

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



TIME: 8:30 a.m.
DATE: Thursday, February 19, 2015
PLACE: Wyndham Anaheim/Garden Grove
12021 Harbor Boulevard
Garden Grove, 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

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



POST STAFF PRESENT
(participating staff)

ROBERT STRESAK
Executive Director
Executive Office

ALEXIS BLAYLOCK
Legislative Liaison
Executive Office

MARIE BOUVIA
Executive Assistant
Executive Office



A P P E A R A N C E S

Also Present

JIM McDONNELL
Chief
Long Beach Police Department



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POST Legislative Review Committee Meeting, February 19, 2015

Thursday, February 19, 2015, 8:30 a.m.

Garden Grove, California



(The gavel sounded.)

COMMITTEE CHAIR MOORE: Good morning, everyone.

I'd like to call the Legislative Review Committee meeting to order.

Let's start with the roll call.

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: Moore?

COMMITTEE CHAIR MOORE: Here.

MS. BOUVIA: Wallace?

COMMISSIONER WALLACE: Here.

MS. BOUVIA: And...?

COMMISSIONER McDONNELL: Just sitting in.

MS. BOUVIA: You're just sitting in?

COMMISSIONER McDONNELL: Yes.

COMMITTEE CHAIR MOORE: Okay, we have everybody

1 here.

2 Have you had the chance to look at the approval of
3 the minutes from the October meeting?

4 COMMISSIONER DUDLEY: I so move.

5 COMMISSIONER HUTCHENS: Second.

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

8 We'll get right into the business at hand.

9 Alexis, will you start us off with the bill analysis
10 for SB 11?

11 MS. BLAYLOCK: Yes. Good morning, everyone.

12 We'll start with Senate Bill 11.

13 And the circle goes round and round.

14 This bill is a proposed mandate to increase the
15 mental-health -- the minimum mental-health standards for
16 peace officers.

17 Sorry about the delay.

18 Okay, so I will ask you if you have access to your
19 packets, if you can refer to it.

20 So as I stated, this bill is to increase the minimum
21 standard for mental-health training for peace officers.
22 The bill is currently a spot bill. It's vague in its
23 intention as written. However, POST has been in
24 communications with the author. It's authored by Senator
25 Beall. And after communications with Senator Beall, it's

1 clear that his intention is to increase the hours in both
2 the regular basic course and in continuous professional
3 training for mental health.

4 Previously, in working with Senator Beall, we had
5 an agreement that POST would be providing the clarifying
6 language to determine if there are any gaps in the
7 training; and we would draft the language depending on
8 what the gaps are in the training.

9 POST recently received notice from the author that
10 they would pursue language without input from POST.
11 Senator Beall's office provided POST with their fact
12 sheets, which I have here.

13 And these just came in at the end of the week, so
14 that's why they're not in your packets. This is new
15 information.

16 So in the fact sheets, they're proposing to add
17 20 additional classroom hours to the academy, to the
18 regular basic course. And they have split this into
19 two bills.

20 So Senate Bill 29, which they still have not
21 amended, but they've expressed their intention to amend.
22 Senate Bill 29 will increase the hours of mental-health
23 training in the field-training program, which is not
24 separated in hours. It's by content and topics,
25 competencies.

1 And they are seeking to add 40 hours to the
2 field-training officer course.

3 So I'll scroll through this to give you an
4 opportunity to see this.

5 This is the 40 hours, this is the 20 that they're
6 proposing.

7 This is an unfunded mandate. The costs associated
8 with the mandates set in Senate Bills 11 and 29 are
9 substantial. And with our declining revenues, it's going
10 to be problematic for POST and problematic for the field.

11 As written, the bill would affect all law
12 enforcement by imposing these mandates. And the cost to
13 the field cannot be calculated at this time because it's
14 quite a few hours for every agency.

15 Staff is recommending that POST take a position of
16 "oppose unless amended."

17 Are there any questions regarding Senate Bill 11 and
18 Senate Bill 29?

19 COMMISSIONER BUI: A quick question, maybe I missed
20 it. Bui.

21 The 20 hours of training for trainees in the
22 field --

23 MS. BLAYLOCK: Field training.

24 COMMISSIONER BUI: Okay. Is that -- that's after
25 the academy?

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1 MS. BLAYLOCK: That's after the academy. And we've
2 explained to the author that field training is not broken
3 down into hours; it's made up of competencies.

