniques.
- F-6. The “Memphis Plan” deems it critical that officers take a mentally ill person to a place of safety that is not a standard lock-up or jail.
- F-7. Cities such as Seattle, Washington; San Jose, California; and Albuquerque, New Mexico have developed and implemented their own plans based on the “Memphis Plan.”
- F-8. The Ventura County Sheriff and Police Chiefs’ Association in conjunction with the Ventura County Mental Health Department has developed a 40 hour Crisis Intervention Training Academy based on the “Memphis Plan.”
- F-9. The Ventura County Mental Health Department has personnel trained to back up police officers in stand-off crisis situations.
- F-10. All of the Ventura County law enforcement agencies are sending line and support personnel to the CIT Academy. The first class graduated on December 6, 2001.

Conclusions

- C-1. The “Memphis Plan” has proved successful in de-escalating crisis situations and increasing police proficiency in non-violent crisis intervention techniques. (F-4, F-5, F-6)
- C-2. Police officers are not adequately prepared to deal with the mentally ill (5150 subjects). (F-1, F-2)
- C-3. Police officers should be trained to increase their ability to recognize situations where mentally ill (5150 subjects) are involved. (F-1, F-2)
- C-4. Police officers should be trained to recognize and understand various forms of mental illness. (F-1, F-2)
- C-5. Police officers need to increase their understanding of how a person with a mental illness will respond to different approaches. (F-1, F-2)
- C-6. Indications are that 5150 situations will increase due to the decrease of mental health care facilities. (F-1, F-2)
- C-7. Since the CIT Academy is new to Ventura County, emergency dispatchers and/or call takers need increased training to recognize calls from or about known or suspected mentally ill persons so that they can dispatch CIT officers as the first responders. (F-8, F10)
- C-8. A CIT program is not the answer for all police involvement with the mentally ill, but a beginning for necessary adjustments that law enforcement must make from traditional police responses. (F-7, F-8, F-10)

- C-9. A CIT program will decrease the number of police shootings. Lives of citizens and police officers will as a consequence be saved. (F-4, F-5, F-6, F-8, F-9, F-10)
- C-10. Public confidence and police support will increase as more police officers attend the CIT Academy. (F-6, F-7, F-8, F-9, F-10, F-11)

Recommendations

- R-1. Each police agency within Ventura County should determine how many CIT officers are needed to adequately serve their jurisdiction. (C-1, C-2, C-3, C-4, C-5, C-7, C-8, C-9, C-10)
- R-2. The officers needed to adequately serve each jurisdiction should receive 40 hours of training at the CIT Academy. This training should be completed by July 1, 2003.
- R-3. A refresher course should be implemented as part of the Police Officers Supplemental Training.
- R-4. Train all dispatchers and/or call takers to have increased awareness of known or suspected mentally ill persons and to respond appropriately to such calls. (C-6, C-7)

Commendations

The Ventura County Sheriff's Department; the Police Departments of Oxnard, Ventura, Simi Valley, Port Hueneme, and Santa Paula; and the Ventura County Mental Health Department are commended for developing and implementing the CIT Academy.


Responses Required

- Ventura County Sheriff's Academy (R-1, R-2, R-3, R-4)
- Ventura County Sheriff (R-1, R-2, R-3, R-4)
- Oxnard Police Department (R-1, R-2, R-3, R-4)
- Port Hueneme Police Department (R-1, R-2, R-3, R-4)
- Santa Paula Police Department (R-1, R-2, R-3, R-4)
- Simi Valley Police Department (R-1, R-2, R-3, R-4)
- Ventura Police Department (R-1, R-2, R-3, R-4)

