STATE OF CALIFORNIA

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

LEGISLATIVE REVIEW COMMITTEE MEETING

TIME: 8:26 a.m.

DATE: Thursday, October 23, 2014

PLACE: Commission on Peace Officer Standards and Training
Pacific Palms Resort
One Industry Hills Parkway
City of Industry, 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

SANDRA HUTCHENS
Sheriff-Coroner
Orange County

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

BERNARD MELEKIAN
Public Member

POST STAFF PRESENT
(participating staff)

ROBERT STRESAK
Executive Director
Executive Office

ALEXIS BLAYLOCK
Legislative Liaison
Executive Office

MARIE BOUVIA
Executive Assistant
Executive Office

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Thursday, October 23, 2014, 8:26 a.m.

City of Industry, California

(The gavel sounded)

COMMITTEE CHAIR MOORE: We're going to get started now.

COMMITTEE MEMBERS: Good morning.

COMMITTEE CHAIR MOORE: This is the Legislative Review Committee meeting.

Marie Bouvia will call the roll now.

MS. BOUVIA: Bui?

COMMISSIONER BUI: Here.

MS. BOUVIA: Dudley?

COMMISSIONER DUDLEY: Here.

MS. BOUVIA: Hutchens?

COMMISSIONER HUTCHENS: Here.

MS. BOUVIA: Kurylowicz?

COMMISSIONER KURYLOWICZ: Here.

MS. BOUVIA: Melekian?

(No response)

MS. BOUVIA: Moore?

COMMITTEE CHAIR MOORE: Here.

MS. BOUVIA: Wallace?

(No response)

COMMITTEE CHAIR MOORE: We'll now look for approval

of the June 26th, 2014, Legislative Review Committee meeting minutes.

COMMISSIONER KURYLOWICZ: I make a motion to approve. Kurylowicz.

COMMISSIONER DUDLEY: I second.

COMMITTEE CHAIR MOORE: It's been moved --

MS. BOUVIA: Who is second?

COMMITTEE CHAIR MOORE: Dudley.

MS. BOUVIA: Thank you.

COMMITTEE CHAIR MOORE: It's been moved and seconded.

All those in favor, say "aye."

(A chorus of "ayes" was heard.)

COMMITTEE CHAIR MOORE: Oppose?

(No response)

COMMITTEE CHAIR MOORE: Seeing none, abstentions?

(No response)

COMMITTEE CHAIR MOORE: We'll move on.

We'll now have a report on the AB 1598.

Ms. Blaylock, please?

MS. BLAYLOCK: Yes. Good morning.

What I'm going to do, is go over basically a year-end. It's the end of session, so we're going to go where we are on legislation, and the status of many of the bills.

Starting with AB 1598, that's our emergency response services to active-shooter. This is informational only.

What's happened with 1598, is that it's going to require local law enforcement to develop collaborative efforts to working with medical personnel and other agencies, and developing a practice for effective and coordinated response to active-shooter situations.

No action is required by the Commission.

Each packet, of course, you know, has the details of the bill.

Are there any questions on 1598?

EXECUTIVE DIRECTOR STRESAK: This bill was prompted as the result of the Los Angeles airport shooting, at the local level.

(Mr. Melekian entered the meeting room.)

EXECUTIVE DIRECTOR STRESAK: Commissioner, good morning. It's good to see you.

MS. BLAYLOCK: There being no questions, I'll move on to the next bill.

EXECUTIVE DIRECTOR STRESAK: Can we let the record reflect that Commissioner Melekian is present?

MS. BOUVIA: Yes.

MS. BLAYLOCK: Report on AB 2623.

This is a bill that affects elder-abuse training and dependent-adult-abuse training.

And what they're requiring, is that we consult with adult protective services and the Office of State Long-Term Ombudsman whenever we are developing new or updated training on adult abuse -- elder abuse or dependent adult abuse.

They're also asking that we include the rights, remedies, and resources available to victims who are subject to elder abuse and dependent-adult abuse. And that is all they're asking from us.

Previously, some of you may remember that they were asking that we have training every two years -- updated training every two years on elder abuse and adult -- dependent-adult abuse. We worked with the author on that, and we determined that that would not be feasible or necessary. Therefore, we've been reduced to just adding this topic of the rights and responsibilities and the remedies and resources to the update, and to any new courses.

Are there any questions on AB 2623?

(No response)

MS. BLAYLOCK: There being none, I'll move on to section D.

Section D is a status report.

During the last Commission meeting, we requested permission from the Commission to oppose 1860. That was

a bill asking that any courses approved by the Commission from the Probation Department, that they not be required to open it up to the public.

