STATE OF CALIFORNIA

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION

LEGISLATIVE REVIEW COMMITTEE MEETING

TIME: 8:30 a.m.

DATE: Thursday, June 25, 2015

PLACE: Sheraton Universal Hotel
Executive Boardroom
333 Universal Hollywood Drive
Universal City, California

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S

POST LEGISLATIVE REVIEW COMMITTEE MEMBERS PRESENT

JETHROE MOORE II
(Legislative Review Committee Chair)
Public Member

LAI LAI BUI
Sergeant
Sacramento Police Department

JOYCE DUDLEY
Santa Barbara District Attorney
Santa Barbara County

PETER KURYLOWICZ, JR.
Deputy Sheriff
Riverside County Sheriff's Department

LARRY J. WALLACE
for KAMALA HARRIS
Attorney General's Office

POST STAFF PRESENT
(participating staff)

ROBERT STRESAK
Executive Director
Executive Office

ALAN DEAL
Assistant Executive Director
(Field Services Division)
Executive Office

ALEXIS BLAYLOCK
Legislative Liaison
Executive Office

MARIE BOUVIA
Executive Assistant
Executive Office

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Thursday, June 25, 2015, 8:30 a.m.

University City, California

(Gavel sounded.)

COMMITTEE CHAIR MOORE: Good morning. Good morning, and I thank everyone for being here. We're going to go ahead and start our meeting.

Could we have the roll call?

MS. BOUVIA: Bui?

COMMISSIONER BUI: Here.

MS. BOUVIA: Doyle?

(No response)

MS. BOUVIA: Dudley?

COMMISSIONER DUDLEY: Here.

MS. BOUVIA: Kurylowicz?

COMMISSIONER KURYLOWICZ: Here.

MS. BOUVIA: Moore?

COMMISSION CHAIR MOORE: Here.

MS. BOUVIA: Wallace?

COMMISSIONER WALLACE: Here.

COMMITTEE CHAIR MOORE: Good.

So we'll go for approval of the action summary and the minutes from the previous meeting.

COMMISSIONER BUI: Motion to approve. Bui.

COMMITTEE CHAIR MOORE: Motion to approve.

COMMISSIONER KURYLOWICZ: Second by Kurylowicz.

COMMITTEE CHAIR MOORE: Moved and seconded.

Any discussion?

(No response)

COMMITTEE CHAIR MOORE: All those in favor, say "aye."

(A chorus of "ayes" was heard.)

COMMITTEE CHAIR MOORE: Approved.

We'll go right into the legislative updates, I guess.

EXECUTIVE DIRECTOR STRESAK: Commissioner, if I could, I'd like to make some opening remarks.

COMMITTEE CHAIR MOORE: Most definitely.

(Off the record at 8:30 a.m.)

(Back on record at 8:46 a.m.)

COMMITTEE CHAIR MOORE: Okay, Ms. Blaylock, please proceed.

MS. BLAYLOCK: Good morning, everyone.

I will be giving you an update on bills of concern for the Commission on POST.

We will start with AB 65. That bill, while seeking to develop a grant fund for body cameras, the problem with the bill, is that it would come from the Driver Training Penalty Assessment Fund. And that affects POST in the way of a reduction of $14 million per year from

our budget.

The bill is still active. However, it's held under submission in Assembly Appropriations; and it could be a two-year bill or it could go away. We're hoping it will go away.

POST has expressed these concerns to the law enforcement community; and they were unaware of the $14 million impact. And as a result, some of them have advised that they would be withdrawing their support for the bill. Because initially, they were supporting the bill, not realizing how it impacted the Commission on POST.

Are there any questions on AB 65?

COMMISSIONER DUDLEY: Just a comment. It also would have taken 4 million out of Victim Witness funds.

MS. BLAYLOCK: Yes.

COMMISSIONER DUDLEY: And I understood, was it Alejo who said he was going to seek additional funding for that?

