

**JOINT MEETING MINUTES OF THE  
CITY OF SAN JOSÉ PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT  
COMMITTEE AND THE COUNTY OF SANTA CLARA  
PUBLIC SAFETY AND JUSTICE COMMITTEE**

**Joint Special Meeting on Mental Health Crisis Response  
and Pretrial Release Processes.**

**SAN JOSÉ, CALIFORNIA**

**THURSDAY, SEPTEMBER 8, 2022**

**COVID-19 NOTICE**

*Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237 and 80266, this meeting will not be physically open to the public and the (Public Safety, Finance and Strategic Support Committee) Members will be teleconferencing from remote locations.*

The Committee meeting was teleconferenced from remote locations and called to order at 10:00 a.m.

**Present:** Councilmembers - Peralez, Jimenez, Mahan, Jones, Arenas.

**Absent:** Councilmembers - All present.

**City Staff:** City Manager's Office, Lee Wilcox; Mayor's Office, Paul Pereira; City Attorney's Office, Rosa Tsongtaataraii; Executive Assistant, Mike Jones; and City Clerk's Office, Yasmin Johnson.

**Present:** County Board Members - Ellenberg.

**Absent:** County Board Members - All present.

**County Staff:** Board Policy Aide, Audin Leung; Deputy Clerk, Dave Leon; Deputy County Executive, Ky Le.

Chairperson Susan Ellenberg and Committee Chair Raul Peralez provided opening comments.

- 3. Consider recommendations relating to coordination between the City of San José and County of Santa Clara regarding mental health crisis response and pretrial release processes.**

*(Item Continued on the Next Page)*

### **3.A (Cont'd.)**

#### **A. Receive a report regarding an overview of City and County roles in the criminal justice system.**

Presentation 3.A provided an overview of the process from the arrest through the release and detention in the Criminal Justice System in Santa Clara County.

Chief Operating Officer, Greta S. Hansen; Assistant County Counsel, Kavita Narayan; Undersheriff, Ken Binder; Assistant District Attorney, James Gibbons-Shapiro; Assistant Public Defender, Charlie Hendrickson; County Director of Pretrial Services, Matthew Fisk; Captain, Sheriff's Custody Bureau, Antonio Fernandes; Law Enforcement Records Supervisor, Sandra Pacheco; and the SCC Department of Correction Administrative Booking Office Staff offered the presentation and responded to questions.

Shared Goals:

- Protecting community safety and wellbeing
- Ensuring all arrestees and criminal defendants are afforded due process
- Operating a just, equitable, lawful, and efficient criminal justice system
- Decreasing unnecessary pretrial detention
- Ensuring that mental illness, substance use disorder, and homelessness are not criminalized
- Fostering effective communication and collaboration between criminal justice stakeholders

Overview of an arrest to the release and detention process:

1. Initial Encounter with Police; Cite & Release
2. Jail Booking; Possible Release on Bail
3. Pre-Arrestment Judicial Review
4. Possible OR/SORP or Modified Bail Amount

Four potential points where an arrestee may obtain release from custody while criminal charges/adjudication are pending:

1. At the point of initial encounter with law enforcement
2. At the point of booking at the jail
3. After booking but pre-arrestment
4. Or seeking release at some other point in adjudication process.

Action: The report was received from the Office of the County Executive relating to the City and County's role in the criminal justice system.

#### **B. Receive a report regarding mental health crisis response teams and resources.**

Chairperson Susan Ellenberg stated Item 3.B was to be heard third.

*(Item Continued on the Next Page)*

### **3.B (Cont'd.)**

Director, Santa Clara County Department of Alcohol and Drug Services, Bruce Copley; Program Manager III, MHSA Team, Behavioral Health Services, Jeanne Moral; Behavioral Health Division Director, Sandra Hernandez; SJPd, MCAT, Sergeant Thomas Rodgers; and Director, Behavioral Health Services Department, Sherri Terao offered the presentation and responded to questions.

Presentation 3.B provided an overview of the Santa Clara Behavioral Health Services, Mental Health Crisis Response Teams and Treatment Resources, County 9-8-8, San José 9-1-1, Mobile Crisis Assessment Team (MCAT), Psychiatric Emergency Response Team (PERT), Mobile Crisis Response Teams (MCRT), Mobile Response and Stabilization Services (MRSS), and Trusted Response Urgent Support Team (TRUST).

#### Overview of 9-8-8:

The 9-8-8 Suicide & Crisis Lifeline is a national network of over 200 local crisis centers providing local resources with innovative best practices and quality care across the United States. Effective July 16, 2022, any caller who dials 9-8-8 with Santa Clara County area codes: 408, 669, or 650 will be connected to the Behavioral Health Services Department (BHSD) Crisis and Suicide Prevention Lifeline (CSPL). 9-8-8 calls are answered by CSPL-trained counselors, providing compassionate phone support using their expertise to de-escalate, offer stabilization, and other appropriate resources.

