

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING
LEGISLATIVE REVIEW COMMITTEE MEETING



TIME: 8:30 a.m.

DATE: Thursday, February 20, 2014

PLACE: Renaissance Long Beach Hotel
111 E. Ocean Boulevard
Long Beach, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



Reported by:

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

Daniel P. Feldhaus, C.S.R., Inc.
Certified Shorthand Reporters
8414 Yermo Way, Sacramento, California 95828
Telephone 916.682.9482 Fax 916.688.0723
FeldhausDepo@aol.com

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

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



POST STAFF PRESENT

(participating staff)

ROBERT STRESAK
Executive Director
Executive Office

CHARLES EVANS
Legislative Liaison
Executive Office

MARIE BOUVIA
Executive Assistant
Executive Office



I N D E X

<u>Proceedings</u>	<u>Page</u>
Call to Order and Welcome	4
A. Approval of October 24, 2013, Legislative Review Committee Minutes	4
B. Report on Legislation to Develop Law Enforcement Training to Address the Needs of Persons with Developmental and Intellectual Disabilities	5
C. Report on Proposed Legislation to Exempt POST from the Provisions of Government Code 19132	11
D. Bills of Interest: Assembly Bill 25 (Campos), Employment: Social Media	12
Adjournment	15
Reporter's Certificate	16



POST Legislative Review Committee Meeting, February 20, 2014

Thursday, February 20, 2014, 8:33 a.m.

Long Beach, California



CHAIR MOORE: Good morning. We'd like to call this meeting to order.

If we could first have roll call, please.

MS. BOUVIA: Bui?

MEMBER BUI: Here.

MS. BOUVIA: Dudley?

MEMBER DUDLEY: Here.

MS. BOUVIA: Hutchens?

MEMBER HUTCHENS: Here.

MS. BOUVIA: Kurylowicz?

MEMBER KURYLOWICZ: Here.

MS. BOUVIA: Moore?

CHAIR MOORE: Here.

MS. BOUVIA: Wallace?

MEMBER WALLACE: Here.

CHAIR MOORE: All present.

I'd like to move into approval of the October 24th, 2013, Legislative Review Committee meeting minutes, please.

MEMBER BUI: Motion to approve.

MR. EVANS: I have a motion to approve.

A second?

POST Legislative Review Committee Meeting, February 20, 2014

1 MEMBER WALLACE: Second. Wallace.

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

3 All those in favor?

4 *(A chorus of "ayes" was heard.)*

5 CHAIR MOORE: The motion passes.

6 Next, we'd like to have a Report on Legislation to
7 Develop Law-Enforcement Training to Address the Needs of
8 Persons with Developmental and Intellectual Disabilities.

9 MR. EVANS: Good morning. Two of the items are a
10 continuation of our discussion last session regarding
11 mental health. And we'll also do a brief discussion on
12 AB 25, Employment: Social Media.

13 And so the first item that I would like to discuss
14 is the Report on Legislation to Develop Law-Enforcement
15 Training to Address the Needs of Persons with
16 Developmental Disabilities. This is Senate Bill 663.

17 You know, existing law requires POST to design,
18 develop, and distribute law-enforcement training
19 applicable to persons with developmental disabilities and
20 mental illnesses.

21 Last year, Assembly Bill 602, which was authored by
22 Assemblymember Yamada, was signed by Governor Brown.

23 602, this bill, requires POST to develop, by
24 July 1st, 2015, a training course on investigations of
25 abuse of residents of state mental hospitals and

1 developmental centers.

2 This bill also requires mandated reporters to
3 immediately report serious abuse of persons in state
4 mental hospitals and developmental centers, to both local
5 law enforcement and state investigators.

6 This brings us to our current agenda item.

7 Senate Bill 663 by Senator Lara would expand beyond
8 the reach of POST pertaining to training courses under
9 602. It expands our requirement to not just train those
10 individuals who are in the jurisdiction of the mental
11 institutions; it now requests that we expand that
12 curriculum to all law-enforcement officers in California.

13 So the training will be DVD or electronic-based,
14 and it will be a continuation of what we've been doing in
15 the past. Currently, POST has approximately five courses
16 that's currently offered in this area of concern
17 involving mental health.

18 We haven't taken a position on the bill thus far,
19 wanting to discuss it first: If you would like to take a
20 position on the bill for or against.

21 MEMBER DUDLEY: Charles, would you mind giving us a
22 summary of those five courses? What do we presently have
23 available?

