

CALLS FOR SERVICE SUBCOMMITTEE MEETING MINUTES

October 6, 2020

Subcommittee Members Present: Angela Sierra, Sandra Brown, Sahar Durali, Felicia Espinosa, and John McMahon

Members Absent: None

1. Call to Order and Introductions

Co-Chair Angela Sierra called the meeting to order at 2:02 p.m. New subcommittee members Espinosa and McMahon provided introductions.

2. Approval of June 4, 2020 Subcommittee Meeting Minutes

MOTION: Co-Chair Sierra made a motion to approve the June 4, 2020 subcommittee meeting minutes. Member Durali seconded the motion.

APPROVAL: Four members voted “yes,” there were no “no” votes and one abstention.

3. Overview of Proposed Subcommittee Section Content for Report by the Department of Justice

DAG Kendal Micklethwaite of DOJ presented a proposed outline for the report section regarding calls for service, which included responding to bias-based calls for service and mental health calls for service and crisis intervention. She stated that the discussion of bias-based calls for service addressed training, policies, and procedures for dispatchers and officers. She stated that the only training on bias-based calls for dispatchers that the Department identified was Community-Facing Cultural Diversity, Hate Crimes and Gang Awareness training. She stated that in this training dispatchers are taught how to interact with victims of hate crimes, but are not specifically trained to address bias-based 9-1-1 calls. She stated that crisis intervention training is not required for dispatchers; dispatchers can voluntarily participate. She stated that the Board may want to make recommendations for dispatcher training on how to deescalate bias-based calls for service and how to assess when a bias-based call is being made.

DAG Micklethwaite provided background information that the Communities Against Hate (CAH) coalition, a group of fifteen national organizations, recommends a two-prong approach to address hate-based incidents to both increase the data collection regarding incidents and take a restorative justice approach to repair the harm the behavior caused. She stated that the bill AB 1775, which increases penalties for making a false police report and creates an avenue for civil remedies when false police reports are made, passed.

DAG Micklethwaite provided information about prior Board recommendations for best practices for addressing bias-based calls included each agency adopting a policy on bias by proxy. She stated that the Board may want to further discuss dispatcher training and consider Dr. Eberhardt's research on dispatchers interrupting bias by asking callers to articulate the suspicious behavior that they are reporting.

DAG Micklethwaite stated that based on her research it appeared that about fifty percent of police use of force incidents involve mental health. She presented an overview of the historical approach to mental health disorders and cognitive disabilities. She stated that the "Memphis Model" for crisis intervention teams (CIT) was developed in the 1980s and there are currently about 2,700 CIT programs across the country. DAG Micklethwaite stated that in CIT programs, police officers receive forty hours of CIT training and dispatchers receive eight hours of training. She stated that a key component in CIT programs is a centralized "drop-off" facility, based on agreements between law enforcement agencies and hospitals, for the hospitals to accept people who are brought to the hospitals.

DAG Micklethwaite provided information concerning different models for crisis intervention. One example, the Mobil Evaluation Teams (MET), such as the Kern County MET, were developed in the 1990s. She stated that the Kern County MET, for example, responds to about 3,000 calls per year and is available week-round and at all hours of the day and night. She stated that in this co-response model, a licensed clinical social worker and a CIT officer work in tandem and the mental health providers can be dispatched through the 9-1-1 system or self-dispatched. She stated the Kern County MET has incorporated "Smart 9-1-1" which allows users to share certain health information that will be provided to dispatch when a call occurs. DAG Micklethwaite stated that the funding for the Kern County MET program comes from the County General Behavioral Health fund and clients are billed for services. She stated that a challenge in this response model and many others is connecting people to long-term care because there is not a well-funded community infrastructure.

DAG Micklethwaite stated that the Crisis Assistance Helping Out on the Streets (CAHOOTS) program based in Eugene, Oregon formed in 1989 and is available week-round and at all hours of the day and night is another model that the Board may wish to consider. She relayed that through this program a nurse or an EMT and a crisis worker are dispatched by 9-1-1 or a non-emergency phone line. She stated that the crisis workers provide peer support, the support of a person who has lived through a crisis. In this model, the EMTs and crisis workers receive 500 hours of training in addition to their professional training. She stated that the CAHOOTS program responds to about 20 percent of 9-1-1 calls in Eugene. She stated that Alameda County was studying a similar community-assisted transport team model. DAG Micklethwaite

stated that an advantage to this program is the ability to provide harm-reduction model care on-site, in the least restrictive environment.