4 COMMISSIONER BUI: Right.

5 MS. BLAYLOCK: And we've expressed that several
6 times.

7 COMMISSIONER BUI: Okay, that it would be difficult?
8 Yes?

9 MS. BLAYLOCK: Yes, exactly.

10 COMMISSIONER BUI: Okay.

11 EXECUTIVE DIRECTOR STRESAK: So part of our dialogue
12 was the initial solution proposed by the legislator was
13 to add hours. And we suggested that adding hours was not
14 a sufficient analysis; that we wanted content of quality
15 versus just hours.

16 And we were kind of stalled in any kind of progress
17 on that point. So at this point, where this increase
18 of hours, without bringing us to the table, has led to
19 an increase in academy instruction and an increase in
20 in-service training.

21 We remain sensitive to mental-health training and
22 the currency of the issue; but we think that this is an
23 impractical solution at this point.

24 So our emphasis would be to maintain an "oppose
25 unless amended," to see if we can remain at the

1 bargaining table with Senator Beall.

2 Thoughts?

3 COMMISSIONER DUDLEY: Has Senator Beall been
4 provided an analysis of the classes we presently have,
5 or the instruction we presently have on this issue?

6 MS. BLAYLOCK: Yes.

7 EXECUTIVE DIRECTOR STRESAK: Yes, one of our first
8 responses to any legislator is that "Here are our
9 resources."

10 So we have -- Jan will correct me if I'm wrong using
11 these numbers -- we have at least 24 CIT courses, and
12 then we have additional, up to 28?

13 MS. BULLARD: We have 38 certified in-service
14 courses.

15 EXECUTIVE DIRECTOR STRESAK: So 24 CIT, and then
16 there's a total of 38?

17 MS. BULLARD: There's 25 CIT, five CIT update
18 courses; and all of these courses run from eight to
19 40 hours.

20 EXECUTIVE DIRECTOR STRESAK: So the issue is,
21 looking at the quality of existing courses, and if
22 there's an existing gap analysis, we're more than willing
23 to amend and move on with that. But this solution seems
24 to be kind of a broader brush.

25 MS. BLAYLOCK: I would like to add, that we are

1 currently reviewing LD 37. That is where the
2 mental-health training for the regular Basic Course lies
3 right now. And we have already scheduled meetings with
4 subject-matter experts to review and analyze LD 37 to
5 identify the gaps.

6 And we're looking at redistributing the hours in the
7 regular basic course to accommodate more mental-health
8 training as needed, depending on what the gaps are.
9 We have invited Senator Beall's office to attend that.
10 But as we stated earlier, we are at a point now that
11 they're doing what they want to do, and we're continuing
12 to do what we need to do to address mental-health issues.

13 COMMISSIONER BUI: In the third portion there, you
14 have the 40 hours for field training officers; 20 hours
15 for trainees; and then the third part, there's further
16 training related to stigma and instruct officers on
17 cultural-appropriate procedures.

18 What is their -- what do they want out of that? Are
19 they asking for, like, in-service training hours or...?

20 MS. BLAYLOCK: They are looking to increase
21 in-service training. However, I may be interpreting it
22 incorrectly. But I think that what they are asking is
23 that we incorporate this in the training that they're
24 asking for.

25 EXECUTIVE DIRECTOR STRESAK: The senator identified

1 some outcomes.

2 One was to eliminate any kind of negative tragic
3 events involving mental-health content.

4 Number two, to reduce liability.

5 And number three, to save lives.

6 Now, those are the intended outcomes of this
7 legislation. Perhaps nothing new to you, but...

8 COMMISSIONER BUI: I'm sorry about all the
9 questions, and thank you for indulging me.

10 MS. BLAYLOCK: No.

11 COMMISSIONER BUI: My last one, with the managers at
12 the table: I'm slated to go to that CIT training in May.
13 So I don't know if anybody here has gone through it.
14 I don't know how managers feel about making the CIT class
15 a priority, and having that be kind of the part of the
16 response to this. And I don't want to throw out
17 mandatory, but that might be an option.

18 COMMISSIONER HUTCHENS: I think many agencies --
19 I can speak for ours -- many agencies already do make
20 it and have been making it a priority for many, many
21 years.

22 I find that paragraph, it's underneath the other
23 ones, about the training officers should be trained
24 because they typically become supervisors and --

25 MS. BLAYLOCK: That would be --

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1 COMMISSIONER HUTCHENS: -- that's not always true.

2 But I find it interesting because it seems that
3 somebody is advising him, who has some law-enforcement
4 background but may not be aware of all the training that
5 we're currently doing, critical incident training.

6 MS. BLAYLOCK: I will tell you that they are aware.
7 We've met with them and explained in detail the training
8 that takes place, the training that is available to the
9 law-enforcement community. We have sent them a detail
10 of all of the courses, how many hours they are. So they
11 know that the availability is there. And they know that
12 we do reimbursements, you know, according to the plans
13 that we have. They know that the training exists.