We did oppose that. However, the bill was passed.

The good news is that in the passing of the bill, the way it's written, they did not get what they wanted. That was a bill by Assembly Member Perez. They did not get what they wanted because they have to meet certain criteria in order to get a course approved; and they have not been able to meet that.

So right now, we're looking good on that, even though it was passed. However, I have to say that I am expecting that there will be additional legislation to try and get over the hurdles that -- the roadblocks that they've created for themselves, and that they're not getting what they want.

They still cannot have a course of their own that they're not opening up to the public.

That sounded about as clear as mud. But does anyone have any questions on that?

I'd be happy to clarify.

COMMISSIONER MELEKIAN: What exactly did they want to do?

MS. BLAYLOCK: What they wanted, the Riverside Probation Department wanted to have a PC-832 course --

that's the introductory course of powers of arrest and the firearms course, PC 832. They wanted to have a class that they could have only to themselves, and not open it up to the public.

Our regulations require that they open it up to the public, especially if it's presented through a community college.

They wanted their own class, and so they sought legislation to allow them to have their own class. But since they don't meet the requirements for having a -- showing a demonstrated need for the course, they don't qualify to even get approved for a course.

So knowing that now, we're expecting them to come up with additional legislation, to seek additional legislation to overcome that.

COMMISSIONER MELEKIAN: Thank you.

MS. BLAYLOCK: You're welcome.

Any other questions on AB 1860?

(No response)

MS. BLAYLOCK: The most exciting news I have is regarding AB 2387. That's regarding our public contracts. And we have that on D.2.

Can you pull up D.2 for me, please?

And can you go to page 2?

On our public contracts, we had a last-minute

amendment through DGS. However, to tell you what the status is on that, what we did win on that is that the contract shall not be executed by the State -- by an agency proposing to execute the contract -- wait a minute, hold on.

I'm on (b)(1) -- I'm actually on (b)(1).

Okay, so I'm on (b).

Basically, what it's saying is that contracts, you have to notify any labor organizations that represent state employees who perform the same type of work as contracted.

And if you go to Number 5, that is giving POST an exemption to that.

So on (b)(5), POST --

COMMISSIONER DUDLEY: Could you scroll up, please?

MS. BLAYLOCK: Yes. It's Number 5, right.

"This subdivision does not apply to contracts executed by Peace Officer Standards and Training…"

So we no longer have to -- effective January 1st, 2015, we no longer have to run all of our contracts by the labor organizations, which was causing quite a delay in us getting our contracts executed.

And also, if you look at section 2(a), we no longer -- or we are exempt from getting three competitive bids as well.

So that is what we won on 2387; and it did pass.

Do we have that?

We'll give them a chance to read that.

You were actually where we're supposed to be.

It's section 2.

COMMISSIONER DUDLEY: That's great news.

MS. BLAYLOCK: Yes, that's great news.

So could you scroll up to Number 10?

So Number 10, that is where we are exempted from that requirement, in section 2(a), from getting three competitive bids.

COMMISSIONER DUDLEY: Great.

MS. BLAYLOCK: Thank you. Okay.

Any questions on 2387?

COMMISSIONER MELEKIAN: Is there a framework for which contracts, or is it any contract?

MS. BLAYLOCK: There is. They are saying that it's contracts referring to public safety training and instructors.

So did we get everything we want, a total clearance? No. But I think we are moving in the right direction, and it is a victory for us.

EXECUTIVE DIRECTOR STRESAK: This language was crafted so it did not disfranchise State employees in terms of -- some of our administrative contracts, in

terms of supplies, office maintenance, et cetera, et cetera, it still requires us to comply with other regulatory language.

This allows us, when we are trying to develop a course that requires specific law-enforcement expertise, that kind of eliminates some of the thresholds that we have to cross.

COMMISSIONER MELEKIAN: Okay.

EXECUTIVE DIRECTOR STRESAK: Does that make sense?

COMMISSIONER MELEKIAN: Yes, it does.

MS. BLAYLOCK: Any other questions on 2387?

(No response)

MS. BLAYLOCK: Okay, moving on to Bills of Interest.

AB 25, social media. AB 25 basically has died on the table, though it may resurface. The status on it is that it just went away. It never went through the process of the legislation. They made an amendment at the last minute, on August 21st. Again, it could resurface.

The author of the bill --

COMMITTEE CHAIR MOORE: Campos.

MS. BLAYLOCK: Yeah, Campos did not seem really interested in giving an exemption for law enforcement.

To give a little history on that, AB 1844, I believe it is, says that an employer cannot access social media

pages of their potential employees or their employees, and that they can't ask for that access.