DAG Micklethwaite also discussed that New Orleans developed a crisis intervention model between 2007 through 2012, which includes CIT teams and training for dispatchers on mental health. She stated that the program expanded hospital and in-patient psychiatric facilities, redirected people with disabilities from jails into care, and was working to develop a strong network of community-based mental health services to provide a continuum of care. She stated that Arizona has a similar model that utilizes 9-1-1 dispatch technology with information about bed-space available at particular hospitals and community-based organizations. DAG Micklethwaite stated that San Francisco was working on developing a crisis response model through a steering team with strong participation of community-based organizations. She stated that the program recently developed in New York, “Not 9-1-1”, is an application that assists users to connect with community-based organizations to request a response to a crisis. She stated that Mental Health First (MHF), a mobile crisis response team model, started in Sacramento in January 2020 and expanded to Oakland in August. DAG Micklethwaite stated that the MHF response team includes a licensed EMT and a peer intervention specialist to provide voluntary, violence-free, and trauma-informed care to connect people with community-based care. She stated that the program was operated by a team of thirty volunteers from 7:00 pm-7:00 am on Fridays, Saturdays, and Sundays.

DAG Micklethwaite stated that the draft Report section included an outline of funding sources that communities may want to explore for crisis response services, including the Mental Health Services Act, Public Safety Realignment funding, and the Coronavirus Relief and Economic Security Act.

4. Public Comment

No public comments were provided.

5. Discussion of Subcommittee Section in Report – Calls for Service and Bias by Proxy

Co-Chair Brown stated that follow-up contact with callers is important education to prevent inappropriate calls to law enforcement. Co-Chair Sierra stated that, in future years, the Board may want to examine any agencies that are piloting a system of follow-up contacts with callers. Co-Chair Brown stated that she was not aware of any pilot programs, and the Board may want to consider surveying LEAs to ask if their officers make contact with callers and if this has resulted in any reduction in calls. Co-Chair Sierra stated that for a future report the Board may want to study how LEAs address repeat callers.

Member Durali stated that she has concerns about models in which armed officers respond to callers for follow-up and the Board may want to recommend that a community educator follow-up with callers. Co-Chair Brown stated that the follow-up with callers does not necessarily occur in person, but might be a phone call after officers have responded and found that there was not a problem. Member Durali asked if the dispatcher receiving the call might identify when callers are not reporting any suspicious behavior and avoid dispatching an officer. She asked if, in instances when calls are identified as bias-based, a person that is not armed could respond to the caller. Co-Chair Brown stated that agency policies determine whether an officer must respond and some agencies do not dispatch officers to calls when there are no articulable facts that indicate suspicious behavior. She stated that the vast majority of agencies require that there is some contact.

Co-Chair Sierra referred to pages 12 and 13 of the Draft Report and stated that the Board had briefly discussed San Francisco's policy, dispatcher training about recognizing bias-based calls, and recommended that an officer only be dispatched when there is articulable suspicious behavior. She stated that the Board may want to study the prevalence of LEA policies that align with this recommendation. Member McMahon stated that San Bernardino County Sheriff's Department (SBCSD) dispatchers ask follow-up questions of callers, asking them to describe what about the behavior concerns them. He stated that it is important to contact callers and provide feedback regarding their call and computer-aided dispatch (CAD) makes it easy to identify habitual callers. He stated that he is not in favor of refraining from dispatching deputy sheriffs or police officers to calls because some callers are less able to articulate their concerns.

Co-Chair Sierra stated that it sounded like the Board would encourage agencies to follow-up with callers, most often by telephone. Member McMahon stated that he believes this is done frequently, time allowing, but was unsure if this was in any agencies' policies. He stated that he didn't think it would be necessary to survey agencies to ask if this is in their policies. Member Durali stated that she was concerned about dispatching officers when a call is discernably not about something illegal and seems to be motivated by bias. She recommended that an officer not go out in these instances.