14 They want to make some training mandatory. However,
15 POST is in the position that this is excessive and that
16 it may not -- it will not meet the needs of the law-
17 enforcement community.

18 COMMISSIONER HUTCHENS: Well, I think the
19 recommended strategy is a good one, to identify the --
20 look at the training, identify the gaps, and talk to the
21 author about -- and he can take credit for having us
22 analyze and identifying gaps and maybe making a modest
23 addition.

24 Is that -- did I read the strategy correctly?

25 EXECUTIVE DIRECTOR STRESAK: Yes, you did.

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1 COMMISSIONER HUTCHENS: Okay.

2 EXECUTIVE DIRECTOR STRESAK: Mathematically, on this
3 bill, that if out of 90,000 police officers, we only have
4 to train, for example, 40,000 at a four-hour mandate,
5 that's a 160,000-hour training mandate that's unfunded.
6 That's just four hours.

7 So this bill has some significant fiscal
8 implications, in addition to --

9 COMMISSIONER HUTCHENS: I think it's important,
10 too -- I mean, it's important training, I don't disagree;
11 but I think it's important to remind the legislators --
12 and we're doing this to Cal State Sheriff -- is that
13 training is great; but for the departments that are
14 resource-strapped, if you want community policing,
15 they're either in training or they're going from call to
16 call. You're not going to achieve that community
17 policing goal. All of those are issues percolating up
18 there, so...

19 COMMISSIONER DUDLEY: What are the chances this bill
20 is going to pass without the amendments? Because then
21 I think we have to come up with another strategy.

22 EXECUTIVE DIRECTOR STRESAK: My suspicion would be
23 that once this moves to Appropriations and the estimated
24 cost of the bill given, I'm not sure it's going to go
25 very far -- any farther than that. But that would be my

1 guess, unless there's any kind of additional amendments
2 to this.

3 MS. BLAYLOCK: Any other questions?

4 EXECUTIVE DIRECTOR STRESAK: Mr. Chair?

5 COMMITTEE CHAIR MOORE: Well, this is my senator
6 that is coming up with this bill; and some of it, I have
7 been working with from the ground level.

8 In San José, over the last couple years, we've had
9 22 shootings, and nine of them were actual fatalities by
10 police officers, and those nine people were all mentally
11 ill.

12 Just within the last year, we've had two people both
13 being shot, killed by police, with mental issues. And
14 so we're really trying to look at ways in which we can
15 change and get more training and get more resources, not
16 only to the training part for the police officers to be
17 trained, but also some in-house care for the police as
18 part of this bill.

19 I believe that it is vaguely written, that for --
20 to accept more from this committee and more from POST in
21 general. I don't know all the political shifting and all
22 that, that goes around, who gets credit for what. But
23 it's really trying to help the police be more prepared in
24 their response to the communities.

25 You know, we talk about the cultural diversity and

1 the cultural training. Because my county has so many
2 different cultures, we're trying to address those issues
3 as well when the officers respond. And the only way we
4 could think of it, from my perspective -- it's not the
5 senator's perspective, this is speaking for myself -- is
6 we cannot -- for me, it's just maddening when we see our
7 officers put money into vehicles that only are used once
8 in a year, instead of into the actual manpower.

9 We'd rather have that money go toward the manpower
10 and the training for officers and equipping the officers
11 and staff, as well as, I guess its wellness care. We
12 need to put a provision here to care for the wellness of
13 our officers that are stressed out, that are also under
14 mental duress.

15 So when we look at this as a mental-health bill --
16 and part of what he's been pushing, I believe, was
17 AB 1738 that was put in 15 years ago by -- his name is
18 Hertenberg -- 15 years ago. Senate Bill -- Assembly
19 Bill 1718, in which at that time, it went into law, and
20 it was okay that we would give more mental-health
21 training to police officers, but it was never actually
22 done.

23 And so I'm trying to bring all this back to current
24 status, to actually make it more effective in the
25 policing community.

1 I'm not here to tell anyone how to do their job. I
2 don't know much about policing. I'm only reading about
3 policing to get an understanding; and to better our
4 community relations with the police department is so
5 important.

6 And as I saw you on the news a few weeks ago, when
7 you reached out to the African-American Black community
8 in support, doing more efforts like that, while at the
9 same time in a neighboring city of my county, Richmond,
10 when the chief of police reached out to the Black
11 community to say that he supported and understood, he was
12 then opposed by his own POA in the community. And that
13 has to stop. That's some of the simplicities of it, that
14 does not cost the departments any money.