What AB 25 sought to do was to provide an exemption for law-enforcement candidates. But since that did not go through, I don't know if perhaps we would seek legislation on that to give law enforcement the ability to access social media.

And the language on that, I do want to mention that. Let me go to it.

Could you go to page 4?

And I'm mentioning this because if we decide -- or if law enforcement decides to seek legislation on this, this may be a good starting point.

If we look at section 2, number 1, the amendment that was made August 21st -- which was, indeed, too late -- says that "Sworn peace officers occupy a unique position in society as protectors of public trust and guardians…"

And so what they're saying is that we need to be able to access social media for our candidates, so that we can see, during the background process, if there are any red flags.

And if we decide to pursue any legislation, this would be a good starting point in our language.

So we'll leave that up a little bit, so we can see

it.

COMMISSIONER DUDLEY: Just to be clear, right now, there's nothing that stops law-enforcement agencies from doing that?

MS. BLAYLOCK: Right now, AB 1844, which was passed, says that we cannot do that.

Now, it does -- there is an exception that says that nothing shall prevent them from accessing or requesting social media as part of an investigation.

So depending on how you use that language or how you interpret that, it could go either way. I mean, someone could argue it either way. However, we would like to have language that exempts law enforcement from the restrictions of 1844.

COMMISSIONER DUDLEY: I thought you said this died? This did die?

EXECUTIVE DIRECTOR STRESAK: Yes, 25 died.

MS. BLAYLOCK: AB 25 died.

AB 25 died, so we didn't get the exemption is what I'm saying.

COMMISSIONER DUDLEY: Right, okay.

MS. BLAYLOCK: We did not get the exemption that we wanted.

COMMISSIONER DUDLEY: Okay.

MS. BLAYLOCK: That was created by 1844.

COMMISSIONER DUDLEY: Okay.

COMMISSIONER MELEKIAN: Well, what is the difference between 25 and 1844?

MS. BLAYLOCK: 1844 says that we cannot access social media.

COMMISSIONER MELEKIAN: Okay.

MS. BLAYLOCK: AB 25 is saying that law enforcement, when we're looking to recruit police officers, or officers -- peace officers, that we can ask for access to social media. So it's giving an exemption to the restrictions of 1844.

COMMISSIONER DUDLEY: And that died?

MS. BLAYLOCK: 25 died.

COMMISSIONER DUDLEY: 25 died. Okay.

COMMISSIONER BUI: I would recommend that we go forward with creating that exemption.

COMMISSIONER DUDLEY: Yes.

COMMITTEE CHAIR MOORE: That's a motion?

COMMISSIONER BUI: That is a motion.

COMMITTEE CHAIR MOORE: A motion.

Is there a second?

COMMISSIONER DUDLEY: Yes.

COMMITTEE CHAIR MOORE: It's been moved and seconded.

Is there any discussion?

(No response)

COMMITTEE CHAIR MOORE: So we'll call for the question then.

All those in favor, say "aye."

(A chorus of "ayes" was heard.)

COMMITTEE CHAIR MOORE: Oppose?

(No response)

COMMITTEE CHAIR MOORE: The motion passes.

Continue, Ms. Blaylock.

MS. BLAYLOCK: Thank you.

EXECUTIVE DIRECTOR STRESAK: I had just one question on 25.

Do we know of any reason why it's stalled at all? Was it a fiscal reason? Or did it fail in policy committee? Do we know where this stalled?

MS. BLAYLOCK: Permission to speak frankly?

EXECUTIVE DIRECTOR STRESAK: Permission to speak diplomatically.

MS. BLAYLOCK: Okay. Campos did not seem very eager to pass the legislation. They were -- we were told that they would add the exemption for law enforcement.

For 11 months, nothing happened on that bill. And they finally made the amendment on August 21st of this year. As you know, the Governor has to sign all of the bills by September 30th.

With that amendment and it not moving forward, it literally died. Nothing --

EXECUTIVE DIRECTOR STRESAK: So it sounds like it was pulled by the author, is that…?

MS. BLAYLOCK: Well, they didn't pull it. They just made the amendment and didn't move it forward.

EXECUTIVE DIRECTOR STRESAK: All right.

MS. BLAYLOCK: They didn't officially pull it. They just didn't move it forward.

COMMISSIONER DUDLEY: Do we need to find somebody else to carry the bill, or will Campos carry it?

MS. BLAYLOCK: Yes, we need to find someone else to carry the bill.

COMMISSIONER DUDLEY: So what thoughts do you have about that? Any?

MS. BLAYLOCK: I don't have any thoughts as to who at this point. But I do know that we will not ask Campos to carry the bill.