Table 1
Fatal Shooting in Ventura County by Law Enforcement Officers
1992-2001

NUMBER	DATE	NAME	AGENCY	MENTAL ILLNESS*
1.	8/3/92	James Graham	Oxnard Police Dept.	Yes
2.	10/2/92	Donald Scott	Los Angeles Sheriff Dept.	No
3.	1/7/93	Steven Gutierrez	Ventura Co. Sheriff Dept.	No
4.	10/1/93	Nicholas Partee	Oxnard Police Dept.	Yes
5.	11/11/93	Santos Arias	Port Hueneme Police Dept.	No
6.	12/2/93	Alan Winterbourne	Oxnard Police Dept.	Yes
7.	4/25/94	Alfonso Bravo	Oxnard Police Dept.	No
8.	4/29/95	James Zendejas	Ventura Police Dept.	No
9.	5/21/95	Ernesto Garcia	Ventura Police Dept.	Yes
10.	6/27/95	David Soly	Los Angeles Police Dept.	No
11.	8/29/95	Robert Sterling	Oxnard Police Dept.	Yes
12.	3/13/96	James Jensen	Oxnard Police Dept.	No
13.	1/13/97	Larry Pankey	Oxnard Police Dept.	No
14.	1/26/97	Jack Sexton	Ventura Co. Sheriff Dept.	No
15.	6/14/97	William Ramos	Ventura Police Dept.	Yes
16.	1/6/98	Albert Flores	Oxnard Police Dept.	Yes
17.	3/25/98	Francis Brazenor	Ventura Co. Sheriff Dept.	Yes
18.	4/18/98	Jason Hayley	Ventura Police Dept.	No
19.	5/24/98	Derek Myers	Ventura Co. Sheriff Dept.	Yes
20.	9/9/98	Nicholas Nelson	Ventura Police Dept.	Yes
21.	9/22/98	Han Huynh	Ventura Sheriff Dept.	Yes
22.	12/4/98	Roland Bourdeau (Sheehan)	Ventura Police Dept.	No
23.	1/18/99	Steven Bayer	Simi Valley Police Dept.	Yes
24.	10/1/00	Jonathan Baker	Ventura Police Dept.	Yes
25.	1/10/01	Richard Lopez	Oxnard Police Dept.	Yes
26.	1/18/01	Charles Valdez	Oxnard Police Dept.	No
27.	5/7/01	Rutilio Castillo	Oxnard Police Dept.	Yes
28.	5/12/01	Alfonso Delgado	Ventura Police Dept.	No
29.	6/9/01	Beau Blain	Los Angeles Police Dept.	Yes
30.	7/13/01	Larry Brown	Oxnard Police Dept.	No
31.	8/24/01	Robert Jones	Oxnard Police Dept.	Yes
32.	10/13/01	Thomas Patton	Ventura Sheriff Dept.	Yes

* Determined by the Ventura County District Attorney. Not to be considered medically accurate.



City of Port Hueneme

March 7, 2002

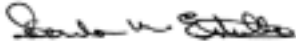
Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Dear Honorable Bruce A. Clark:


In reviewing the Grand Jury Report regarding Less Than Lethal Force By Law Enforcement Agencies When Dealing With The Mentally Ill, this Department concurs with the findings and recommendations as they relate to the Port Hueneme Police Department. We plan on sending as many Police Officers and Dispatchers to Critical Incident Training as possible during each training opportunity until the entire Department is trained.

If there are any further questions regarding this response, please feel free to contact me at (805) 986-6531.

Sincerely,



Fernando M. Estrella
Chief of Police

**POLICE DEPARTMENT
VENTURA
SUPERIOR COURTS
FILED**
MAR 8 2002
MICHAEL D. PLANET
Executive Officer and Clerk
Deputy
BY: 

250 North Ventura Road • Port Hueneme, California 93041 • Phone (805) 986-6530
<http://www.ci.port-hueneme.ca.us>

Response 1 - City of Port Hueneme

CITY OF SAN BUENAVENTURA
VENTURA SUPERIOR COURTS
FILED

February 28, 2002 CITY COUNCIL
MAR 4 2002

The Honorable Bruce Clark
 Presiding Judge of the Superior Court
 Ventura County Hall of Justice
 800 So. Victoria Ave.
 Ventura, Ca 93009

MICHAEL D. PLANET
 Executive Officer and Clerk
 Deputy

Ray Di Giulio, Mayor
 Brian Brennan, Deputy Mayor
 Neal Andrews, Councilmember
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 Carl E. Moorehouse, Councilmember
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Dear Judge Clark:

I have reviewed the report from the 2000-2001 Grand Jury regarding the Review of Less Lethal Force by Law Enforcement Agencies When Dealing with the Mentally Ill.

The Ventura Police Department proactively addressed this issue in late November 2001 and took a leadership role in the development of the Crisis Intervention Team (CIT) training that occurred in December of last year. The training was developed in cooperation with Ventura County Behavioral Health and addresses the issues discussed by the Grand Jury in their report.

Currently, the Ventura Police Department has seven (7) trained CIT officers and Two (2) trained CIT communications operators. As of February 2, 2002, our CIT officers have handled 29 calls for service with only 2 documented uses of force (twist locks) and 1 minor injury to one of the subjects.

Our intent is to eventually have 14 officers trained in CIT (over 10% of our force and above the recommended level). Additionally, we plan to train all of our communications operators in CIT.