15 When Bob first came to me, when I first came on this
16 committee and he came to interview me, he sat me down and
17 he told me, he says -- he gave the example of Kodak
18 Industries. Either we'd be like Kodak and see the change
19 coming and not accept the change and we'd be extinct; or
20 we would accept change and embrace it.

21 So I'm here, asking that we look at a way to embrace
22 change, and that means trying to take this police vehicle
23 we have as POST, and try to turn it into a 21st century
24 model, which is going to mean a lot of changes and a lot
25 of adaptations and things that we're not used to in the

1 standard way of being.

2 I see it worth more for us to figure out ways to put
3 more money in our policemen than in our police equipment.
4 It is the human aspect that we must be more concerned
5 about. Those are the ones who care for the community.

6 So some of the bill, as vague as it's written, it's
7 written with my understanding, is with hope that POST
8 would come alongside and help make the adjustments and
9 point out where the corrections need to be made.

10 How is it going to be funded? And that's for those
11 guys that have that knowledge to figure out how to get
12 the money. I have my own aspects of how we could raise
13 the money. But this is just a bill from the very ground,
14 up. Why it got out before, I don't know. It's something
15 to do with June, and then one date for it to
16 be brought before everybody to be voted on.

17 But the concern I have is that it's time for POST
18 and it's time for all our police departments to look at a
19 way that we can flip the way we've been doing policing
20 without changing the basic job of police functions; we
21 look at how, what does a real 21st century model look
22 like. It does not look like fatigues in the
23 neighborhood. It looks like an officer in the
24 neighborhood.

25 I came up during the Adam-12 era. And they were

1 there to serve and protect, and they stop and say "hi"

2 and we had relations with the officers in the community.

3 We now get, when I walk into Starbucks, the guys are
4 sitting in fatigues. And I say, "Well, what's happened
5 that has you dressed this way, to be in this
6 neighborhood?"

7 Our 21st century model must change. And we're
8 hoping to change what -- with care as we know in
9 California, as was given to us yesterday, the population
10 is increasing by a million people or so in the next year.
11 Out of that million, if we take 1 percent of that
12 population, we know there's going to be some with
13 mental-health issues. We must turn our model to prepare
14 to deal with these mental-health issues. And that starts
15 with putting our emphasis in the officer and in the
16 training of the officers.

17 And so that's what I think we see now with
18 Mr. Beall. This is what the attempt he is trying to
19 make. I don't know all the other stuff that goes around,
20 but the attempt is to try to help us change. And nobody
21 likes anything mandated without being a part of it.

22 And so from my humble understanding is, it's so
23 important that you guys become part of this process, and
24 not maybe reject it wholesalely, but look and say, "Let's
25 sit down, and this is what we need to do. These are what

1 we see the issues are in this bill. If we can put this
2 in and that in."

3 And lastly, what I just want to stop and say is:
4 I'm not for cutting POST. There is no way we can cut
5 down from 123 to 83 people and expect them to be able to
6 implement these programs.

7 So I would suggest that as part of the
8 implementation strategy when we would ask them, we'd also
9 ask for the increase of staff, so that we could actually
10 have a mandate part that would handle mental health,
11 bringing in mental-health experts that would actually
12 work for the department, that would help draft these
13 policies and this training.

14 And so what I think we should take back to them is
15 what we would need in order to implement this type of --
16 these type of things, and then we could start from there.

17 So that's just my humble opinion.

18 COMMISSIONER HUTCHENS: I don't think anybody here
19 would disagree with the fact that we always benefit from
20 more training. But I think it's a broader discussion
21 about, you know, law enforcement is the one that shows up
22 when everybody's in crisis.

23 There's a lot of other people on the way. It's a
24 broader issue. And it becomes law enforcement's issue
25 because all these things have not been done along the

1 way. And that's a longer-term discussion, but I think
2 it's one that we need to have. But the answer is always,
3 more law-enforcement training.

4 And I'd like to give all my deputy sheriffs training
5 all the time; but resources are finite, for all of us --
6 for POST, for the individual agencies. And the problems
7 in the different communities are different for us.

8 So while POST is kind of -- you know, we do set the
9 standard, per se, in some areas, there are some areas
10 that are left up to elected sheriffs and appointed police
11 chiefs, who would take offense to us coming in and
12 telling them certain things that they need to do for
13 their communities, because the communities are different.