COMMISSIONER DUDLEY: Okay.

MS. BLAYLOCK: We will seek someone else who will actually move it along.

COMMISSIONER DUDLEY: Uh-huh, okay.

MS. BLAYLOCK: Is that diplomatic enough?

EXECUTIVE DIRECTOR STRESAK: That was good.

MS. BLAYLOCK: Thank you. Okay.

Any other questions on 25?

(No response)

MS. BLAYLOCK: We've made the motion and it was accepted.

Any other questions?

(No response)

MS. BLAYLOCK: Okay.

On AB 739, Number 2, this was a bill seeking to authorize Level 1 reserves to act as deputy coroners; and that bill was gutted and amended, and is no longer related to law enforcement.

Again, many of the reviews I'm giving you was just a year-end review of the bills that we were looking at earlier in the year, so that you will know the status on them, and you won't have a question as to whatever happened with them.

Number 3, AB 1014, Skinner, gun violence restraining orders. This is a bill -- actually, we need to look at that. So let's go to AB 1014, please.

This is a really long bill, so it took quite some deciphering -- or quite a bit of deciphering to see where it affects law enforcement. So if we can go to page 13.

I hope your 13 is the same as my 13. We'll find out in a moment.

EXECUTIVE DIRECTOR STRESAK: Does 13 begin with

18130?

MS. BLAYLOCK: Yes.

So go to 18140, please.

The only thing I was able to find in the bill that truly outlined what is required from law enforcement, is 18140. And 18140 is just giving law-enforcement instructions on how they will carry out the temporary emergency gun violence restraining order, and what they shall do.

We will evaluate this to see if, indeed, it will affect any of the POST training; if there’s anything that we need to add or if we’re already doing this.

So this is something for evaluation. We can’t say right now. But I would suspect that we’re already doing this, because it’s commonsensical, and it’s nothing new. But since it is part of new legislation, we just want to confirm that.

Any questions on AB 1014?

COMMISSIONER DUDLEY: Actually, just a comment. It was co-authored by my assemblyman. And I think the way it runs -- the way it’s supposed to run is something like a domestic violence temporary restraining order. So my best guess, we already are doing it. I agree with you.

MS. BLAYLOCK: Yes, it is. As a matter of fact,

throughout the bill, it refers to a parallel --

COMMISSIONER DUDLEY: Right.

MS. BLAYLOCK: -- to the domestic violence restraining order procedures and what officers can do.

COMMISSIONER DUDLEY: Temporary domestic violence restraining order, yes.

MS. BLAYLOCK: Okay, if there are no questions on AB 1014, we will move on.

AB 2314 was a bill to authorize probation to carry firearms as determined by the chief of police.

That was canceled at the request of the author, and is no longer a concern to POST or to law enforcement.

Any questions?

(No response)

MS. BLAYLOCK: Our next bill, SB 505, is legislation regarding protocols of check-the-welfare request.

SB 505 by Senator Jackson and AB 1014, both of those were as a result of the Santa Barbara shootings --

COMMISSIONER DUDLEY: Yes.

MS. BLAYLOCK: -- at the campus.

So these are in response to that.

So like AB 1014 requests a temporary restraining order for those that they believe might have a tendency to be involved in gun violence, SB 505 asks that officers conduct a check to see if the subject has any firearms

prior to responding to the welfare check.

Because there are so many differences and obstacles that could prevent an officer from doing that every time, what they asked is that we develop a protocol, and develop a protocol on the best way to respond to check-the-welfare calls where a gun may be present or not. So the officers are to check the Automated Firearms System to see if, indeed, the subject is the owner of a firearm.

Any questions on that?

COMMISSIONER DUDLEY: Just another comment.

MS. BLAYLOCK: Yes.

COMMISSIONER DUDLEY: Again, that is Santa Barbara's jurisdiction. The main effort on our part was to get Jackson to add the "whenever possible and reasonable," because the first time the bill started, it was every time law enforcement goes out to a 5150 or a welfare check, they have to check for firearms. So that was the difference that she made. But she is calling upon POST to come up with some protocol.

MS. BLAYLOCK: Okay. Yes, I know on the first one, they did require it on every call.

COMMISSIONER DUDLEY: Right.

MS. BLAYLOCK: And in discussions with the author's office and with the analyst, one of the things I

mentioned is that there are a lot of things that could prevent that -- a system being down, an officer's equipment actually being down, or where they are -- or exigency. If it is something that is urgent, they can't. And so this is the language that they came up with to get around that.

Any other questions on SB 505?

(No response)

MS. BLAYLOCK: Thank you.

We will move on to SB 967.

