



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Keith Caldwell
Chairman

September 18, 2012

The Honorable Diane Price
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

SEP 25 2012

Clerk of the Napa Superior Court

By: C. Brennan
Deputy

Dear Judge Price:

As required by Penal Code Section 933(c), enclosed is the response to the 2011-2012 Final Reports on the Shooting in Alta Heights.

The Board acknowledges the members of the 2011-2012 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Caldwell".

Keith Caldwell, Chairman
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2012-2013 Grand Jury
The Honorable Mark Boessenecker

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SEP 25 2012

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NAPA COUNTY
RESPONSE TO THE GRAND JURY FINAL REPORT ON
SHOOTING IN ALTA HEIGHTS
FISCAL YEAR 2011-2012

Finding 1: The Napa Police Department is delinquent in not publishing the results of its Administration Investigation in a timely manner.

No response required.

Finding 2: Richard Poccia's body was left on the street over thirteen hours, an inordinate and unacceptable amount of time.

No response required.

Finding 3: There is a need for more effective collaboration between Napa County Mental Health and the Napa Police Department in crisis situations.

Response, Director of Health and Human Services Agency: Health and Human Services Agency (HHSA) agrees with this finding. As described below, HHSA Mental Health has historically collaborated with the Napa Police Department. However, HHSA acknowledges there are always opportunities for increased effective collaboration between Napa County Mental Health and Napa Police Department in crisis situations.

Since 2006, HHSA has participated in the Napa County Interagency Emergency Response Protocol and through this process has improved coordination and collaboration with the Napa Police Department and the Napa County Sheriff's Office. For several years prior to this incident, law enforcement and mental health crisis staff were trained together in the details of the protocol, participating in role playing of scenarios that depicted situations where law enforcement had encountered individuals with mental health or substance use issues.

Since February 2011, representatives from the HHSA- Mental Health, Napa Police Department and Napa County Sheriff's Office have regularly met to discuss the circumstances around law enforcement calls and coordinated responses. These discussions have resulted in coordinated responses between the agencies resulting in prompt effective interventions.

The established collaboration between the agencies has also led to multiple training opportunities. HHSA-Mental Health has participated in one formal law enforcement training scenario with the Napa Police Department's Crisis Negotiation Team. Both Napa Police Department and Napa County Sheriff's Office participated in the HHSA's Welfare and Institutions Code 5150 training. In June 2011, representatives from Napa Police Department, Napa County Sheriff's Office and HHSA-Mental Health participated as auditors during Sonoma County's Crisis Intervention Training (CIT). As a result of this experience, recommendations

for trainings tailored to the needs of Napa County have been shared with the Mental Health Director, who in turn will share with the members of the Emergency Response Protocol Committee to determine next steps in joint training exercises. HHSA agrees that in light of this unfortunate event, collaboration between these agencies needs to continue and to grow.

Response, Board of Supervisors: The Board of Supervisors agrees with finding and incorporates by reference the responses and explanations of Director of Health and Human Services.

Finding 4: There is no civilian review board in Napa County for Officer Involved Shooting (OIS) incidents.

Response, Board of Supervisors: The Board of Supervisors agrees with finding.

Finding 5: Much of the Alta Heights community is estranged from the Napa Police Department as a result of police actions during and after the Richard Poccia event.

No response required.

Finding 6: It is commendable that the Napa Police Department provides access to psychological counseling for its officers following traumatic situations such as an OIS

No response required.

Finding 7: Adequate psychological counseling is not currently available to Napa communities following traumatic situations that occur in public.

Response, Director of Health and Human Services Agency: HHSA disagrees with this finding. It is unclear how adequate psychological counseling is defined above. The degree or duration of psychological counseling is determined on a case by case basis as a result of an assessment of an individual or situation. Additionally, there are also other entities that have protocols to address incidents in the community such as the Napa Valley Unified School District and the Law Enforcement Chaplaincy Program. Often when incidents happen these agencies will activate their own counseling services and have not required additional support. However, HHSA agrees that it is reasonable to expand the already existing informal process to provide support to communities into HHSA-Mental Health's Disaster Response protocols ensuring that if a community could benefit from a mental health outreach after an incident occurs, that HHSA-Mental Health deploys appropriate staff.

Finding 8: Mental Health's two unanswered phone calls without more follow-up to Richard Poccia were inadequate.

Response, Director of Health and Human Services Agency: HHSA disagrees with this finding. Crisis intervention must be predicated upon the assessment of need and is meant to provide in most cases, stabilization, symptom reduction and facilitation of access to continued care. In this case, based on the information the Incident Commander had at the time of the event the request for the Emergency Response Team's (crisis staff) assistance was reasonable. Crisis intervention

usually cannot occur without the voluntary engagement of the individual experiencing the crisis episode in a setting or situation that the individual is able to receive and comply with the suggested interventions. The ability to do this can be impacted by many factors, including substance abuse and the demeanor of the individual. As noted Mr. Poccia did not respond to the two phone calls.

Recommendation 1: The Napa Police Department explain the reason(s) the Administrative Investigation Report of the OIS of November 28, 2012, is delinquent, and release the report within 60 days.

No response required.

Recommendation 2: The Napa Police Department publish future Administrative Investigation Reports within 180 days of the incidents giving rise to them.

No response required.

Recommendation 3: Within 90 days the City of Napa establish procedures to utilize appropriate screening for sensitive crime scenes.

No response required.

Recommendation 4: Within 180 days the law enforcement departments in Napa County and Mental Health Department establish more effective coordination in situations of crisis intervention by (1) engaging in joint training exercises, and by (2) maintaining instantaneous communication and patching capability.

Response, Director of Health and Human Services Agency: The recommendation has been implemented.