14 COMMITTEE CHAIR MOORE: Yes.

15 COMMISSIONER HUTCHENS: Even within Orange County,
16 we have 13 different cities we police, they're all
17 different and they all have different priorities and
18 problems and issues. So I don't disagree with you at
19 all. It's just a matter of, you know, how do we keep --
20 how do we keep officers on the street, where they can
21 interact with the public? Because every time I send
22 someone to training, because we're 24/7, I've got to
23 replace them with somebody else. And that costs
24 overtime. That all costs money. So that's the reality.

25 I'm just trying to -- I'm not disagreeing with you;

1 I'm just trying to put a little dose of reality.

2 COMMITTEE CHAIR MOORE: Yes, and I tried to -- I
3 tried to address that in my community. And I've invited
4 Bob to come down to our second meeting since January.
5 And we're calling it -- the part where Dr. King spoke
6 about was the beloved community, in which I've got
7 different clergy from around the community, from Santa
8 Clara County, to all come to this meeting.

9 Our first meeting, we had 300 people from the
10 community, including law enforcement, the district
11 attorney's office, probation, and everything. We all
12 came in -- along with community members. And we sat
13 down, and we began a dialogue on what would we want and
14 how we want the police to police our community. How can,
15 one, the community take ownership for our faults and what
16 we've done; and how can the police take responsibility?

17 And so that's how we're trying to have an open
18 dialogue and an open conversation.

19 At the end of this nine-, ten-month period, we'll
20 write a white paper on what our recommendation is; and
21 give it both to the county and each representative city;
22 and what people from your city have said what they like
23 to see and how their -- the community is going to buy in.

24 And so this just took some of the command staff this
25 time, but we're looking for actually line officers to

1 come into the community to do it.

2 And, actually, Chief Laurie Smith is sending six
3 of her command staff into the meeting this coming Friday.
4 When we get back to town, we'll be having -- this will be
5 our second meeting. And it's all to try to -- and we
6 did not allow the media to be in there, so that anyone's
7 opinions or what was said was not taken and sent out and
8 changed; and we try to keep them -- from anybody pasting
9 anything and let the officers express how they feel when
10 they make a stop and how a person feels.

11 And so we begin to have a dialogue of exchange, each
12 side will take it. So that's how we're trying to get the
13 community to buy in, and that's how we're trying to get
14 the officers to buy in.

15 And so it's going to be a long process. And it's
16 not going to change tomorrow. But everybody -- and
17 that's why I commended when I saw what you had did. And
18 we just thought that that's community policing. And it
19 costs us no overtime, it doesn't cost us anything; just
20 time.

21 And I asked Bob to come -- just come and hear what
22 the people are saying, let the people hear what you are
23 saying. Because the biggest problem is, they were
24 talking about it last night with Richmond was, it was
25 probably a lack of communication. And if we can begin to

1 communicate with one another, where people don't feel
2 that when the police come to their neighborhood, they
3 aren't necessarily enemy. And so we have to break down
4 these walls in order to begin dialogue. And that
5 dialogue's not going to cost us anything or overtime.
6 It's just going to cost us our extra time, our spare
7 time. So that dialogue will start.

8 And I will challenge every officer here that
9 represents whatever city, is to reach out to those
10 organizations sometimes, and those are the ones that are
11 our worst critics. Because I'm criticized for being on
12 this panel. I'm no longer -- I'm no longer good enough
13 to be in some community functions, you know.

14 But you have to understand that sometimes those guys
15 who you have your worst issues with, call them into our
16 office -- or sometimes they won't come to our office --
17 go to where they are, sit down, and just talk to them.

18 That builds relationships. That will tear down some
19 of the walls that are being brought up. And that's where
20 I believe we start as an organization.

21 The only people we could control -- I mean, you guys
22 have some control over all the officers, you know. We
23 don't have any control over community people. But if you
24 know some people in the community, they can tell you who
25 the jerks are. Most of our crimes in our community are

1 not solved by the detectives; they're solved by those in
2 the community that come forward and give you leads. And
3 those leads are so important and they are so important,
4 that if we continue to build those and establish those
5 leads better, we have a better relationship with the
6 community. And that's part of what we want to emphasize.

7 And some of that for us in Santa Clara County, we
8 have to deal with San José PD, as an example, is with
9 the rotation of officers every six months. We want them
10 in one area for one year. The union wants to rotate them
11 out. We want them to be there so that they can know the
12 community, know people's work schedule, they know who is
13 who. And we have more sense of that officer when you
14 walk into Starbucks. We're trying to tell the kids,
15 stop and say "hi" to them, sit down and talk to them.
16 How do we recruit more people of color, more women of
17 color into the organizations is by -- not just showing up
18 that one time, but it's building the long relationship
19 with them. And so as the economies have been cut
20 across this state, we'll talk about our community
21 systems, our pal, our football. And the cost for these
22 things, all these programs are going up, so more kids in
23 the poorer communities are not doing anything.