EXECUTIVE DIRECTOR STRESAK: How about 850?

MS. BLAYLOCK: Oh, I'm sorry, thank you.

SB 850 by Senator Block. This is a very interesting bill for us.

SB 850 authorizes community colleges to offer a baccalaureate program. And the restrictions of that, is that it's going to be a pilot program. It will involve 15 community colleges. Each community college -- each of the 15 will be allowed to offer one baccalaureate degree.

The degree will be in a subject area to address unmet workforce needs. So it can't be something that's already offered by Cal State University or University of California. It can't be on a subject that's already offered there. It has to be something else, and it has to address an unmet workforce need.

So in that, we were thinking that this would be an opportunity, if possible, for law enforcement. Can we get better candidates through a program like this?

With it being restricted, it would -- if we were able to do this, it would be one community college district, and only one campus within that district. So it would be very limited. But keep in mind, it is a pilot program.

The pilot is to begin in the 2017-2018 academic year. And those who are entering the baccalaureate program in this pilot program will have to complete his or her degree by the end of the 2022-2023 academic year.

So they can't join the program and just go on forever and ever and take ten years to get the degree; they have to get it within that specific time.

EXECUTIVE DIRECTOR STRESAK: I see this -- SB 850, I see this as worthy of further dialogue. I kind of see, if you're looking at long-term goals and gains for the law-enforcement profession, that with our college-affiliated academies, perhaps there is some kind of mechanism or discussion worthy that a graduate could complete the academy course with a degree. I think ultimately, that could be a win-win for us, in the long run.

So right now, we require a minimum of high-school

education. This kind of program I think will open the door to a couple of our community-affiliated academies -- or college-affiliated academies, just to see if this is feasible, if it's plausible, if it's worth discussing.

I'd be interested in hearing your thoughts on that one, either now or later.

COMMISSIONER MELEKIAN: I have a question. You said one pilot, but the language says 15.

How many are there going to be, and which -- have they been identified yet? Or is there a process? Or they have to apply? Or do we know?

MS. BLAYLOCK: They have not been identified, to my knowledge. This legislation just passed. And it's one pilot program, but it will include 15 community colleges --

COMMISSIONER MELEKIAN: Okay.

MS. BLAYLOCK: -- college districts, 15 community college districts.

But each district that's selected or ends up in the pilot, will only be able to have one campus within the district offer the baccalaureate program.

COMMISSIONER MELEKIAN: And who, if we know yet, who would make that determination about -- who would approve a site's application?

MS. BLAYLOCK: I'm not sure. I can look in here and

find the answer for you.

EXECUTIVE DIRECTOR STRESAK: I would assume the Chancellor's office --

MS. BLAYLOCK: Yes.

EXECUTIVE DIRECTOR STRESAK: -- that community college districts are in. That's my assumption.

MS. BLAYLOCK: They actually have in the legislation that they will make a determination.

I believe that they are to make a determination by March of next year.

COMMISSIONER MELEKIAN: Do we know, off the top of your head, how many UC or Cal State campuses offer degrees in criminology or related fields? It's talking about an unmet need, and I am not sure how unmet the need is.

EXECUTIVE DIRECTOR STRESAK: Yes, I do not know.

COMMISSIONER HUTCHENS: Do we know who -- what the impetus of this bill was, or who was behind this? Was it community colleges pushing this forward or…?

MS. BLAYLOCK: I'm not sure. I can find out for you.

COMMISSIONER DUDLEY: The other thing is, did I hear you have to complete this degree in a certain number of years?

MS. BLAYLOCK: I think I have that. Let me look for

that.

COMMITTEE CHAIR MOORE: Yes.

COMMISSIONER DUDLEY: Right now, at Santa Barbara Community College, you cannot complete anything within a certain number of years because you can't get into the classes, because it's so overcrowded. So I'd hate to see us support something that didn't have exceptions to that, because it's not their fault. They are pushing the button at 6:00 a.m. to try to enroll in classes, and they're not getting in. They can't complete it in two years.

COMMISSIONER MELEKIAN: Good point.

MS. BLAYLOCK: That is true.

COMMISSIONER DUDLEY: And I don't know if that's pervasive throughout the state.

COMMISSIONER MELEKIAN: I was going to ask you, if you knew if the same problem is true up at Allan Hancock College?

COMMISSIONER DUDLEY: I don't know if it's true at Allan Hancock. I just know it is true at Santa Barbara.

MS. BLAYLOCK: I can tell you as a student from different colleges, it's pretty much the same all over. It's hard to -- it's harder now for students to get classes.

COMMISSIONER DUDLEY: Right.