MS. BLAYLOCK: The unofficial response that I have received, is that they are looking to find additional funding, away from the Driver Training Penalty Assessment Fund. But that has not been formalized in an amendment.

COMMISSIONER DUDLEY: Right. But I think Assembly Member Alejo is the one who is at least leading that

charge?

MS. BLAYLOCK: Yes.

Any other questions on AB 65?

(No response)

MS. BLAYLOCK: Our next bill, AB 334, the motorcycle profiling bill, as you all remember. It is still an active bill.

COMMITTEE CHAIR MOORE: It's active?

MS. BLAYLOCK: It is held under submission in Assembly Appropriations, and it may be a two-year bill.

I must say that recent media reports regarding motorcycle gangs has not helped the bill. So this is another bill that we hoped would go away.

The incident that happened in Texas just highlighted the problems with the bill: That if you have groups all dressed alike and you have to know which one did what, you can't stop them because of what they're wearing, even if there is a crime involved. That just highlighted the potential problems with this bill.

And so we're hoping this bill does not resurface in the next session.

Any questions or comments on AB 334?

(No response)

MS. BLAYLOCK: Thank you.

Item Number 3, AB 546, peace officers: basic

training. This bill has been recently amended, where it was seeking to authorize a probation department to apply to either the BSCC to become a POST-certified presenter or -- I'm sorry, for the BSCC to become certified to present the 832 PC course; now, it's asking for something different. It's now seeking to prohibit POST from requiring probation to show a demonstrated need. And that impacts our process, our standard process for evaluating courses for evaluation for certification.

In case you don't know, this bill is a follow-up to AB 1860 from last year, which we opposed.

AB 1860 is where probation was asking that if they are certified for the PC 832 course, that they do not have to offer it to the general public.

They did not get what they were seeking in that bill, so they sought additional legislation, which is what we have here.

POST has met with Riverside and San Diego probation chiefs to discuss their training needs. And currently, we're working with CPOC to reach some mutually acceptable language. And this work is still in progress.

EXECUTIVE DIRECTOR STRESAK: This bill is a product of realignment, the shift of responsibilities of the probation department, which led to increased hiring, which led to increased training demands.

There was a perception that POST was treating probation like a stepchild. And the response was, well, the probation department is not part of the POST program. It never has been part of the POST program.

Our only role with probation is the 832 Core Course, the 40-hour core course that gives them peace-officer power.

And at the time, one of the chief probation officers I spoke with, indicated that on the new hires, he would like them to be trained up-front. They have 12 months to be trained in 832 PC. But if they wait down the road, they won't have the peace-officer powers. So it was he had originally needed to train his new hires immediately. And rightfully so.

The bottom line was that we remain at the table, and we will continue to maintain a dialogue and working through this. But it kind of initially became a perceptual issue based on realignment, based on the increased training demands, based on the fact that probation was not part of the POST program. So we're working through all that.

The concern I had with this, is that the initiation of legislation to reroute some of POST procedures. In this particular case, it was suggested or indicated that BSCC could certify an 832 course. Our response was, a

slave can't have two masters. You just can't have two entities certifying the same course that we're really legally charged to maintain.

So this bill is -- I just don't think it's good public policy. And especially in light of the fact that we're working to avail increased resources, 832 training resources to the probation department. So we'll see where this goes.

COMMISSIONER DUDLEY: I'm still confused about the core of what's going on.

Are they using our resources, or is it more the slave-and-the-masters issue?

EXECUTIVE DIRECTOR STRESAK: So there is about -- Alan, help me out -- there's about eighty 832 presenters throughout the state of California. And the reality is, a lot of those 832 presenters are underutilized. So when we looked at the attendance of these courses, classes were attended by maybe 50 percent or less, frequently.

COMMISSIONER DUDLEY: Okay.

EXECUTIVE DIRECTOR STRESAK: So from our perspective, when we initially responded to probation, we said, "There's plenty of 832 courses out there. And why can't you use those?"

