



# POLICY AND SERVICES COMMITTEE SUMMARY MINUTES

Regular Meeting  
March 9, 2021

The Policy and Services Committee of the City of Palo Alto met on this date in virtual teleconference at 7:01 P.M.

Present: Kou, Stone, Tanaka

Absent:

Chair Kou announced that Agenda Item Number 3 will be heard before Agenda Item Number 2.

## Oral Communications

None.

## Agenda Items

1. Update From the Santa Clara County Department of Behavioral Health in Relation to the Santa Clara County Mental Health Emergency Response Initiatives Including Psychiatric Emergency Response Team (PERT), Mobile Community Response Team (MCRT), and the Community Mobile Response Program (CMRP).

Jeanne Moral, Program Manager III for Santa Clara County Department of Behavioral Health shared that the Psychiatric Emergency Response Team (PERT) is activated through 9-1-1 calls and consists of a behavioral health clinician and a law enforcement officer. Currently, a PERT team resides with the Sheriff Department and recruitment was taking place for a team to be in Palo Alto (City). The Mobile Community Response Team (MCRT) is activated by calling the Santa Clara County's Behavioral Health Center and they are a team comprised of behavioral health clinicians, a licensed-waivered clinician and law enforcement. The program has been in place since 2018. The newest program is the Community Mobile Response Program (CMR) and was going through the local approval process. The program used a similar Crisis Assistance Helping Out On The Streets (CAHOOTS) model that utilized a community-based approach.

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Margaret Obilor, Older Adult System of Care Director for Santa Clara County Department of Behavioral Health presented on the PERT and MCRT program. The PERT program is a county-wide, real-time response program. The situations in which the PERT team would be called in included threatening self-harm, threatening harm to others, or experiencing a grave disability that may warrant an involuntary hold. The PERT Program has a peer-support element. Each team has a peer support person who provided follow-up communication as well as links to behavioral health agencies between the client and family members. Peer support persons are culturally competent, have lived experiences and can offer services in various languages. The PERT Program and the MCRT Program work together to cover calls if one program can not assist in a situation. The MCRT Program was established in 2018. The main reason why the MCRT Program was implemented was due to officer-involved shootings of mentally ill persons as well as high levels of incarceration for crimes that would have been better addressed by a behavioral health specialist. The MCRT provided crisis screening via phone calls through the Behavioral Health Call Center, crisis assessment, crisis intervention, verbal de-escalation, linkage and/or referrals and resources, crisis negotiations and/or hostage negotiations and disaster response. The goal of the MCRT team is to meet the needs of the client. Many clients the MCRT team have assessed are not placed on a psychiatric hold but referred to the necessary resources. Similar to the PERT's peer team, MCRT has the In Home Outreach Team (IHOT) who worked as after hour coordinators. The MCRT team comprised of 11 full-time coded clinicians, three student interns, over five on-call Staff, and three law enforcement liaisons who are retired police officers. MCRT is a 24-hour, 7-days a week program with a dedicated phone to the Behavioral Health Center and law enforcement have their own dedicated number to call if they need MCRT assistance. MCRT covers the entire Santa Clara County area with the main location at the Valley Medical Center Campus as well as a Staff person available in the City of Gilroy. From December 2019 to December 2020, call volumes increased by 500 percent and over 3,000 calls were screened in 2020. The key drivers for the increased volume were the Coronavirus Pandemic as well as the increased fear towards law enforcement. The City of San Jose's Police Department has expanded their dedicated office program to 5-days a week because they received the most calls for the MCRT Program.