Co-Chair Sierra referred to the bullets on page 12 of the Draft Report, describing how officers can identify a bias-based call and how sworn personnel and dispatchers should interact with community members that have made a bias-based call. She asked if the Department identified agencies that have addressed these best practices within their policies. DAG Micklethwaite stated that a portion of the recommendations, except recommendations for dispatcher training, was made by the Board in their 2020 Report. She stated that she saw the opportunity to further explore dispatcher training and follow-up with callers, and a review of agencies' policies could be included in a future report.

Member Durali stated that she was concerned that a restorative justice approach would force people that experienced harm from bias-based calls to engage with and educate the caller. She stated that she would like to hear more about these models. DAG Micklethwaite stated that these recommendations largely came from CAH organizations. AGPA Rick of DOJ suggested the Board continue to study restorative justice models. She noted the historical role of LGBT advocacy in developing penalty enhancement laws, and the advocacy shift away from penalty enhancement as the policies harmed communities they were intended to protect. She stated that there are cases where restorative justice is not an appropriate response to bias-based incidents; people participating in restorative justice must feel that it is a safe option for them. AGPA Rick encouraged the Board to study how organizations, such as the Southern Poverty Law Center, have included restorative justice responses to bias-based incidents. Co-Chair Sierra stated that the Board may provide guidelines to agencies about when restorative justice responses to bias by proxy calls would be appropriate. Co-Chair Brown stated that police can largely handle responding to bias-based calls by not responding to the call and educating callers.

Member Espinosa stated that she is very interested in the “Not 9-1-1” model developed by directly impacted people. She stated that in reviewing the crisis response models it is important to be specific about the meaning of the terms “peer”, “peer support”, and “directly impacted” and it is important to include people that have experienced arrest, incarceration, and police violence in these terms. She stated that she is interested in community-based models developed by directly impacted individuals. Regarding calls about “suspicious persons” or “suspicious vehicles”, Member Espinosa stated that to interrupt bias it is important to use clear language to distinguish between “unknown persons”, “unknown vehicles” and “suspicious persons or vehicles”. Co-Chair Brown stated that it’s important for dispatchers to ask questions to make this distinction.

Co-Chair Brown stated that it would be possible to review calls recorded in an agency’s CAD system for a selected time frame to identify those that appear to be bias-based and look at the call dispositions. For agencies that engage in follow-up caller education, a comparison could be made to see if this impacted the number of bias-based calls received.

Member McMahon stated that a large number of people who are in San Bernardino County jails and have a mental illness remain in county jail because state facilities have no availability. He stated that the SBCSD partners with the Department of State Hospitals in a restorative competency program. He stated that he would like to hear more about crisis response models in which mental health professionals respond. Member McMahon stated that he was unsure if any response other than a law enforcement response would be feasible in cases where the person’s participation in mental health treatment is not voluntary.

Co-Chair Sierra stated that the Board may be interested in studying a small number of the models, including a model that is independent of law enforcement and a model that includes a joint response with law enforcement. DAG Micklethwaite suggested that the Board may want to study the MHF model. She stated that CAHOOTS is another model that, while being dispatched through 9-1-1, responds to calls without the response of an armed officer. She stated that these programs are unique in using peer intervention specialists and are not solely reliant on jails, mental health hospitals, and state-run institutions, but include a continuum of care. Co-Chair Sierra suggested inviting a representative of CAHOOTS or MHF to the next subcommittee meeting. Member McMahan agreed. Member Espinosa recommended that the Board also study international crisis response models because models in our country have heavily relied on law enforcement. Co-Chair Sierra stated that she would like to look at international models and gain an understanding of the infrastructure that supports those responses. Co-Chair Brown stated that there needs to be a shift away from the criminalization of unhoused people and the criminalization of mental illness.

6. Public Comment

No public comments were provided.

7. Discussion of Next Steps

Co-Chair Brown stated that the next steps for the subcommittee would include identifying agencies to participate in a study of LEAs' responses to potential bias-based calls using their records, inviting representatives of crisis response programs to speak to the subcommittee, and studying restorative justice models for responding to bias-based calls. Co-Chair Sierra stated that the subcommittee recommends including a best practice for law enforcement to follow up on unsubstantiated calls. She stated that the subcommittee would review the revised draft section for the Report in advance of the full Board meeting.

8. Adjourn

Co-Chair Sierra thanked the subcommittee members, members of the public, and DOJ staff. She adjourned the meeting at 3:48 pm.