In Summary, we have met or exceeded each of the recommendations of the Grand Jury.

Please contact me at (805) 339-4429 if you have any further questions.

Sincerely,

Mike Tracy

Mike Tracy
 Police Chief

MT:bh

POLICE DEPARTMENT

1425 Dowell Drive • Ventura, California • 93003-7361 • (805) 339-4400



VENTURA COUNTY SHERIFF'S DEPARTMENT

- BOB BROOKS
SHERIFF
- CRAIG HUSBAND
UNDERSHERIFF

808 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

February 26, 2002



MAR - 1 2002

OFFICE OF THE
CLERK OF THE SUPERIOR COURT

3-14

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
800 S. Victoria Avenue
Ventura, California 93009

Re: Response to the 2001-2002 Ventura County Grand Jury Report entitled
*Review of Less Than Lethal Force by Law Enforcement Agencies When
Dealing With the Mentally Ill*

Dear Judge Clark:

As required by California Penal Code section 933.05, this letter is a response to the findings and recommendations of the 2001-2002 Ventura County Grand Jury's Report entitled *Review of Less Than Lethal Force by Law Enforcement Agencies When Dealing With the Mentally Ill*. The following are my responses:

Findings

Items C-2 and C-4: Although it is true that deputy sheriffs are not trained to the extent of mental health practitioners, they currently receive more than the state mandated training in regard to the mentally ill as Deputy Sheriff Trainees at the Ventura County Criminal Justice Training Center. Additionally, the Academy curriculum regarding the mentally ill is integrated with other training, such as officer safety, associated mental health issues, search and seizure, and other criminal and constitutional law issues and application. Finally, deputies receive from four to six months field training with an experienced officer prior to working on their own, and also receive ongoing advanced officer training during their careers.

Item C-9: Although it is possible that a CIT program will reduce the number of police shootings in relation to the mentally ill, it cannot be said with any certainty as to what extent it will reduce said shootings. Such shootings often occur very quickly during the prevention of an attack by an armed assailant, making the timely response by a more highly trained CIT officer not always possible.

SPECIAL SERVICES

401 Telephone Road, Suite 200
Arroyo, CA 93003
(805) 477-7811 FAX (805) 477-7033

PATROL SERVICES

7001 East Olsen Road
Thousand Oaks, CA 91320
(805) 494-8260 FAX (805) 494-8293

DETENTION SERVICES

808 South Victoria Avenue
Ventura, CA 93009
(805) 654-7305 FAX (805) 654-3380

SUPPORT SERVICES

808 South Victoria Avenue
Ventura, CA 93009
(805) 654-7036 FAX (805) 654-2110

Response to Less Than Lethal Report
February 26, 2002
Page Two

Recommendations

Item R-1: The Sheriff's Department has already begun measures to train 10% of its patrol force (approximately 40 deputies) in the CIT curriculum.

Item R-2: Currently, five deputies have been trained at the CIT Academy, with an additional 14 scheduled for training in April 2002. Fourteen more deputies each will receive the CIT training in August and December 2002, exceeding our initial goal of 10%. At least one additional CIT Academy will be scheduled prior to July 2003.

Item R-3: Quarterly meetings of CIT trained staff are anticipated, with an annual refresher course also planned for CIT staff. Additionally, each station will have a CIT coordinator to deal with daily issues and to provide ongoing training through briefings with patrol officers.


Item R-4: At least one dispatch supervisor will receive training in the CIT Academy, with a goal of training additional dispatchers, budget and schedules permitting. The trained supervisor will provide training for subordinate dispatchers and call takers.

Based on the listed responses, I believe the Sheriff's Department is actively working toward establishing sufficient CIT trained personnel for active and meaningful responses to issues relative to the mentally ill within departmental jurisdictions.

Sincerely,



BOB BROOKS
Ventura County Sheriff



City of
Oxnard

VENTURA
SUPERIOR COURTS
FILED
MAR 28 2002

ART LOPEZ
Chief of Police

B.G.

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4-1

March 16, 2002

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, Ca. 93009

Dear Sir:

This letter is a required response to the Ventura County Grand Jury report entitled *Review of Less Lethal Force By Law Enforcement Agencies When Dealing With The Mentally Ill*. We concur with the Grand Jury's findings. Our required responses to the recommendations are listed below.

R-1 Each police agency within Ventura County should determine how many CIT officers are needed to adequately serve their jurisdictions.