Ms. Moral shared that the CMR program is funded by the Mental Health Service Act (MHSA) Innovation Project (INN). The program must follow specific requirements to receive the funding as outlined in Section 3910, Innovative Project General Requirements, in the California Code of Regulations. Santa Clara County has its own leadership group, the MHSA Stakeholder Leadership Committee (SLC), which has been in place since

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2005 and provides input to Santa Clara County in terms of planning and implementation activities. The Committee is comprised of 30 members and two of those members represented North County. The SLC held additional planning discussions from December of 2020 to January of 2021 to discover, frame and formulate a program for a community-based health program. The CMR Program comprises of an innovative approach that included family members, is professionally focused, provided access to a community phone line, the response vehicle is trauma-informed, and included community collaborators. The program will be housed in two locations, the City of San Jose as well as the City of Gilroy, with a possibility of two more sites in the City of Morgan Hill and around North County if funding is available. The program also included a call center that is open 24-hours, 7-days a week and is community-based. The call center contained one full-time equivalent (FTE) Program manager and 13.5 FTE positions to Staff the call center. The CMR Team included 1 FTE Community Collaborator, 1.5 FTE Program Manager, 4.5 FTE Emergency Medical Technicians, 4.5 FTE Intervention Workers, and 4.5 FTE Outreach Specialists. After discussions, the SLC determined that the response vehicle should be discrete, should not contain colors that are associated with the Police Department, and the interior should be comfortable and welcoming. A county-wide design contest is being held to promote the program as well as receive community feedback about the vehicle. The project intent is to lower incidents of clients being transported to the hospital, encourage community members to seek help when needed and provide a collaborative approach. The CMR Program budget included one-time related expenses totaling \$239,000, the call centers Operating Budget was roughly \$1,333,856 annually, the field team Operating Budget was roughly \$1.7 million annually, and county expenses are approximately \$180,467 annually. In total, the 5-year total funding request under the MHSA INN is \$25,718,579. Next steps for the program included a public comment period, a public hearing will be held with the Behavioral Health Board, then approval from the County Board of Supervisors and then the plan will be submit to the state by April 2021 for a request for funding.

Council Member Tanaka requested Staff to email a copy of the presentation to the Committee Members.

Council Member Stone appreciate the presentation and was impressed with the amount of work Santa Clara County has been doing. He asked if a clinician is riding along with a law enforcement officer in the PERT Program.

Ms. Obilor confirmed that is correct.

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Council Member Stone inquired how many PERT Teams are on duty at a given time.

Ms. Obilor answered that the goal is to have three teams on duty at one time but currently only one team is on duty while hiring is taking place.

Council Member Stone asked who the lead is during the engagement with the client.

Ms. Obilor mentioned that for the PERT Team, the law enforcement officer is the lead but for the MCRT Team, the clinician team is the lead with law enforcement working collaboratively.

Council Member Stone questioned if law enforcement officers truly work collaboratively with the MCRT Team and not take charge of the situation.

Ms. Obilor confirmed that it is a collaborative process. Often the MCRT team and law enforcement meet at a different location and then approach the scene together. Often it is law enforcement calling the MCRT Team to the scene for help.

Council Member Stone inquired if a function of the MCRT Program is to help prevent suicide by officer situations.

Ms. Obilor emphasized that the MCRT Team is only involved in behavioral health situations and that is a different situation than when the police arrive first and then call for assistance.

Kevin Ma thanked the Committee for discussing the topic. He urged the City to create a CMRT Program and if the City cannot, then to collaborate with other Cities and Santa Clara County to fund a team for the entire North County. He supported the concept of having a separate call center from the Police Department. He suggested that the police contract be cut to help pay for more social workers to be hired and utilized in mental health calls.

Emily Lacroix appreciated Santa Clara County's efforts in providing an alternative response to mental health emergencies. She viewed the CMR Program as an encouraging step forward for Santa Clara County but she urged the City to provide its own mental health response team that is similar to the CAHOOT's model. The City experienced a high call volume of mental health calls to the Police Department and those would be better served by a mental health professional.

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Olamide Aboise echoed the previous speakers' comments. She supported Santa Clara County's CMR model and encouraged the City to have its own program that did not involve law enforcement.