#### Coordination with SJPd:

MCRT and SJPd MCAT work collaboratively to provide crisis interventions and links to behavioral health resources to support the community. MCAT is comprised of two teams of Sergeants and three officers who have received extensive crisis and de-escalation trainings in addition to Crisis Intervention Training (CIT). MCAT operates seven days a week, from 10:30am – 8:00pm. MCRT and MCAT will request each other's support for calls involving people in crisis where scene safety and security are needed

#### TRUST:

The TRUST program is designed to reduce the need for calls to law enforcement, allowing behavioral health incidents and needs to be effectively and quickly addressed in the community before they escalate. The TRUST program will utilize a community-based approach as an alternative to law enforcement response to behavioral health crisis calls. The pilot program is estimated to start in the Fall of 2022.

Recommendations for Improvement: Ongoing collaboration with law enforcement agencies such as SJPd are important to deliver vital services to the community. Coordination of services will allow agencies to better assist individuals who may be experiencing a mental health crisis or require more supportive services before approaching a crisis.

Reasons for recommendation: Provide information on the coordination between San Jose Police Department (SJPd) and Behavioral Health Services Department (BHSD) on emergency response teams and activation. The recommended action supports the County of Santa Clara Health

*(Item Continued on the Next Page)*

### **3.B (Cont'd.)**

System's Strategic Road Map goals by delivering personalized care and increasing access to improve health outcomes through the various behavioral health mobile crisis response teams.

Action: The report was received from the Behavioral Health Services Department relating to mental health crisis response teams and treatment resources.

### **C. Receive a report regarding the pretrial release process.**

Chairperson Susan Ellenberg stated Item 3.C was to be heard second.

SJPD, Assistant Police Chief, Paul Joseph; Assistant Presiding Judge, Judge Beth McGowen; and Director of the Independent Defense Counsel Office; Sylvia Perez MacDonald offered the presentation and responded to questions.

The presentation provided the San Jose Police Department Report regarding the Pretrial Release Process, the roles in the Criminal Justice System, arrest outcomes, the booking process, the opportunities for impact, the efforts towards alternatives, homelessness, and learning points.

Action: The report was received from the San Jose Police Department relating to the pretrial release process.

### **D. Discussion of next steps and opportunities to improve coordination between the City and County.**

Chairperson Susan Ellenberg opened the floor for one-minute discussion. The PSFSS Committee Members offered directions and recommendations for staff.

Extensive discussion followed; no motions were made by the Councilmembers.

Chairperson Ellenberg stated she and her staff gathered notes to capture the direction of today's meeting to pursue these issues individually.

### **PUBLIC COMMENT:**

Chairperson Susan Ellenberg asked a procedural question inquiring if the public could comment on Item's 2 and 3 together, although Item 2 was not on the Agenda.

Both the City and County Attorney's stated it was legally permissible. Chairperson Susan Ellenberg then proceeded to open the floor for one-minute public comment.

*(Item Continued on the Next Page)*

**Signature:**

**Email:**

### **Public Comment (Cont'd.)**

1. Leslie Zeiger, Kathryn Hedges, and Andrew Siegler, members of SURJ at Sacred Heart, requested a direct and independent phone line to TRUST, and stated law enforcement is not the appropriate response to mental health crisis instances.
2. Cynthia Longs, a DeBug Organizer; Melissa; Mollie McCloud; Charissa Domingo; Raj Jayadev; and Richard Konda, Executive Director for the Asian Law Alliance requested to have a direct and independent phoneline to TRUST that is not connected to 988 and spoke to law enforcement response alternatives.
3. Laurie Valdez spoke to the loss of her family member involving two Crisis Intervention Team (CIT) Officers and the importance of having a trauma sensitive response team separate from 988.
4. Sandra Asher stated that SJPd's questions #4 and #5 should be referred to the Accessible Technology Initiative (ATI) to evaluate the current programs and review and invent new options; she also stated TRUST needs a direct phone line independent from 988.
5. Sparky Harlan, CEO of the Bill Wilson Center, addressed her disappointments with how an incident involving a 20 year old youth with no prior criminal background, resulted in an arrest at the Foster Care Hub, and 988 issues.
6. Corina Griswold shared the trauma of her father being killed by police officers and requested to have a number that directly connects to TRUST.
7. Walter Wilson, Chair of the Santa Clara County Community Corrections Law Enforcement Drug Monitoring Commission, made a direct comment to Matt Mahan's campaign statement regarding decarceration.
8. Alicia Chavez shared her own mental health crisis incident as a child that was responded to by Police and stated it was very traumatic.
9. Michele Mashburn spoke to mental health crisis funding and access, equity measures needed in these conversations, and the importance of an equity lense.
10. Zakiya Cooper stated the language and phrase "Catch and Release" used in today's meeting is racist and gave the historical meaning of that term.
11. Regina Cardenas stated her father was killed by law enforcement, the importance of appropriate teams responding to mental health crisis situations without violence such as CIT officers, and for a separate number.

### **ADJOURNMENT**

Chairperson Susan Ellenberg and PSFSS Committee Chair Raul Peralez adjourned the Special Meeting at 12:08 p.m.

  
Raul Peralez (Oct 25, 2022 14:10 PDT)

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Councilmember Raul Peralez, Chair  
Public Safety, Finance and Strategic Support Committee

RP/yj/PSFSSMin/9-8-22