24 So it's the line officers that will be out there
25 first that will build that relationship.

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1 COMMISSIONER DUDLEY: May I?

2 EXECUTIVE DIRECTOR STRESAK: Question?

3 COMMISSIONER DUDLEY: Well, here's my frustration
4 with this bill: It's not going anywhere. And people --
5 you know, five people in my community were murdered by
6 someone with mental illness.

7 And so we're sitting here, and we know this bill
8 isn't going to pass, and it's not going to pass because
9 there hasn't been careful consideration of the allocation
10 of the funding because he has not considered, and will
11 not consider the ideas that POST has about amending the
12 bill.

13 So instead of doing something positive and stopping the
14 next mass murder, we're just going to watch another bill
15 die.

16 So why isn't he meeting with POST and hearing about
17 POST's concerns?

18 COMMITTEE CHAIR MOORE: Ms. Dudley, I can take this
19 back for you. I can -- I can ask him, and I can insist.

20 I know that he's met -- the two ladies have met, I
21 guess, once or twice, and there's been some fun in those
22 meetings, I'm understanding.

23 And so all I can continue to do is talk with him,
24 and I can work on it from that end and try to get him to
25 be more receptive to coming in. Because he had said one

1 thing at one point, and something changed.

2 And I'm not a politician, all right. I'm a father
3 of two. I am a husband and one wife. I know how to
4 manage those somewhat well.

5 And so when we look at it, trying to work with him,
6 all I can say is, let's try to find it in this turning of
7 this boat, changing of this boat, and ask: How can we
8 work with you to make this a success that benefits the
9 community and it benefits the officers and it benefits
10 everyone? Because ultimately, as we spoke of it last
11 night, we understand that when they closed down all the
12 mental-health facilities, they turned these people just
13 loose on the streets. And San José had the largest
14 homeless encampment over a 15-year period. This group,
15 there's no place to take them. And as our housing prices
16 have shot up, no one wants those houses in their
17 neighborhoods, so they're closing the homes down and just
18 putting the people out.

19 And so who is the one to fall in the line of this?
20 It's the officers.

21 My community only sees a Vietnamese woman with a
22 carving knife that is shot by the police. They don't see
23 the mental-health issue. They see the fierce cops came
24 in and shot the woman with a two-inch blade, you know.

25 When I talked to the officers last night, in some

1 cities, they don't have any -- the hospitals don't have a
2 facility set up to even accept the mental-health patients
3 when they bring them in, and they're cut loose two hours
4 later, and then another officer gets a call, you know.

5 COMMISSIONER McDONNELL: Right.

6 COMMITTEE CHAIR MOORE: And so I understand that.
7 So there is a lot of in-depth things and there's
8 demographic things in each city that has to be looked at.
9 And as this thing is crafted, it has to be somewhat
10 crafted for the demographics of a county or a city and
11 the availability of services. Because when we tell an
12 officer, we want them to put them on a 5150 hold, there
13 has to be some place that's going to take them, and the
14 emergency room has to have a doctor that is willing to
15 sign off on it to admit this person. If the doctor is
16 not going to sign off on it, then we have problems. So
17 we have to look at all these issues and the only issues
18 that the officers know.

19 COMMISSIONER DUDLEY: But I'm asking you as a father
20 of two, to go back to your senator and ask your senator
21 to meet with POST staff, and to understand that this will
22 not make a difference. Everything you've described will
23 continue because this bill will fail and then we're back
24 to the same position. And I don't want to live in that
25 world anymore, and neither do you.

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1 So please use your influence to get him to meet with
2 us and understand our concerns.

3 COMMITTEE CHAIR MOORE: I will definitely do the
4 best I can to get him to meet with us.

5 EXECUTIVE DIRECTOR STRESAK: Commissioner,
6 well-stated, and the passion that was articulated, and we
7 all share your concerns.

8 The issue, I guess, once again, is the vagueness of
9 the bill. That we need to really be at the table to be
10 heard, and to be understood that we are looking for
11 solutions also. And we are looking deeply into our gap
12 analysis and where we can improve. And we know that at
13 times there are better training methods out there, better
14 training venues. And we'll do our best, given the
15 constraints that we have to deal with, with 600 agencies,
16 58 counties, et cetera, et cetera. You know the drill on
17 that. And we'd just like to be heard and be part of the
18 solution, so...