And then we come to find out that a lot of those presenters would either fold up shop because they didn't

have enough attendance to make it profitable, or the schedules didn't coincide with the Probation Department needs.

So it was more of a practical issue, that until we actually sat down at the table, face-to-face, started growing on hand, I guess, if you will, and creating communication issues. So I think we've worked through all those.

Does that kind of answer your question?

COMMISSIONER DUDLEY: Tell me about the funding.

EXECUTIVE DIRECTOR STRESAK: For the 832 course?

COMMISSIONER DUDLEY: No, not that. But is probation -- is this going to cost POST any more money?

EXECUTIVE DIRECTOR STRESAK: Alan?

MR. DEAL: It doesn't really cost the same amount of money because the centers are all volunteers in terms of those that choose to be presenters of the 832 course. So we merely maintain the content of the course.

And there are two aspects of the course: There is the arrest portion -- that's the 40 hours; and then there's the 20-hour -- or 24-hour firearms portion of the course.

What we've learned, in talking to a couple of the chief probation officers, is that the larger agencies

may have the wherewithal to actually be a presenter of a course. They actually have sufficient depth in staffing.

Their training is guided through STC or through the Bureau of State Corrections -- State Community Corrections. And they have a 40-hour mandate every year that they have to adhere to. So the only part that impacts them, is the fact that we are the holders of the arrest and the firearms portion of the course.

COMMISSIONER DUDLEY: Got it.

MR. DEAL: San Diego has said -- or, I'm sorry, Riverside has said we have the ability to put the course on; we already have a very robust training, and we have sufficient depth.

COMMISSIONER DUDLEY: Riverside Probation Department?

MR. DEAL: Yes, the probation department. And we agreed that they had the capacity -- they're going through the process right now -- to become a presenter of the course.

We met with San Diego, and San Diego is different, in that there are four or five presenters in the region. And so we were concerned with, "What's the problem in terms of lack of availability, when we know we have a lot of empty seats in each of these courses?"

So we went through the same discussion with them. And what we learned is that there was an absence of coordination among many of the presenters. And that means providing a calendar where all four or five presenters are coordinating the way they stagger the beginning and ending dates of the availability of that course.

So we put together a meeting with those presenters and talked about that, talked about publishing their calendar on our Web site, so that it's readily available to everyone, so they can see, "Well, I can plug people in here, here, and here."

We talked about other options that are available to the smaller probation departments that do not have sufficient depth to be able to put the course on themselves. Many of them share regional resources to accomplish that. Others just don't have the problem because their regional presenter is readily available to them, and coordinates with their hiring needs.

Their hiring is very sporadic. It's not as traditional as what you find in law-enforcement agencies where you know a year in advance you are going to hire X number of people, stagger over that entire year, you have a better appreciation of the continuity and consistency of when you have to deliver the regular basic

course.

So in this respect, because we developed a better relationship with CPOC and some of the chief probation officers, we have a better understanding of how we can help each of the regions to get the training that they need. And we're working on that.

We've asked CPOC, which is the Chief Probation Officers of California, to be able to appear at the quarterly meetings. And rather than going to the individual chief probation officers around the state, and to talk with them as a body and discuss some of the options and alternatives that would be available to them, so we can assist them in getting the training they need.

So no cost, really, to POST.

COMMISSIONER DUDLEY: Thank you.

I share your concern, because I'm seeing -- we're all seeing a shift since AB 109, increasing the power of probation departments. And I appreciate probation departments; but this massive growth, heading in their direction, now moving into training, it does cause me concern.

Thank you, Alan.

EXECUTIVE DIRECTOR STRESAK: If I can interrupt for a moment, I would like to take a moment to introduce our newest appointed commissioner, Richard De la Rosa, Mayor

of the City of Colton.

Welcome. Thank you for being here, Richard.

COMMISSIONER DELAROSA: Thank you. Thank you.

MS. BLAYLOCK: Okay, before we move forward, are there any other questions regarding AB 546?

