



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Presentation of Police Department's Response to Drug Related Calls
Category:	Public Safety
Meeting Date:	8/17/2021
Staff Contact:	Jared Hernandez, Acting Chief of Police, 408-586-2402
Recommendation:	Receive Presentation of Police Department's Response to Drug Related Calls

Background:

During the City Council meeting on Tuesday, June 1, 2021, Council requested that staff return to Council with an informational presentation regarding the Police Department's response to drug related calls.

The Milpitas Police Department (MPD) is a full-service police department that responds to a variety of call types including incidents involving the use, possession, and sale of drugs. Drug related offenses are often related to other criminal offenses. Sometimes a person under the influence of drugs may be mistaken for a person experiencing a mental health crisis or drug use can exacerbate an existing mental health condition. Officers are trained to recognize and identify illegal drugs, the symptomology of someone that may be under the influence of drugs, and how to recognize a person that may be experiencing a mental health crisis.

MPD has taken a proactive approach when dealing with individuals found in possession of and/or under the influence of illegal drugs. Officers may offer resources for treatment, issue a criminal citation, or arrest and transport the individual to jail depending on the circumstances.

Analysis:

In response to the Council request, staff is providing information regarding MPD's response to drug related calls, staff training and drug offense related data.

Response to Drug Related Calls:

The Milpitas Police Department operates its own Dispatch Center twenty-four hours per day, seven days per week. The communications center is staffed with dispatchers who receive calls for service, dispatch police services, dispatch fire services, and dispatch public works services. Calls for service are received through phone calls to 9-1-1, text to 9-1-1, and calls to a non-emergency landline. The dispatcher receiving the call obtains information from the caller and determines what type of service is appropriate to respond. During a drug related call for service, the caller may be a third party or an involved party. Additionally, police officers may encounter an individual who is in possession of drugs and or under the influence of drugs in response to a call for service or self-initiated contact such as a pedestrian or vehicle stop.

Investigations are predicated on how the officer contacted the individual. Officers are trained to recognize physiological symptoms of someone under the influence of drugs and the identification of suspected drugs. Officers have discretion on what action they will take in relation to a drug offense; this action can result in a citation and release, a citation and transport to the County of Santa Clara operated Mission Street Sobering Station located in the City of San Jose, or in an arrest where an individual is transported to jail.

Officers are trained to differentiate between a mental illness and drug intoxication case; however, there are instances when an individual is suffering from a mental health illness and is under the influence of an illegal

drug. Officers routinely offer treatment resources to people who suffer a substance abuse problem, which is mostly not accepted.

When an officer believes someone is suffering from a mental health related issue while charged with a drug offense, the officer addresses the mental health component. For example, someone may be arrested for being under the influence of a drug and display behavior indicative of a mental health issue. Then, the officer is expected to conduct a mental health evaluation of the person. If the person meets the criteria described in 5150 of the Welfare and Institution Code, a psychiatric hold will be placed on the person in addition to the criminal charge. The person will be transported to the County Jail for the criminal offense and will receive assistance for their mental health illness at the jail facility.

Opioid Crisis:

According to the Centers for Disease Control (CDC), 136 people die each day of an opioid related overdose. Unfortunately, our City has not been immune from the impacts of the national opioid crisis. The Milpitas Police Department currently equips officers with Narcan. Narcan is an opioid antagonist used for the complete or partial reversal of an opioid overdose. This powerful tool was first used by an officer in January 2020, since then officers have successfully used Narcan on 14 individuals who overdosed on an opioid. Every use of Narcan resulted in the saving of a life.

Training:

MPD ensures staff is properly trained to respond to drug related calls. Officers receive approximately 17 hours of controlled substances training in the police academy. Officers receive additional hands-on training in the Field Training Program. This training includes recognition of symptoms associated with drug intoxication, identification of drugs, identification of drug paraphernalia and the CA Penal code elements of each appropriate drug related offense. Once an officer completes the field training program, they are eligible to attend Drug Recognition Expert (DRE) training. DRE is a POST approved 72-hour course which covers: Field Sobriety, Under the Influence, Eye Examinations, Drug Classification Categories, Drug Trends, Signs and Symptoms, Physiology of Drugs, Court Room Testimony and Report Writing. Officers are sent to DRE training based on course availability. Officers who complete this course frequently share the information learned with their peers. Officers are also able to attend Drug Endangered Children (DEC) training. DEC specifically focuses on the impacts of drug use by adults on children. The objective is to ensure children are in an environment that is safe and drug free, DEC trains officers to understand crimes associated to drug use around children and the resources available to vulnerable children. Officers can further develop their expertise in drug related offenses by joining the California Narcotics Officers Association (CNOA). CNOA facilitates over 50 POST certified courses related to the sale of, transportation of, possession of and effects of illegal drug use.

Drug Related Data

The tables below provide 5 ½ years of drug related data including number of arrests and citations, number of felonies and misdemeanors, number of juvenile cases. Additionally, in 2020 and 2021, 748 individuals were cited or arrested for a narcotics related offense. Of those citations and arrests, 255 were Milpitas residents (34%) and 493 were non-Milpitas residents (66%).

The table below shows the drug related arrests and citations from 2016 to June 2021:

	2016	2017	2018	2019	2020	2021*	Total
Arrests	342	259	272	251	197	118	1,439
Citations	209	215	231	193	294	139	1,281
Total Arrests and Citations	551	474	503	444	491	257	2,720

* six months of data

The tables below show felony and misdemeanor charges. It is important to note that individuals are often charged with more than one drug related offense (e.g.: under the influence and possession of paraphernalia); therefore, the total number of felony and misdemeanor charges exceeds the total number of drug related arrests and citations.

	2016	2017	2018	2019	2020	2021*	Total
Felony	95	56	37	47	18	8	261

* six months of data

	2016	2017	2018	2019	2020	2021*	Total
Misdemeanor	705	613	704	616	655	363	3,656

* six months of data

The table below shows the drug related citations/arrests of juveniles from 2016 to June 2021:

	2016	2017	2018	2019	2020	2021*	Total
Juvenile	13	16	5	12	3	3	52

* six months of data

Post Citation/Arrest:

Once a citation or arrest is made the case is referred to the District Attorney’s Office to determine if the person will be prosecuted. The District Attorney’s office will consider prosecution of a drug offense after the third citation and/or arrest within a 12-month period. If an individual is prosecuted and convicted, the courts can mandate the individual seek treatment. It is the role of the courts through the Probation Department to ensure the individual complies with requirements mandated by the court. The Milpitas Police Department is not directly involved in the rehabilitation process but does consult with the Probation Department on certain cases when necessary.

Drug Related Resources:

The Milpitas Police Department offers the Mission Street Sobering Center as a resource to those suffering from a chemical dependency. Mission Street Sobering Center is run by the Santa Clara County Behavioral Health Services. This facility provides treatment for those suffering from alcohol and chemical dependency as well as mental health illnesses. An individual’s decision to stay at the Mission Street Sobering Center is voluntary; officers are unable to force an individual into treatment. Our experience has been that most people who have been offered this resource have declined it.

Fiscal Impact:

Not Applicable.

California Environmental Quality Act:

Not Applicable.

Recommendation:

Receive Presentation of the Police Department’s Response to Drug Related Calls.