19 COMMISSIONER BUI: Yes, and, Commissioner Moore,
20 coming from a line person, okay, they really need to
21 consider what it is that they want from law enforcement.
22 Because ultimately, we're not clinicians, okay? So you
23 can train us and train us and train us as much as you
24 want, but we are not clinicians.

25 So how do we partner with, you know, the psychology

1 side of it to help alleviate this issue? Because it's
2 not going to be just a law enforcement -- we're not the
3 answer -- the complete answer to this problem.

4 MS. BLAYLOCK: I will add, just briefly, for the
5 information of the committee, that we have had that
6 discussion with the senator's office, that in looking --
7 there's a difference between training and programs. And
8 that when you're looking at a program, that's a
9 partnership with the community mental-health services,
10 unique to your community. Each area is different.

11 So we have had that discussion and told him that law
12 enforcement alone is not the solution.

13 However, we deal with training. And the training
14 that is proposed here, we don't see that it will work.
15 And it will be a burden on the law-enforcement community
16 and to POST. And that is why we're asking for an "oppose
17 unless amended."

18 We will continue to be willing to work with the
19 Senator's office and with the administration to come up
20 with a solution to the issue; but this is not the
21 solution.

22 So with that, we will ask the Chair to call for a
23 vote on...

24 EXECUTIVE DIRECTOR STRESAK: We need a motion.

25 MS. BLAYLOCK: Yes, I'm sorry, a motion on this

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1 issue.

2 COMMISSIONER HUTCHENS: Hutchens. I'll make the
3 motion.

4 COMMITTEE CHAIR MOORE: There's a motion on the
5 floor.

6 Is there a second?

7 COMMISSIONER DUDLEY: Yes.

8 COMMISSIONER WALLACE: Wallace.

9 COMMITTEE CHAIR MOORE: All those in favor?

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

11 COMMITTEE CHAIR MOORE: I was going to do a roll-
12 call.

13 Do we have to do a roll call or...?

14 EXECUTIVE DIRECTOR STRESAK: No.

15 COMMITTEE CHAIR MOORE: Okay.

16 Any opposed?

17 *(No response)*

18 COMMITTEE CHAIR MOORE: No opposed. The motion
19 passes.

20 MS. BLAYLOCK: Thank you.

21 COMMITTEE CHAIR MOORE: The next bill?

22 MS. BLAYLOCK: Thank you.

23 The next bill that we will be looking at is

24 Senate Bill 128, introduced by Senator Wolk.

25 This bill is for -- this information -- this is for

1 information only. And it's the End of Life Option Act.
2 This bill would authorize qualifying terminally ill
3 patients to request a prescription medication to end
4 their own life. The bill would create a new crime by
5 making it a felony to alter or forge a request for
6 medication to end a person's life, or to unduly influence
7 a person to end their life, or to conceal or destroy a
8 rescission -- I'm sorry, if they rescinded, then if
9 someone tries to conceal that or destroy that rescission,
10 then that would be a felony as well.

11 So this would impose a state-mandated local program.
12 POST would be required to modify Learning Domain 7, Death
13 Investigations, to accommodate this new law. The cost
14 would be minimal, and would be absorbable by POST.

15 We don't see that it would significantly impact the
16 budgets of POST or these agencies; and we're taking a --
17 we're recommending a position of "neutral." We're not
18 requesting an "unopposed" or anything on this bill. It's
19 information only.

20 EXECUTIVE DIRECTOR STRESAK: This is information
21 only?

22 MS. BLAYLOCK: Yes.

23 EXECUTIVE DIRECTOR STRESAK: No position is
24 required.

25 COMMISSIONER DUDLEY: Why is it for information

1 only? Why is it not taking a position?

2 EXECUTIVE DIRECTOR STRESAK: This doesn't really
3 hit POST's real house in terms of requiring any kind of
4 training, additional. It's just, it was a bill of
5 interest that affects us all, and just an FYI.

6 MS. BLAYLOCK: Okay.

7 And we have a new bill that has come to our
8 attention. This is not in your packet, so I'm trying to
9 navigate here to give you the information on the screen.

10 So this is Assembly Bill 334. It was introduced on
11 the 13th of this month by Assembly Member Cooper -- I'm
12 sorry, Cooley. And the bill begins by stating that the
13 average number of motorcycle association members are
14 46 years old and people over 50. Then it leaps into
15 seeking a mandate on motorcycle-rider profiling.