(No response)

MS. BLAYLOCK: Moving forward to Item 4, AB 953. This is a bill that would change the definition of racial profiling. The portions of the bill significantly affect the law-enforcement community in that the data that law enforcement would need to gather can be cumbersome and time-consuming and may be costly. However, we're restricted to discussing the impact on POST.

It only affects POST, in that all related curricula that deals with any type of racial profiling must be updated to reflect the new definition if this bill is passed. So there is not a significant impact to POST.

Any questions on AB 953?

(No response)

MS. BLAYLOCK: For those who are interested, that will be heard in front of the Senate Public Safety Committee on July 7th. So anyone interested in that and the effects of the law-enforcement community may want to know that.

COMMITTEE CHAIR MOORE: What time on July 7th?

MS. BLAYLOCK: I don't know the time.

EXECUTIVE DIRECTOR STRESAK: Senate Public Health Committee?

MS. BLAYLOCK: Senate Public Safety Committee. Sometimes it's 9:00, sometimes 9:30.

COMMISSIONER DUDLEY: Yes, they usually start around 9:00.

MS. BLAYLOCK: Yes, 9:00, 9:30.

Item Number 5, AB 1168. This bill has recently been amended. The bill sought to exempt a custodial peace officer, which is an 830.1(c) officer, from completing the requalification course if they have not been appointed as a general law-enforcement officer within three years. They're asking that they have five years.

What they're asking now with the amendments, is that the deputy remains continuously employed by the same department where they're a custodial officer and where they plan to be an officer for general law enforcement.

It's also asking that the deputy sheriff -- they call them "deputy sheriffs," not the 830.1(c) officers -- this is asking that they maintain perishable skills required by the Commission on POST.

Now, we believe they're confused about the bill -- but I think that works to our advantage -- because they use the term "deputy sheriffs." Not all 830.1(c) peace

officers are deputy sheriffs. But that's what they have, and that's why I'm telling you this.

So we understand that there's some confusion on that. But we have given them the information and met with them, and explained to them the difference between them. And that's a polite way of saying it. They have not gotten that.

This is an active bill, and it's now on the floor process, waiting for the third reading. So it's moving along.

Any questions on AB 1168?

(No response)

MS. BLAYLOCK: Moving forward to Item Number 6, AB 1194.

COMMISSIONER DUDLEY: Just back on 1168 for a minute.

MS. BLAYLOCK: Yes.

COMMISSIONER DUDLEY: It looks like it's headed to the Governor on Thursday.

MS. BLAYLOCK: Oh, so it's on the floor, so they read it already today.

COMMISSIONER DUDLEY: It's currently on the Senate floor, and likely to head to the Governor.

MS. BLAYLOCK: Okay, thank you.

Moving to AB 1194. This affects law enforcement,

in that it was previously requiring officers to consider historical data before making a 5150 detention.

We've raised some concerns about that, that officers would not have that historical data because of HIPAA and other restrictions.

They've since amended the bill; and as amended, POST has no issues with the bill. What they have asked -- what they're asking now, is that any available information that the officer has, the officer should consider. So that is the change, and that is the change that we can live with.

It has been referred to the Senate Health Committee; and no hearing was scheduled as of yesterday.

Any questions on AB 1194?

COMMISSIONER DUDLEY: It might have passed Senate Health Wednesday, according to CDAA's Web site.

MS. BLAYLOCK: Oh, okay.

COMMISSIONER DUDLEY: 1194?

MS. BLAYLOCK: Yes.

COMMISSIONER DUDLEY: Yes. According to their Web site, it passed Senate Health today, paren, Wednesday.

MS. BLAYLOCK: Okay, thank you.

That's wonderful.

COMMISSIONER DUDLEY: Well, who knows?

MS. BLAYLOCK: I didn't see anything on the

calendar.

COMMISSIONER DUDLEY: Yes. I'm just relying on Sean over at CDAA.

MS. BLAYLOCK: Oh, okay.

Moving on to Item Number 7, Senate Bill 11, one of Beall's bills.