Winter Dellenbach noted that any of the three programs is better than no program. She mentioned that North County has often been at the bottom of the totem pole when it comes to Santa Clara County programs. If the City is worried about expenses, she suggested that the City collaborate with surrounding Cities to pay for a shared program. She emphasized that the CAHOOTS Program is not only mental health based but also social based. It covers a wide variety of situations including homelessness and substance abuse. She wanted to know how wide a constituency the programs would be serving aside from the mental health emphasis.

Patricia Pepa disclosed she is the Advocacy Chair of the Mid-Peninsula ACLU Volunteer Chapter. She expressed that the City needs a mental health response program that does not include a law enforcement officer. She emphasized that the City needs its own CAHOOTS-based program and by having a program, the City will save costs in the long-term. She shared that one idea for funding is to bill the client's insurance for a crisis calls.

Chair Kou requested that the question made by the public speaker, how wide a constituency the programs would be serving aside from the mental health emphasis, be answered.

Ms. Moral answered that because the CMR Program is funded under the MHSA, the focus is on mental health situations, but if the client has a co-current disorder that qualifies as well.

Ms. Obilor shared that for PERT and MCRT, the focus was on crisis stabilization and crisis intervention.

Council Member Stone asked if members of the public must call a specific number to request the MCRT.

Ms. Obilor stated that folks go through the call center and there is a 1-800 number for that center for anyone to call.

Council Member Stone inquired what the average response time is for the teams to reach a crisis.

Ms. Obilor restated that the response time has shortened due to the pandemic and folks working from home. When a call comes in, the closest on-duty Staff is deployed to the situation.

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Council Member Stone disclosed that the greatest frustration is that the services are focused on Cities in South County. He wanted to know how quickly a mobile unit can reach Palo Alto.

Ms. Obilor specified that Palo Alto is not treated any differently.

Council Member Stone clarified that with Palo Alto being the most northern City, often teams that are deployed from South County Cities have a hard time reaching the crisis quickly.

Ms. Obilor noted that currently, the response time is between 20- to 30-minutes. Before the pandemic, it took 60-minutes to respond to a call.

Council Member Stone acknowledged that Palo Alto residents may be hesitant to call for help when they know the response time could be up to an hour. Since there is an upward trend of folks using the mental health programs, he asked if Staff has seen a decrease in officer-involved shootings and use of force cases.

Ms. Obilor disclosed that type of analysis has not been conducted but there is a downward trend of clients who are sent to the hospital or wrongly incarcerated.

Council Member Stone shared he is a big fan of the CAHOOTS Program. He supported Santa Clara County's CMR Program and the modifications made to it. He inquired when the program will be available to Palo Alto.

Ms. Moral indicated that the question of where should the service sites be was posed to stakeholders and many folks replied the City of San Jose and South County. There was a small number who requested a site in North County.

Council Member Stone restated if the sites were chosen based on advocacy or based on data that shows where the need is.

Ms. Moral stated that community members attend the community meetings and the selection was based on feedback from those community members. She encouraged more North County residents to attend the meetings.

Council Member Stone wanted to know if it is too late in the process to have Palo Alto be part of the pilot program.

Ms. Moral reported that if there is funding available, the plan is to include the City of Morgan Hill and North County. County funds have been focused on the City of San Jose and South County but if the City wished to provide a funding source, a CMR Program site can be established in Palo Alto.

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Council Member Stone requested Santa Clara County Staff to provide information to Palo Alto Staff so that the Staff and City Council can better understand how much Palo Alto would have to fund to be a part of the program.

Ms. Moral mentioned that it would be roughly \$1.7 million to install a Palo Alto CMR site.

Chantal Gaines, Deputy City Manager asked for clarification if Santa Clara County needed a commitment of where the funds are coming from or a statement that there is interest in North County if the funds become available.

Ms. Moral suggested the City send a comment to Santa Clara County that Palo Alto is interested in the CMR Program.

Ed Shikada, City Manager wanted to know when will the decision be made on where the sites are located and who is the decision-making body.