24 MR. EVANS: Currently, one course is Mental Health,
25 Decision-Making; Mental Health, Introduction; Mental

POST Legislative Review Committee Meeting, February 20, 2014

1 Illness Awareness, Refresher; Mentally Ill, Autism; and
2 the last one is Persons with Developmental Disabilities.

3 MEMBER DUDLEY: Is there anything that we don't
4 presently have, that these bills would be asking us to
5 create in terms of training?

6 MR. EVANS: No, I think there is no unmet training
7 need at this point. I think we're covering the bases
8 fairly well.

9 MEMBER DUDLEY: I'm sorry, say that again?

10 MR. EVANS: I think that we're meeting all of the
11 needs.

12 MR. STRESAK: Commissioner, we also have a training
13 mandate in the basic course that addresses this issue.

14 MR. EVANS: LD-37.

15 MR. STRESAK: Often, the crux is some of these
16 training mandates impose a finer level of granularity on
17 the officer to discern specific illnesses.

18 And our training has always focused on training
19 officers to recognize behavioral indicators and to steer
20 clear of diagnosis and other deeper causes.

21 And that's not to imply that 663 requires that.
22 However, we believe we have sufficient training resources
23 right now to cover that scope.

24 MEMBER DUDLEY: And, Charlie, can you tell me,
25 Senator Jackson contacted me, I contacted Bob, and I

1 believe you're in contact with Senator Jackson's office.
2 Senator Jackson also wants to author yet another piece of
3 legislation in this general area.

4 Can you bring me up to speed on where you are with
5 your communications with that office and how, if at all,
6 this differs from what we're presently doing?

7 MR. EVANS: Yes, we've been working very closely
8 with the staff of Senator Jackson.

9 Senator Jackson's primary concern in the District
10 was the abuse -- sexual abuse of migrant workers. And
11 so we provided the center with our current course
12 offerings regarding that.

13 We don't have any curriculum specifically designed
14 for that; but we did get -- and she was also interested
15 in curriculum on domestic violence, which we provided.
16 And we offer a course on domestic violence, domestic
17 violence with tribal communities. And so she was
18 satisfied with that aspect of it.

19 MEMBER DUDLEY: So migrant workers is compared to
20 mental health? Because she never mentioned that.

21 MR. EVANS: Well, her -- she never mentioned mental
22 health. That was Lara -- Senator Lara whose concern was
23 mental health.

24 MEMBER DUDLEY: When Senator Jackson called me, it
25 was all about mental health. That was the concern she

1 had.

2 So that's not what she's communicated?

3 MR. EVANS: No, she's communicating sexual abuse of
4 migrant workers.

5 MEMBER DUDLEY: Okay, thank you.

6 MEMBER HUTCHENS: Charles, I'm assuming we've
7 communicated to Senator Lara that we already provide this
8 type of training?

9 MR. EVANS: Correct.

10 MEMBER HUTCHENS: And what was the response?

11 MR. EVANS: And I discussed that in the analysis of
12 the bill, in the first attachment.

13 Senator Lara's response was that, yes, we concur
14 that the bill that he is sponsoring is almost a mirror
15 bill image of the one that was presented by Yamada the
16 year prior. And he indicated that he wanted to go
17 forward, nevertheless, because he has a constituency to
18 satisfy.

19 I spoke with the Governor's office yesterday. They
20 are concerned that Senator Lara is proposing a bill that
21 has already been addressed in many ways by Assemblyman
22 Yamada.

23 MEMBER HUTCHENS: Thank you.

24 MR. EVANS: Okay, the second item, Report on
25 Proposed Legislation to Exempt POST from the

1 Provisions --

2 MR. STRESAK: I think we need to take action on the
3 first item.

4 MR. EVANS: Correct. We must take action on that,
5 the one that we just discussed.

6 MR. STRESAK: If I could just reiterate real quickly
7 on 663, is that, number one, we believe it's not
8 cost-effective, given our current existing training
9 resources and our current fiscal condition.

10 Number two, that sufficient training resources and
11 mandates already exist to cover this topic.

12 And, number three, that it imposes additional cost
13 to local government.

14 And those would be the three highlights of the bill.

15 MEMBER BUI: So are you asking for a position of
16 oppose?

17 MR. STRESAK: Yes.

18 MEMBER BUI: I will make that motion.

19 MEMBER WALLACE: I will second.

20 MEMBER HUTCHENS: Second.

21 CHAIR MOORE: Moved and seconded.

22 Is there any more discussion?

23 *(No response)*

24 CHAIR MOORE: All those in favor?

25 *(A chorus of "ayes" was heard.)*

POST Legislative Review Committee Meeting, February 20, 2014

1 CHAIR MOORE: Opposed?

2 *(No response)*

3 CHAIR MOORE: The motion passes.

4 MR. STRESAK: Thank you, Mr. Chair.

5 MR. EVANS: Thank you.

6 Item C, Report on Proposed Legislation to Exempt

7 POST on Provision from Government Code Section 19132.

8 Last session, we discussed the challenges that

9 POST were experiencing regarding its personal services

10 contracts. This is our attempt, actually, to exempt

11 POST from those restrictive requirements in Government

12 Code section 19132 so that we won't have to go the

13 through the regular process to have our contracts

14 approved.