As amended, the bill would require POST to add 20 hours of behavioral health training to the academy. The bill is also asking that POST have a four-hour behavioral health course as part of continuous training that officers, supervisor and below in rank, would be required to take every four years.

We've been working with the Administration on this and with the author to amend the bill. As Bob stated before, we've gone through several amendments.

Currently, what we are asking for, is that we add ten hours of mental-health training to the academy within the already-allotted hours for the regular basic course. Meaning, we would redistribute hours and come up with a ten-hour course for LD 37. That would eliminate the need to add hours to the academy. That's a significant cost savings; and it's something that we can do, and we are already in the process of doing.

The subject-matter experts have been meeting. I think their last meeting is either this week or next

week. And then we will go forward with that.

We're also asking that the continuous training be no less than three hours, which gives us the ability to make it four if we need to. But if it doesn't require four hours, we don't need -- we don't want to be mandated to do four hours for something that we can do in three.

We already have a two-hour course available, and we've identified areas where we can expand that. So we can add another hour. And it would still be every four years, which would be in line with the two-year CPT cycle. So it's not an odd number, like the racial profiling, that has to be done every five years. It kind of staggers, and it gets a little complicated. This would be an even number, so it would be in line with current CPT training.

COMMISSIONER BUI: Has there been discussion already as to where those hours would be redistributed from in the academy curriculum?

MS. BLAYLOCK: Yes, yes, there has. The subject-matter experts have gotten together. They've reviewed where there might be redundancies, where topics may be duplicated in other learning domains; and they're redistributing the hours in that way. So it's not going to take away anything from us. It's not going to cost us money in the way of adding additional hours to the

academy. It will just be a redistribution, and bringing all of that information together, to expand it into LD 37.

COMMISSIONER BUI: Okay. I'm glad to hear that because it's just cutting redundancy versus actually cutting important portions of other classes.

EXECUTIVE DIRECTOR STRESAK: These two bills, SB 11 and 29, have absorbed a significant amount of resources from POST, as they move down the path. So we continue to remain at the table. It still is a significant workload issue. As I alluded to yesterday, is that we impact the FTO program, will impact thousands and thousands of officers and every FTO training manual out there. For every change, it has to be reviewed and revised. So it still generates lots of work.

The challenge to convince the author that adding more hours is not the solution still remains a challenge to this day. So we're still continuing the work and say it's not the number of hours, it's the quality and content that affect the training.

So that's the best I can tell you right now.

It is moving forward. We are making incremental progress. Not ideally, but I think it's getting better.

MS. BLAYLOCK: Yes, there is no final agreement, of course, on the bill. It is still a work in progress.

This bill is set to be heard by Assembly Public Safety on June 30th, for those of you who are interested.

Any other questions on SB 11?

COMMITTEE CHAIR MOORE: Yes, just one.

The quality and content you spoke on, would Senator Beall and his group want to accept any more input from us?

MS. BLAYLOCK: Well, it's been a challenge, is all I can say.

We are trying to give Senator Beall as much of the content as he wants without breaking the bank. We're trying to take things that are relevant, things that are reasonable, and incorporate it, and find a middle ground. So that is where we are.

My last feeling is that they are receptive to most of what we're trying to negotiate with them, but not all of it. And I'll be telling you more about that when we move on to Senate Bill 29.

But we are making progress. Slow but steady progress.

Any other questions on Senate Bill 11?

(No response)

MS. BLAYLOCK: Moving on to Senate Bill 29. This one is a little more complicated, in that, initially, they were asking that we expand the field training

officer course from 40 hours, to 80 hours, by adding a 40-hour CIT course; and that they are asking that we add 20 hours to the field training officer program, which is not a program that is divided into hours. It is competency-based. So that has been a challenge, getting them to understand that the field training program is competency-based, not hours-based. So we are working with the Administration and the author to come up with amendments that we can both live with.

What we are proposing is that instead of adding to the field training officer course, that we include two hours of mental-health instruction into the field training officer course, to help newly trained field training officers better train the trainees.