MS. BLAYLOCK: They fill up very quickly. They have preferences and enrollment dates for students. So if you're already a student, you get preference. If you're a new student coming in, you get pushed to the back, and you get the leftovers. So a student who is in that position, they're starting off at a disadvantage. And it becomes continuous.

And then most colleges, only when you're a senior or you're at the top level of that college, do you get preference. So it makes it difficult to get courses. That is true, that has been a problem throughout the universities in California.

COMMITTEE CHAIR MOORE: But the pilot is for five years; correct?

MS. BLAYLOCK: The pilot is from 2017-18, until 2022. Yes, that's five years. So it gives an extra year. But even in our regular four-year universities, it's taking students a minimum of five and sometimes six years to get a four-year degree.

A four-year degree is no longer a four-year degree. It's a five- and six-year degree because of the issues that Commissioner Dudley brought up.

COMMISSIONER DUDLEY: So at this point, what can we do about that? Is there any way to amend the language, "good-faith effort" or something?

I certainly appreciate the idea that we don't want community college people languishing there for ten years, we get that.

MS. BLAYLOCK: Yes.

COMMISSIONER DUDLEY: But for the student who is working and going to school and trying to do everything they can to become a law-enforcement officer, if they can't get their classes, then it would be a shame for them to not be able to complete the program.

So is there anything we can do?

MS. BLAYLOCK: I don't know if there is.

The only thing I can think of, is that if the colleges had restrictions on the enrollment that gave the students who signed up for that major preference, so that someone who is majoring in something else but just wants to take it for their personal interest, cannot. And we know that does happen, because I've done it.

COMMISSIONER DUDLEY: Sure.

MS. BLAYLOCK: So the students who have the majors should be given preference. I'm thinking that's the only thing that they could do.

COMMISSIONER DUDLEY: Maybe we can make a suggestion that, as part of the application process, if you want your school to be one of the pilot programs, tell us how you're going to address this concern.

COMMITTEE CHAIR MOORE: This is interesting. I'm going to say, in San José we have the San José-Evergreen Community College District, and our police department has a training facility that's on that campus. So that's a campus -- I think it's already a quarter of the way installed. And just on the interest, we would like to see if it could possibly have the opportunity to become a four-year place for people in the local community to go into law enforcement and get a degree.

COMMISSIONER DUDLEY: Yes.

COMMITTEE CHAIR MOORE: I think they would be interested in it.

And I think we should look more into what are the requirements and what would be the guarantee that as our students enter this field, that they would be able to meet their classes at a mandatory rate so that they can graduate by the --

EXECUTIVE DIRECTOR STRESAK: We'll explore this one a little bit more. I think you've always heard me say that the devil's in the details.

MS. BLAYLOCK: Yes.

EXECUTIVE DIRECTOR STRESAK: So I think it's really theory versus discussion with practitioners to determine how realistic this could be. This issue of a patching is obviously significant.

If we had an opportunity to be one of the pilot -- part of a pilot program at one of the community colleges that can resolve all these issues, then perhaps we have some potential there.

But I think at this point, I'd be reluctant to take any kind of official action. Just keep this at the discussion stages for now.

MS. BLAYLOCK: One of the things I will mention, because we mentioned -- someone asked if any of the four-year universities are not offering a criminal-justice or related degree -- one of the things that they are looking at is public safety in these pilot baccalaureate programs. So they're looking at health, biotechnology, public safety, and, quote, "other needed fields." So public safety is, indeed, part of what we're looking at. And if we can find a way to do that -- because if we can find a way to do that, that would be great. Because truly, a criminal justice degree is very different than the courses that's offered in the academy, even though they're related. They're looked at from different perspectives.

Many of the criminal-justice degrees are looking at it from a totally social behavioral perspective, not so much the public-safety, prevention perspective. So the way that the degree is -- the baccalaureate

degree in the program is actually built is going to be important. What is going to be the focus? I think that is going to distinguish the difference between the program offered in the community college and the programs offered in the four-year university.

Any questions, comments, or thoughts -- further thoughts on that?

COMMISSIONER DUDLEY: No. But I'd like to go back to 505 for a minute.

Bob, let me ask you, when it has language like "The bill requires every law-enforcement agency to develop, adopt, and implement," do you think it's incumbent upon POST to get involved with setting something like that or incumbent upon POST to stay away and let each law-enforcement agency handle it?

EXECUTIVE DIRECTOR STRESAK: Generally, it's been our historic position that we allow local determination on local policy.

COMMISSIONER DUDLEY: Okay.