Ms. Moral answered that once the Board of Supervisors approve the program, the program is submitted to the state and funding will be provided under the MHSA. She emphasized that there is no more Innovation Funding available to add an additional site so Palo Alto would have to fund its own site.

Sherri Terao, Behavioral Health Services Director for Santa Clara County Department of Behavioral Health added that the City of Palo Alto would have to provide comments on the current plan that is posted before the close of the public comment period.

Ms. Moral confirmed that is correct.

Chair Kou asked if City Staff knows where to go to comment.

Mr. Shikada declared that Staff can follow-up with Santa Clara County staff.

Ms. Gaines emphasized that the City can make a comment as well as members of the public.

Ms. Moral answered yes.

Council Member Stone inquired if Staff needed official City Council direction to provide a comment on behalf of the City.

Mr. Shikada shared that it depended on the level of formality. A Committee recommendation would help the process move quicker.

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Chair Kou encouraged Palo Alto residents to make comments as well.

Council Member Stone wanted to know when the services will become available to the City if the deadline is missed.

Ms. Moral restated that it depended on funding availability and when the City is available to join the effort. A local approval process will be followed when jurisdictions are ready to opt into the programs and then the Mental Health Service Oversight Accountability Commission is the state agency that has final approval.

Chair Kou noted that the MHSA funding is one-time funding.

Ms. Moral stated that the funding allows a pilot program to be run for up to 5-years. After the 5-years, Santa Clara County has the option to fund the program through a non-innovation funding source.

Council Member Stone explained that knowing the timeline if Palo Alto misses the deadline helps the discussion.

Ms. Moral clarified that if there is a modification to the current plan to include Palo Alto, the program can be installed within a year. Santa Clara County is hoping to have the programs up and running for the City of San Jose and South County by January of year 2022.

**MOTION:** Council Member Stone moved, seconded by Chair Kou to recommend the City Council direct Staff to express interest in participating in Santa Clara County's new Community Mobile Response (CMR) Program and that this be communicated to both the Board of Supervisors and Council.

Ms. Gaines asked if the Committee is interested in Staff having conversations with nearby jurisdictions on a collaborative program.

Council Member Stone answered yes but only if the City is not able to meet the deadline.

Chair Kou agreed and that Staff should start conversations with the stakeholders as well.

Council Member Tanaka expressed that it is alarming to see the increase in call volumes between 2019 and 2020. He asked where the greatest response is needed within Santa Clara County.

Ms. Terao stated the City of San Jose.

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Council Member Tanaka pressed if that is in general.

Ms. Obilor answered yes, in general as well as where the increased calls are coming from.

Council Member Tanaka wanted to understand the nature of the calls.

Ms. Obilor reported that the calls are normally a person calling about another person who is not acting like themselves. Because of the pandemic, an increase in deployment of the MCRT has happened because many behavioral health agencies were shut down. Another increase resulted in the Black Lives Matter movement as well as the fear of calling the Police Department.

Council Member Tanaka supported the idea of using resources to deploy mental health professionals to incidences instead of police officers. He asked if it is true that it is cheaper to deploy mental health professionals instead of sworn-in police officers.

Ms. Obilor claimed to some extent it is true but an analysis comparing the two has not been done.

Council Member Tanaka thought that the programs were cost-neutral

Chair Kou pointed out that the cost for CMR is a 5-year cost assumption.

Ms. Terao confirmed it is a 5-year cost.

Ms. Moral added that each service area has its own cost but the largest driver in the cost is the 16 FTE positions.

Council Member Tanaka understood that the idea was to move funding away from sworn officers and use that funding for the mental health programs.

Mr. Shikada explained that CMR is funded through a separate state mental health funding source.

Council Member Tanaka inquired how many service calls would be served by a CMR program in the City versus sending in law enforcement.

Andrew Binder, Assistant Chief of Police shared that the Police Department took in roughly 50,000 to 55,000 calls for service over the last 5-years. Of that 5,500 and 6,000 reports were drafted and of those reports, 4 to 5 percent were specific to mental health.