With respect to joint training exercises and coordination of crisis intervention this recommendation has been *in effect* since prior to the issuance of this report. HHSA has participated in the development and implementation of the Napa County Interagency Emergency Response Protocol since its implementation in 2006. Since February 2011, representatives from HHSA-Mental Health, Napa County Sheriff's Office and Napa Police Department have scheduled weekly meetings to review law enforcement activity and to offer consultation and recommendations for joint interventions or referrals where appropriate. As a result of this established collaboration, HHSA-Mental Health has participated in one formal law enforcement training scenario with the Napa Police Department's Crisis Negotiation Team, and both Napa Police Department and Napa County Sheriff's Office participated in the HHSA's Welfare and Institutions Code 5150 training. In June 2011, representatives from Napa Police Department, Napa County Sheriff's Office and HHSA-Mental Health participated as auditors during Sonoma County's Crisis Intervention Training (CIT). As a result of this experience, recommendations for trainings tailored to the needs of Napa County have been shared with the Mental Health Director, who in turn will share with the members of the Emergency Response Protocol Committee to determine next steps in joint training exercises.

As to the recommendations of maintaining instantaneous communication, HHSA-Mental Health is available to local law enforcement agencies by emergency contact numbers 24 hours a day; 7 days a week. Further, HHSA –Mental Health can respond to requests from Central Dispatch and make contact with field officers. Although it is unclear what the Grand Jury is referring to regarding patching capability, the existing system allows for law enforcement to reach the crisis worker to seek consultation or address a request for assistance when needed 24 hours a day.

See Response of the Napa County Sheriff previously submitted to the Grand Jury and set forth herein for convenience: “The recommendation has been implemented. Since 2006, the Napa County Sheriff’s Office has coordinated with Napa County Mental Health per a signed Napa County Interagency Emergency Crisis Response Protocol. The Protocol outlines the coordinated response to individuals who experience a crisis and to make sure the public receives appropriate services and all involved individuals remain safe.

Since February 2011, representatives from Napa County Sheriff’s Office, Napa Police Department and Napa County Mental Health have scheduled a weekly meeting to evaluate and review law enforcement activity in an effort to coordinate responses to individuals in crisis, schedule interventions, and discuss training opportunities.

Representatives from the Napa County Sheriff’s Office, Napa Police Department and Napa County Mental Health have participated in Welfare and Institutions Code 5150 training. Representatives from the Napa Sheriff’s Office, Napa Police Department and Napa County Mental Health participated as auditors in the 2011 Sonoma County’s Crisis Intervention Training (CIT).

Mental Health Intervention Training for law enforcement is currently being developed and is pending approval by the California Peace Officers Standard Training (POST). If approved, the training will be available by the winter of 2012.

The Napa County Sheriff’s Office is able to communicate and request assistance when needed with Napa County Mental Health by emergency contact numbers 24 hours a day; 7 days a week. The deputies can communicate directly, or request Central Dispatch to make contact.

The Napa County Sheriff’s Office is committed to working with County Mental Health, Law Enforcement agencies, and hospitals during crisis intervention and critical calls. We will continue to work with all the agencies to communicate, train, and coordinate our collaborative response to calls requiring crisis intervention.”

Recommendation 5: Within one year the Napa County Board of Supervisors and all Napa County incorporated local governments establish a civilian review board to examine all investigation documents of this incident and all future Officer involved shooting (OIS) incidents to provide feedback from a civilian point of view.

Response, Board of Supervisors: The recommendation will not be implemented because it is not warranted.

By statute the Grand Jury itself is the civilian body empowered to investigate any law enforcement action and would have more authority than a civilian review board to identify possible improvements or enhancements to law enforcement actions. Any civilian has the opportunity to submit a request to the Grand Jury to investigate an OIS incident if needed. The Board of Supervisors does not think it is necessary to convene a second group of civilians. Napa County is fortunate that there are few OIS incidents, and believes that the existing structure to address these incidents is sufficient.

Recommendation 6: Within 90 days the Napa Police Department provide its staff effective public interface and/or appoint a liaison officer to inform and reassure the public during tense events.

No response required.

Recommendation 7: Within 180 days the Napa County Mental Health Department (1) establish support programs for communities involved in traumatic incidents, and (2) establish additional programs to promote community awareness of resources for crisis support.

Response, Director of Health and Human Services Agency: The recommendation will be implemented. HHSA agrees that it is reasonable to expand the existing informal process into HHSA-Mental Health's Disaster Response protocols to ensure that if incidents occur in the community that could benefit from a mental health outreach that we can deploy appropriate staff. It is also reasonable to share the availability of HHSA- Mental Health staff for significant incidents with first responders and key agencies as part of an overall effort to promote community awareness of resources for crisis support in response to community incidents. HHSA- Mental Health will develop a packet of resources and general information that can be disseminated as appropriate. This packet will be designed so that it also can be utilized by local media during their coverage and interviews with individuals from the community.

Recommendation 8: Within 180 days the Napa County Board of Supervisors provide the necessary funding resources to assist Napa County Mental Health with (1) appropriate staff levels for crisis situations, and (2) effective communication routing and patching links with Napa Police

Response, Board of Supervisors: The recommendation will not be implemented because it is not warranted. The Grand Jury report incorrectly states that the Crisis Unit was single staffed on Sunday morning and that there was no other staff member available to check on Mr. Poccia should it have been necessary. During the timeframe in which the phone calls were made, two staff members were assigned to the Emergency Response Unit (Crisis Unit). If needed, the on call staff could have been called, and an on call supervisor is always available for consultation/guidance when necessary. The Mental Health Director will continue in conversation

with local law enforcement agencies to consider additional strategies to improve coordination, but feels that sufficient communication links are available to the agencies via the 24/7 phone coverage and coordination through Central Dispatch.