We're also looking at asking -- well, we are asking that the field training officers be required to take a crisis-intervention course related to behavioral health that's at least eight hours long. We want to keep the eight hours, because that is the shortest course, CIT course available. And it does not have to be along with the FTO course. They can take that separately. They can take it at their leisure, within six months of being appointed as an FTO.

We think that's much more manageable for the field, and it saves on costs. It's an already-existing course.

We don't have to add to the course, and people don't have to stay another week to get one or two days of training.

So we're trying to come up with solutions that are best for the field and best for POST, financially and just logistically.

We're also -- on the field training program, we're asking that we look at competencies, not hours. I explained that looking at hours really does not help the program. It's contrary to the program. And also, realistically, in some cities, you can burn 20 hours just trying to deal with two competencies, and then the rest of the competencies are not addressed. So when you have an ambiguity saying 20 hours but you have to have all of this, it does not make sense. So we're going with competencies, we're sticking with that, and we're still in a bit of a battle about the hours.

So that's where we are with that.

Of course, no final agreement on this bill has been reached. It's still in progress. I'm working on it even now. And this bill will be heard by the Assembly Public Safety Committee, also on June 30th.

Any questions on SB 29?

(No response)

MS. BLAYLOCK: Okay, moving forward to our last item: Item 9, SB 128, the End of Life.

This is the bill that would allow a person who is terminally ill to select to have assistance from a physician to end their own life. There has been a lot of protests surrounding this bill. And I don't know if that's affected by the author has withdrawn it from hearing, but that is the case now.

If passed, however, if they do decide to move forward, POST would be required to update training materials on death investigations and any other relevant training materials that have to do with death or homicides or suicides, that sort of thing.

And also, the new crime that it would create, if it were passed, would be that it would be a felony to coerce a person to end their life; and it would be a felony to -- I have to make sure I get this right -- it would be a felony, basically, to alter the documents where they would end their life. So those two would be felonies.

The new language speaks of some infractions; but I have not been able to determine how that would impact law enforcement. They don't. But the two crimes that impact law enforcement are both felonies.

And that is being -- well, June 23rd was set for the first hearing. It was canceled by the author. And as of now, it may not go any farther.

COMMISSIONER DUDLEY: The little I have on that is that Senator Wolk said -- or according to CDAA, she is going to set it again for July 7th.

MS. BLAYLOCK: Okay.

COMMISSIONER DUDLEY: So she pulled it, and now she's going to set it for July 7th.

It is an interesting bill. And just fair to comment on it, I am the only D.A. who is supporting this bill. I'm also the only D.A. who is presently prosecuting an 89-year-old mother and her nurse for killing an ALS patient.

So when I was making the decision on filing that charge, I looked very carefully at this bill and tried to see what effects it would have. And I felt, given my circumstances and the facts of my case, that even if this bill passed, I would still be charging these people with murder.

So just personal comments. I don't think it affects POST at all. But it's an interesting bill to watch.

EXECUTIVE DIRECTOR STRESAK: Interesting.

MS. BLAYLOCK: Okay, are there any other questions or comments on SB 128?

(No response)

MS. BLAYLOCK: Well, ladies and gentlemen, that concludes my legislative update. Thank you so much.

COMMISSIONER DUDLEY: Thank you.

COMMITTEE CHAIR MOORE: Is there a motion to adjourn?

COMMISSIONER KURYLOWICZ: Motion to adjourn. Kurylowicz.

COMMISSIONER WALLACE: Second.

COMMITTEE CHAIR MOORE: All those in favor, say "aye."

(A chorus of "ayes" was heard.)

COMMITTEE CHAIR MOORE: See you at 9:30 upstairs.

(The Legislative Committee meeting concluded at 9:17 a.m.)

REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand on July 10th, 2015.

_____

Daniel P. Feldhaus
California CSR #6949
Registered Diplomate Reporter
Certified Realtime Reporter