EXECUTIVE DIRECTOR STRESAK: On some of the more universal issues, at best, we'll develop guidelines, or perhaps recommended best practices that we, as a resource, we can give to a law-enforcement agency and say, "Here, you can pick and choose from the smorgasbord."

But for the most part, some of these issues are left to local control.

COMMISSIONER DUDLEY: Do you think this would be one that you'd want to think about doing guidelines for?

I don't have an opinion either way. I'm seeking your wisdom on this.

EXECUTIVE DIRECTOR STRESAK: We'll take another further look at it to see.

Sometimes this is driven by if there is a --

(Cricket sounds)

EXECUTIVE DIRECTOR STRESAK: -- a cricket in the room…

COMMISSIONER DUDLEY: Then we're in trouble.

EXECUTIVE DIRECTOR STRESAK: Then we're in trouble.

Sometimes this is driven by if there's a rising tide of concern in the entire law-enforcement community, where they are seeking some definite direction and assistance. Sometimes it's driven by the Legislature itself. But in this particular case, we'll take a look at. But for the most part, I think as a general rule, we allow local control on these issues.

COMMISSIONER DUDLEY: Thank you.

COMMISSIONER MELEKIAN: One of the concerns -- and I don't know if that's where you were going with it -- certainly when I first read the language, is that if a

similar incident to the university occurs again, this language may be broad enough to expose agencies to liability and --

COMMISSIONER DUDLEY: Right. That's why I went to the other language.

COMMISSIONER MELEKIAN: -- hindsight, and that's to say, "Well, you should have done this, you should have done this." And I concur. I think there's some real issues there. Potential issues there.

COMMISSIONER DUDLEY: Thank you.

MS. BLAYLOCK: On the issue of 505, I'll offer just a little bit of my discussion with the author's office.

Most officers actually do this, anyway. Most officers in the field actually check for the automated -- check the Automated Firearms System as a matter of routines.

However, the reason that I suggested it not be -- the language not be as strict as it was, is because there are extenuating circumstances when that's not possible. And so if you said -- if the language were to say, "The officer shall, without exceptions," then when it's not possible, how do we accommodate that? How do we accommodate if it's an exigent circumstance and we can't? How do we accommodate if their systems are down and it can't be done?

I think the language is good in what it wants to do. And certainly, it can be looked at to fine-tune the language. However, to say that it's an absolute mandatory thing that officers do that, leaves out the possibility for all the variables that occur in regular field duties.

So can we make it better? Possibly. We're always open to suggestion for that.

COMMISSIONER MELEKIAN: Well, it does seem like some discussion about a protocol -- you know, about what is the recommended best practice.

I try to never confuse what I know with what I knew; but I don't know that it is as routine, perhaps, as it should be. And if we want it to be that, then some guidelines about what that looks like.

The other piece of this that did never get in -- I don't think made it into any legislation, but I know it was discussed by the author, was this idea of also checking social media, because that was another piece of this incident. And I don't think that got there.

COMMISSIONER DUDLEY: She dropped that.

COMMISSIONER MELEKIAN: Yes.

So I just have some concerns about how this is structured. And if there isn't some sort of understanding about what is the recommended practice,

some agencies may find themselves exposed to liability because of the way this is worded.

EXECUTIVE DIRECTOR STRESAK: I'll get a barometric reading from Cal Sheriffs, Cal Chiefs, PORAC, and CPOA, and see what concerns are raised by this.

COMMISSIONER DUDLEY: Okay.

EXECUTIVE DIRECTOR STRESAK: Perhaps it will allow us to gel something.

MS. BLAYLOCK: Keep it open for discussion.

Any other concerns on SB 505, while we're there?

(No response)

MS. BLAYLOCK: None?

Okay, we will proceed.

Any other questions on SB 850, regarding the baccalaureate program at community colleges?

(No response)

MS. BLAYLOCK: Okay, then we will move on to Item Number 7, and that's SB 967, by Senator De Leon. This bill is requiring that colleges and universities establish an affirmative consent standard.

In essence, it's saying that both parties in a sexual encounter must give mutual consent. It can't be if the party says nothing, that's considered as a "yes." It can't be that if the party is drinking with you and they pass out, that's considered as a "yes." It must

be an affirmative, conscious consent by both parties. And each party is responsible for getting an affirmative consent from the other party. So it's not a one-way street.

I always thought it was that way, anyway; but apparently, there is enough happening on college campuses, that there was a need or someone felt the need for this legislation, that colleges will develop this.

Now, it's not spelling out the details of how they will develop this standard; but each college will be held accountable to develop a standard on this.

I would imagine there's some questions on that.