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Council Member Tanaka questioned if those metrics were the same for Santa Clara County.

Ms. Terao could not specify that percentage but she noted that Staff will analyze that data.

Mr. Binder added that many calls have a mental health component to them and those are not reflected in the 4 to 5 percent of the reports.

Council Member Tanaka supported the program but was concerned about funding. He suggested seeing how Santa Clara County's program works before installing a site in Palo Alto. He asked who is funding CMR.

Chair Kou proclaimed that Santa Clara County is funding roughly \$900,000 for the Program Manager and the remaining \$24 million will be paid by state funds.

Ms. Moral clarified that the \$900,000 for the Project Manager was funded through the Board of Supervisors' budget hearing held in August of 2020.

Council Member Tanaka summarized that the City of Gilroy and San Jose are not funding the CMR Program.

Ms. Moral confirmed that County and State funding are paying for the program.

Council Member Tanaka wanted to understand the rationale behind having both locations in the southern end of the county.

Ms. Moral restated that the locations were based on stakeholder input.

Council Member Tanaka thought it made more sense to have one site in North County and one in South County.

Chair Kou restated that the Staff members from the Behavioral Health Services did not make the choices. The community members of the stakeholder leader group made the choice.

Ms. Moral clarified that family members and community members made direct statements on their own behalf where they wanted to see the sites located. She agreed that another site up north would be great but the funding source is not there to support that. She disclosed that she would provide the notes from the community meetings with Staff.

Council Member Tanaka asked who made the final decision that the City of San Jose and City of Gilroy would receive the sites.

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Ms. Moral declared that the Board of Supervisors approves the sites.

Mr. Shikada mentioned that the City is participating in the PERT Program. For CMR, the City is not allocating resources for that program.

Council Member Stone disclosed that based on the Eugene, Oregon CAHOOTS program, Eugene, Oregon saved roughly \$8.5 million a year from the program.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER:** "... advocating for a more northern location, and that this be communicated..."

Chair Kou inquired if the patient has to pay a fee when they are responded to.

Ms. Obilor answered no, it is not contingent on insurance.

**MOTION AS AMENDED:** Council Member Stone moved, seconded by Chair Kou to recommend the City Council direct Staff to express interest in participating in Santa Clara County's new Community Mobile Response (CMR) Program, advocating for a more northern location, and that this be communicated to both the Board of Supervisors and Council.

**MOTION AS AMENDED PASSED:** 3-0

3. Information Update: Summary of Recent Race and Equity Work Since November Including Update on Records Management System (RMS) Contract for Police Data Collection.

Chantal Cotton Gaines, Deputy City Manager emphasized that a lot of work has happened since the City Council's motion in November of 2020. She highlighted that there have been several community engagement efforts in the early part of 2021 regarding race and equity. In terms of the 16 recommendations that City Council made, the adoption of the mission statement took place in November of 2020, Staff continued to work on the Records Management System, Staff continued to work on the policy related to the timing of Records Release related to investigations, Staff has been in discussion with the Police Auditor on amendments to the Independent Police Auditor (IPA) contract, the next use of force report will be included in the supplemental report for January of 2022, City Council adopted the legislative guidelines in early 2021 that included police reform, Staff will be bringing forward an item regarding negotiations with the Peace Officers Association in fall of 2021, Staff has begun the demographic assessment, Staff continues to work on the Gender Equity Summit, and Staff will be scheduling a

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discussion with the Policy and Services Committee (Committee) regarding the IPA's oversight of internal complaints.

Winter Dellenbach did not believe that the items listed were recommendations made by City Council. They are Motions and are directions to Staff. She stated that the amended IPA contract must be signed before the City Council's summer break of June 2021 so that other City Council initiatives are not delayed. She mentioned that the expanded use of force oversight applied to K9s and she insisted that the recent K9 incident be included in the IPA's purview. She declared that the use of force memorandum is to be reported twice a year, not once a year.

Council Member Tanaka wanted to understand Staff's thoughts around the anti-Asian movement taking place.