Implemented- We are committed to the CIT Program and have determined that, by training approximately 15% of our patrol beat officers, we will have a sufficient number of officers trained as first responders to situations involving mentally ill individuals in crisis. In addition to this, we will also send 20% of our patrol supervisors, approximately 15% of our SWAT officers, all of our hostage negotiators, as well as a dispatcher and a youth service officer through the CIT Academy. To accomplish this, we will need to send 24 officers and one dispatcher through the CIT Academy.

R-2 The officers needed to adequately serve each jurisdiction should receive 40 hours of training at the CIT Academy. This training should be completed by July 2003.

Will be implemented by December 2002- Eight of our officers attended the CIT Academy in December 2001. There are three more academies scheduled for 2002 and we plan on sending eight officers to each one. Based on this scheduling, we will meet our goal in December 2002.

R-3 A refresher course should be implemented as part of the Police Officers Supplemental Training.

Implemented- We believe that the CIT Academy is the starting point for our CIT Program. We will continue to develop our CIT officers' skills with regularly scheduled training and refresher courses. We will schedule 8-10 training sessions each year.

Police Department
251 South C Street • Oxnard, CA 93030-5789 • (805) 385-7600 Fax (805) 483-8408 • <http://oxnardpd.org>

Response 4 - City of Oxnard

March 16, 2002

Each training session will be between 2-4 hours. Since the December 2001 Academy, we've had 2 of these training sessions.


In addition to this, we will work with the Ventura County Mental Health Department and the other law enforcement agencies in our county to establish countywide meetings on a semi-annual basis. We will also work with these agencies to develop an annual refresher course.

R-4 Train all dispatchers and/or call takers to have increased awareness of known or suspected mentally ill persons and to respond appropriately to such calls.

Will be implemented by September 1, 2002- We will provide 4 hours of training to all dispatchers and call takers regarding mental health contacts. The training topics will include: identifying signs and symptoms of mental illness, recognizing various developmental disabilities, communicating with persons who have a mental illness and police response to persons with a mental illness. We will complete this training by September 1, 2002.

Sincerely,


Art Lopez
Chief of Police



CITY OF SIMI VALLEY

3901 Alamo Street, Simi Valley, CA 93063-2102 • (805) 583-6950 • <http://www.simivalley.org>

POLICE DEPARTMENT
RANDY G. ADAMS, Chief of Police

April 29, 2002

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 S. Victoria Avenue
Ventura, CA 93009

Dear Judge Clark:

I have reviewed the 2001-2002 Ventura County Grand Jury report entitled *Review of Less Than Lethal Force by Law Enforcement Agencies When Dealing With the Mentally Ill*. While I concur with the majority of the Grand Jury findings, I feel compelled to elaborate on a couple of the statements to provide the Jury members a more factual scenario of what law enforcement encounters on a daily basis.

Individuals taken into protective custody by law enforcement under the provisions of Section 5150 of the Welfare and Institutions Code do not necessarily remain in a mental health facility for the 72 hour period as stated in section F-2 of the Grand Jury findings. Section 5152 of the Welfare and Institutions Code allows for individuals to be released prior to the 72 hour detention period if the evaluating authority "believes the person no longer requires evaluation or treatment". Law enforcement routinely encounters individuals who have been released from a mental health facility prior to 72 hours of detention.

Additionally, while the Ventura County Mental Health Department does have trained emergency response personnel, their availability is limited and response time to the scene of an incident in the eastern portion of the county is usually extended. These "crisis team" members are a valuable asset, but they are frequently delayed or unavailable to respond.

The recommended training in the report is certainly valid. The Simi Valley Police Department has a number of officers who have already completed the Crisis Intervention Training as described in the report. It is the intent of the Department to have all sworn and dispatch personnel complete Crisis Intervention Training consistent with that offered at the Ventura County Police and Sheriff's Academy as soon as it is practical. Ongoing, interdepartmental training will be presented through the Department's Police Psychological Services Program.

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BILL DAVIS
Mayor

ELDI T. BOCORRA
Mayor Pro Tem

BARBARA WILLIAMSON
Council Member

EMIL MILLET
Council Member

STEPH T. PERKA
Council Member

Response 5 - City of Simi Valley

If the countywide scheduled C.I.T. classes are conducted, then it is anticipated that at least 50% of our Department's first responders will have received this training by December 31, 2002. With these goals in mind, I believe we can be more effective in dealing with the mentally ill.

If you or any member of the Grand Jury have need for additional insight or information regarding this issue, please feel free to contact me.

Sincerely,



Randy G. Adams
Chief of Police

cc: Grand Jury ✓
City Council
City Manager

Dc/tr