(No response)

MS. BLAYLOCK: "Yes" means "yes," "no" means "no." But a "yes" and silence doesn't mean "yes." A "yes" and drunk doesn't mean "yes." Or "I think the other half wants it" doesn't mean "yes," is basically what this is saying. It has to be, "You say yes, I say yes, we're both in agreement, we're both conscious and able to make that decision," and then it's a "yes." That's the best way I can describe that.

EXECUTIVE DIRECTOR STRESAK: I'd be interested in observing your first case on this issue.

COMMISSIONER DUDLEY: It's not a criminal matter.

EXECUTIVE DIRECTOR STRESAK: It's not?

COMMISSIONER DUDLEY: It's only -- the reason we haven't been terribly involved is because, again, Senator Jackson was very involved in this, and it's now holding the universities and colleges that they now have to set up the standard or they can't get financial aid, they can't get a lot of other things. But the ramifications won't be criminal. The ramifications will be something that will affect your status in the school.

MS. BLAYLOCK: That's correct. They can't get the funding unless they abide by this.

COMMISSIONER DUDLEY: The school can't getting the funding if they don't create it.

MS. BLAYLOCK: Right.

COMMISSIONER DUDLEY: But the individual student can be sanctioned in any number of ways. Everything from a fine, to being kicked out.

MS. BLAYLOCK: Right.

COMMISSIONER DUDLEY: So that's why, again, law enforcement isn't terribly involved in this aspect unless the campus is going to do the investigation and then turn it over to the school.

MS. BLAYLOCK: There was a question that came forward as to how this would impact our campus law-enforcement course. That is something to be explored --

COMMISSIONER DUDLEY: Right.

MS. BLAYLOCK: -- how that would do that.

Because each college is developing their own, it would be difficult to instill this into a course because each one is different. And we set standards that are across the board.

COMMISSIONER DUDLEY: Well, the question is going to be whether campus law enforcement is going to be accountable to the Judicial Committee of the Colleges as well. Because if they did an investigation and they got to a point where they realized that they couldn't arrest or they couldn't get to the standard of probable cause, then the investigation would stop.

But the question is, do they then have a duty to keep going in order to determine whether this occurred, determine whether to let the university know that this, in fact, occurred.

So they're going to need some guidelines about that.

MS. BLAYLOCK: So it may impact us. And we will, indeed, look at that.

Any other questions? Comments?

(No response)

MS. BLAYLOCK: We're almost done. We're nearing the end here.

Okay, the last two bills, we'll start with SB 1278

by Leno. This was a bill regarding animal control officers. The bill sought to require animal control officers and their directors to complete a PC-832 arrest course, in order that they might serve warrants and make arrests.

That bill is no longer impacting us. It's held in committee, and has been so since May. So we don't know what's going to happen with that.

We'll see if anything similar resurfaces in the next legislative session, but I don't think it will.

But we will keep our eye out for that, and how it might affect POST with the 832 PC course.

Last but not least, Number 9, correctional officers. Currently, in Santa Clara County and some other counties, there is an exception for correctional officers, so that they may -- even though they're not considered peace officers, so that they may carry out certain duties.

Napa County found the need to be included in those exceptions. And basically, they want to be able to do searches, strip searches of the inmates, and limited searches of visitors.

The reason as I understand that this was important, is because previously, they would have to wait and call a peace officer from the field in order to conduct these searches, and that was causing problems.

So that did pass, it was enacted; and now Napa County is able to perform those additional duties, like Santa Clara and some of the other counties.

There's no impact on POST on that.

Are there any questions on SB 1406?

(No response)

MS. BLAYLOCK: That will conclude my report on the legislation and this year's session.

COMMITTEE CHAIR MOORE: Thank you, Ms. Blaylock, for such a beautiful report.

Are there any other questions of Ms. Blaylock?

(No response)

COMMITTEE CHAIR MOORE: And, Bob, is there any other business for the order of the day?

EXECUTIVE DIRECTOR STRESAK: I believe we're good.

We did take action on AB 25; correct?

COMMITTEE CHAIR MOORE: Correct.

COMMISSIONER DUDLEY: Yes.

EXECUTIVE DIRECTOR STRESAK: And that will be reported to the Commission.

COMMITTEE CHAIR MOORE: Okay, I think we'll accept the motion to end this meeting.

COMMISSIONER MELEKIAN: So moved.

COMMITTEE CHAIR MOORE: Motion moved.

COMMISSIONER DUDLEY: Second.

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

(A chorus of "ayes" was heard.)

COMMITTEE CHAIR MOORE: The meeting is adjourned. Thank you, everybody.

(The Legislative Committee meeting concluded at 9:15 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 November 12th, 2014.

_____

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