16 I'm going to give you the opportunity to look at
17 that a minute.

18 COMMISSIONER HUTCHENS: I don't understand it.

19 EXECUTIVE DIRECTOR STRESAK: Thank you.

20 MS. BULLARD: It's biker bias.

21 COMMISSIONER HUTCHENS: Okay.

22 MS. BLAYLOCK: Neither do we.

23 In essence, this bill implies that motorcycle riders
24 are equivalent to a new protected class that's being
25 discriminated against. The bill would require POST to

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1 address motorcycle-rider profiling in the regular basic
2 course and in conjunction with existing training on
3 profiling. This poses an unfunded mandate to POST to
4 develop the training in both the RBC and in-service
5 officers.

6 The bill also requires local agencies to adopt a
7 written policy condemning the profiling of motorcycle
8 riders.

9 I am not making this up.

10 COMMISSIONER KURYLOWICZ: Obviously, this guy got
11 pulled over.

12 COMMISSIONER McDONNELL: Who is Cooley? Do we know?

13 COMMISSIONER HUTCHENS: No.

14 COMMISSIONER McDONNELL: You don't know who he is?

15 COMMISSIONER HUTCHENS: He's not related to Steve,
16 is he?

17 COMMISSIONER McDONNELL: I don't think so.

18 MS. BLAYLOCK: The problems, of course, with the
19 bill are obvious; but I will go over some of them.

20 The bill does not describe or demonstrate any basis
21 for the legislation.

22 There is no evidence or statistical data to suggest
23 that law enforcement is engaging in biased treatment of
24 motorcycle riders.

25 The bill assumes facts that's not supported by

1 evidence. We believe the bill is offensive to law
2 enforcement in general and to any protected class to
3 which the bill may be attached.

4 Existing law already provides remedies for bias.
5 We have *Terry v. Ohio*, the Fourth Amendment, and a long
6 list of other laws that motorcycle riders are included
7 in the protection under those laws.

8 So we are recommending that the Commission take a
9 position of "oppose unless amended."

10 I will ask, however, if there are any questions.

11 EXECUTIVE DIRECTOR STRESAK: If I could, I would
12 suggest that we just take a position of "oppose."

13 COMMISSIONER McDONNELL: Yes.

14 EXECUTIVE DIRECTOR STRESAK: I don't see any benefit
15 of amending this bill whatsoever.

16 COMMISSIONER BUI: Bui. I will make that motion.

17 COMMITTEE CHAIR MOORE: And second?

18 COMMISSIONER HUTCHENS: Hutchens. Second.

19 MS. BOUVIA: Who is second? Excuse me.

20 COMMITTEE CHAIR MOORE: Hutchens.

21 MS. BOUVIA: Hutchens? Thank you.

22 COMMITTEE CHAIR MOORE: It's been moved and there's
23 been a second.

24 Any more discussion?

25 (No response)

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

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

4 COMMITTEE CHAIR MOORE: Opposed?

5 *(No response)*

6 COMMITTEE CHAIR MOORE: The motion passes.

7 MS. BLAYLOCK: Thank you.

8 COMMISSIONER DUDLEY: We needed some humor. That
9 was good.

10 EXECUTIVE DIRECTOR STRESAK: Mr. Chair, if I could
11 make a recommendation?

12 COMMITTEE CHAIR MOORE: Yes, sir. Go ahead.

13 EXECUTIVE DIRECTOR STRESAK: On the following,
14 Item D, we have several bills of interest -- Items 1
15 through 6 -- in the interest of economy of time, perhaps
16 we can just ask if there are any questions on any of
17 these bills.

18 The only point I would like to make on this list of
19 bills, is the significant potential that could lead to
20 additional training mandates that could involve a lot of
21 these bills in the future. But as for this moment,
22 they're just bills of interest.

23 MS. BLAYLOCK: And they are for information only.

24 COMMISSIONER BUI: Okay.

25 EXECUTIVE DIRECTOR STRESAK: Are there any questions

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1 on this?

2 COMMITTEE CHAIR MOORE: Any questions?

3 COMMISSIONER KURYLOWICZ: No.

4 MS. BLAYLOCK: That is it. Thank you.

5 COMMITTEE CHAIR MOORE: I want to thank everybody
6 for indulging me.

7 COMMISSIONER WALLACE: No problem.

8 COMMITTEE CHAIR MOORE: And thank everybody for
9 attending the meeting. I look forward to seeing you at
10 the next one.

11 With that, let's take a motion to adjourn.

12 COMMISSIONER KURYLOWICZ: Motion to adjourn.
13 Kurylowicz.

14 COMMISSIONER BUI: Second.

15 COMMITTEE CHAIR MOORE: It's been moved and
16 seconded. We're adjourned.

17 *(The Legislative Committee meeting concluded*
18 *at 9:12 a.m.)*

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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 9th, 2015.

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