15 Last year, when we were working with Assemblyman

16 Pan, he had attempted to exempt POST from the bill. But

17 in the gut process, that exemption was removed. They

18 just took the bill, and it went through and they

19 eliminated us.

20 He referred to that process as unintended

21 consequences for POST. So last year, he represented

22 another sponsor. He asked me who sponsored that bill.

23 This year, he's representing us. It would be a cleanup

24 bill process. And so he has agreed to support us in this

25 matter.

POST Legislative Review Committee Meeting, February 20, 2014

1 And so we're requesting that we be allowed to pursue
2 this legislation.

3 MR. STRESAK: So the motion would be to authorize
4 the executive director to pursue legislation seeking
5 further amendment to 19130 of the Government Code.

6 MEMBER. DUDLEY: I so move.

7 MEMBER KURYLOWICZ: Second.

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

9 All those in favor?

10 *(A chorus of "ayes" was heard.)*

11 CHAIR MOORE: The motion passes.

12 MR. EVANS: The last item of interest for discussion
13 is with regards Assembly Bill 25 by Assemblymember
14 Campos. Last year, Assemblymember Campos introduced
15 legislation that would have prevented law enforcement
16 from conducting background investigations of its
17 applicants. Subsequent to that introduction, we were
18 working closely with her. She agreed to exempt law
19 enforcement, but it didn't happen. And so there was a
20 subsequent meeting of law-enforcement advocates. It was
21 about 40 law-enforcement advocates that met with members
22 from Campos' office. She didn't show up, but she sent
23 her legislative director, and members from the Governor's
24 office.

25 And the Governor set aside her determination to bar

1 law enforcement from looking at the backgrounds of
2 applicants.

3 So last week, we had another meeting. And the
4 Governor advised her again, reminded her that he was not
5 going to sign the bill unless she worked in good faith
6 with law-enforcement advocates. And that's where we are
7 now.

8 So that bill is still being considered.

9 So I think he is waiting for her to come around.
10 And so we'll see what happens.

11 That's the last item.

12 So, did you have a question?

13 CHAIR MOORE: No, do we have to make a motion on
14 that one?

15 MR. EVANS: No, that was just an update.

16 CHAIR MOORE: Okay.

17 MR. EVANS: There is no motion required on that one.

18 CHAIR MOORE: Okay, I see nothing else on the
19 agenda.

20 Is there anything else that we need to cover?

21 MR. STRESAK: There's nothing that I can recall.

22 Commissioners, do you have any comments or issues?

23 MEMBER DUDLEY: I would be interested if Charles has
24 some thoughts about where we are with the budget in terms
25 of the effect on law enforcement, just as you walk the

1 halls of the Capitol.

2 MR. EVANS: On budget?

3 Much of my interpretation of POST's budget, as I
4 walk the halls, is actually analyzed through the mind of
5 Bob Stresak. And so I'm going to defer to Bob Stresak.

6 MEMBER DUDLEY: I meant, about law enforcement and
7 the state in general.

8 MR. EVANS: Last year, the Legislature wasn't kind
9 to law enforcement. I don't think that they felt the
10 need to be because they had well-funded groups that they
11 were entertaining.

12 And so, of course, here at POST, we don't have the
13 ability to motivate a decision change through financial
14 incentive. All we have is our integrity. Other groups
15 have financial backing. So they weren't friendly toward
16 us because we didn't have anything to give them.

17 Now, that changes because as they need things from
18 us, of course, the dialogue changes.

19 Anything else?

20 MR. STRESAK: Anything else?

21 Mr. Chair, I'll turn it over to you to adjourn the
22 meeting.

23 CHAIR MOORE: Would anybody like to make a motion to
24 adjourn the meeting?

25 MEMBER HUTCHENS: Motion.

POST Legislative Review Committee Meeting, February 20, 2014

1 MEMBER KURYLOWICZ: Second.

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


3 All in favor, say "aye."

4 (*A chorus of "ayes" was heard.*)

5 CHAIR MOORE: We're adjourned.

6 MEMBER HUTCHENS: Well done, Commissioner Moore.

7 (The Legislative Committee meeting concluded
8 at 8:46 a.m.)

9 

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 March 11, 2014.

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