Ed Shikada, City Manager disclosed that other jurisdictions have passed Resolutions of solidarity or things of that nature.

Council Member Tanaka inquired if there have been incidents in Palo Alto (City).

Andrew Binder, Assistant Chief of Police noted that the department has not seen any specific cases but is aware and following the movement closely.

Ms. Gaines added that the City's racial equity discussions were intended to help the community see past their own life experiences.

Council Member Stone asked if language should be added to the IPA's scope of service regarding incidents that do not involve a weapon but involve excessive use of force that went beyond what is reasonably necessary.

Mr. Binder explained that there is a difference between legal and within-policy use of force. If there is a situation where force was deemed excessive, that falls under the internal administrative investigation and if a community member is involved, the IPA will investigate.

Council Member Stone summarized that the incidents must go through the internal process before it is sent to the IPA.

Mr. Binder answered yes but when there is an incident, the department does notify the IPA before the internal investigation begins.

Council Member Stone inquired if there is a part of the process where an incident that did not involve a weapon but involved excessive use of force is not sent to the IPA.

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Molly Stone, City Attorney restated that Council Member Stone was asking does the IPA receives all investigations regardless of whether they are founded or unfounded and does the department have the discretion to not send an investigation to the IPA.

Mr. Binder explained that if there is a citizen involved, all those investigations go to the IPA regardless of the department's findings.

Council Member Stone predicted that the community would feel more secure if that was called out in the scope of the IPA. He clarified that the incident would be scenarios where there is no weapon but the use of force was used but the detainee was not hurt by the excessive use of force.

Mr. Binder felt that the direction that City Council gave in November of 2020 was comprehensive and cover that type of scenario.

Mr. Shikada noted that the contract will be coming back to the City Council for review in the next few months and suggested the conversation be discussed then.

Council Member Stone inquired if all the 8 Can't Wait reforms have been implemented.

Mr. Binder disclosed that there were robust conversations with the Human Relations Commission (HRC) about the Police Department's Force Policy. The Force Policy was modified based on those discussions and were implemented after City Council's adoption at the November 2020 meeting.

Council Member Stone requested an update on police radio encryption.

Mr. Shikada stated that will be part of City Council's April 5<sup>th</sup>, 2021 agenda. He asked Mr. Binder if the discussion will have any use of force statistics.

Mr. Binder answered that it will be a part of the conversation.

Chair Kou wanted to know if Assembly Bill 1550 is being reintroduced.

Mr. Binder reported that he did not hear anything about Assembly Bill 1550 at his recent legislative training.

Chair Kou inquired if the City's Police Department has regulations regarding police responding to a call that is about discrimination or racism and if there are any repercussions to the person who made the call.

Mr. Binder explained those calls could be determined to be a hate crime or a hate incident but it depended on the situation. He emphasized that the

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dispatch team does a good job of asking the right questions and can usually determine if the call is valid or not.

Chair Kou wanted to know the next steps for the 21-day challenge that took place.

Ms. Gaines shared that the conversation continued through the work of the HRC as well as other community activities such as the Book to Action Work put on by the library.

Mr. Shikada added that Staff has taken the discussion internally and is evaluating Staff internally. Also, the resources that came out of the 21-day Challenge will be used as continued education.

## **NO ACTION TAKEN**

~~2. Council Retreat Referral to Discuss Possible Edits, Changes, or Updates to the City Council Procedures and Protocols Handbook. (This item is continued to a future date.)~~

## Future Meetings and Agendas

Chair Kou shared that the Quarterly Report from the Auditor's Office is agendaized for the April 2021 meeting as well as a legislative update, the Independent Police Auditor (IPA) referral, the Protocols and Procedures discussion, and Town Hall planning.

Council Member Stone supported the idea of starting the meeting early.

Council Member Tanaka wanted to have more regular meetings and suggested the items be spread out unless they are urgent.

Adjournment: The meeting was adjourned at 9:59 P.M.