

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



TIME: 8:30 a.m.

DATE: Thursday, October 22, 2015

PLACE: Double Tree Hotel - Mission Valley
7450 Hazard Center Drive
San Diego, 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

ROBERT DOYLE
Sheriff
Marin County

JOYCE DUDLEY
Santa Barbara District Attorney
Santa Barbara County

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



POST STAFF PRESENT

(*participating staff*)

ROBERT STRESAK
Executive Director
Executive Office

DAVID CORNEJO
Assistant Executive Director
(*Administrative Services Division*)
Executive Office

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

ALEXIS BLAYLOCK
Senior Consultant
Training Delivery Bureau
(*Outgoing Legislative Liaison*)
Executive Office)

A P P E A R A N C E S

POST STAFF PRESENT

(participating staff)

continued

MARIE BOUVIA
Executive Assistant
Executive Office

RALPH BROWN
(Incoming) Legislative Consultant
Executive Office

FRANK DECKER
Bureau Chief
Training Delivery and Compliance Bureau



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1 Thursday, October 22, 2015, 8:36 a.m.

2 San Diego, California



4 MS. BLAYLOCK: This morning, our director, Bob
5 Stresak, is going to open with some news.

6 EXECUTIVE DIRECTOR STRESAK: I do have some news.

7 We are having a change of the guard in the
8 Legislative Committee. Alexis will be moving over to
9 Training Delivery Bureau. She actually already has
10 assumed that position. And her replacement is Ralph
11 Brown.

12 Ralph Brown, when he stands up, he's like a
13 cornstalk in a cabbage patch.

14 But we're looking forward to Ralph assume the
15 new responsibilities and taking on the legislative
16 position.

17 We're excited to have Ralph on board.

18 And, Alexis, I want to thank you for all your hard
19 work in this past -- has it been almost two years now;
20 right?

21 MS. BLAYLOCK: Yes.

22 EXECUTIVE DIRECTOR STRESAK: It's been a while.

23 And we wish you the best in your new assignment; and
24 want to express our appreciation for what you've done in
25 these last few years. So thank you so much.

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1 MS. BLAYLOCK: Thank you.

2 So now, I guess we will begin, Mr. Chair.

3 COMMITTEE CHAIR MOORE: Start with the roll call.

4 MS. BOUVIA: Braziel?

5 *(No response)*

6 MS. BOUVIA: Bui?

7 *(No response)*

8 MS. BOUVIA: Doyle?

9 COMMISSIONER DOYLE: Here.

10 MS. BOUVIA: Dudley?

11 COMMISSIONER DUDLEY: Here.

12 MS. BOUVIA: Moore?

13 COMMITTEE CHAIR MOORE: Here.

14 MS. BOUVIA: Wallace?

15 COMMISSIONER WALLACE: Here.

16 COMMITTEE CHAIR MOORE: Do we have a quorum?

17 Approval of the minutes from the previous
18 legislative meeting.

19 Do we approve the minutes now?

20 MS. BOUVIA: Yes. We need a motion.

21 COMMITTEE CHAIR MOORE: I'd like to make a motion
22 that we approve the minutes from the last meeting.

23 COMMISSIONER DUDLEY: So moved.

24 COMMISSIONER WALLACE: Second. Wallace.

25 COMMITTEE CHAIR MOORE: All those in favor, say

1 "aye."

2 (A chorus of "ayes" was heard.)

3 COMMITTEE CHAIR MOORE: Approved.

4 Report on request for approval of proposed
5 legislation.

6 MS. BLAYLOCK: Good morning. It's good to be with
7 you again today.

8 So the staff is recommending the Commission
9 authorize the Executive Director to seek legislation to
10 allow an individual to designate on his or her state
11 income tax return a specified amount to be deposited into
12 the Peace Officer Training account.

13 And to give more detail on the subject, I'm going
14 to defer to our new Assistant Executive Director, Dave
15 Cornejo.

16 MR. CORNEJO: Thank you. Thank you.

17 So what we are going to be pursuing is a checkoff
18 on the franchise tax return. So we would have, on the
19 very last page, the ability for taxpayers to identify an
20 amount which could be designated to go to this account.

21 What the plan is right now, is that we would seek an
22 author, and go and pursue the legislation so that this
23 next year we would seek approval. And so it would then
24 be part of the 2017 tax process. So it takes about
25 18 months or so. But that is our intent.

1 If there are any questions, I'm happy to answer
2 them.

3 COMMISSIONER DUDLEY: What's the down side?

4 MR. CORNEJO: You know, I've spoken to a couple of
5 folks. And so there are some that, you know, have their
6 own other -- whether you're with a nonprofit or whether
7 you're with another tax checkoff program, there's always
8 that risk that, you know, funds that would be identified
9 for another tax checkoff program would be going to this
10 tax checkoff program.

11 However, really, there's a couple of advantages to
12 do this.

13 First and foremost, you know, in addition to the
14 funding, you know, it sends a message as an organization
15 that we are doing everything that we can to increase
16 revenues to POST. And so in working with control
17 agencies, it's a positive message. It reminds the
18 Administration and the Legislature that POST needs a
19 long-term sustainable fund source in order to maintain
20 our mission, in order to keep the high standards that
21 we currently have.

22 COMMISSIONER DUDLEY: Do you know other checkoffs
23 right now who we would be competing against?

24 MR. CORNEJO: Yes, so right now there's -- I want to
25 say there's about 16, 18.

1 They keep changing. Every year, they change. And
2 there's only so much room on that page, apparently.

3 And so what happens is, there are tax checkoffs,
4 plenty of health and social services programs. I believe
5 there's a Peace Officer Memorial account in there.

6 And the way the process works is, once you get on
7 there, you know, you are competing; and so we work
8 closely with Franchise Tax Board. And then if the
9 Legislature decides down the road, "Okay, we're going to
10 change it," then they vote who comes off and who goes on.

11 COMMISSIONER DUDLEY: Do you think we should get
12 ahead of it, and contact the Police Memorial, and let
13 them know we're doing this?

14 MR. CORNEJO: You know, that's a really good idea.
15 I think we can do that.

16 COMMISSIONER DUDLEY: I think if there are any other
17 law-enforcement agencies, we should contact them.

18 And do you have an author in mind?

19 MR. CORNEJO: Not yet.

20 COMMISSIONER DUDLEY: Okay.

21 MR. CORNEJO: Not yet.

22 COMMISSIONER DUDLEY: Thank you.

23 MR. CORNEJO: You're welcome. Thank you,
24 Commissioner.

25 COMMISSIONER DOYLE: Has there been any discussion

1 with the Administration about this?

2 MR. CORNEJO: No, we have not yet submitted the
3 proposal.

4 The process is to submit the -- we typically submit
5 proposals early -- mid-November, we'll probably go
6 externally with the proposal.

7 COMMISSIONER DOYLE: That doesn't exactly answer the
8 question.

9 Is there any plans to --

10 EXECUTIVE DIRECTOR STRESAK: Of course, no. It's
11 just a normal course routine in the past, when POST has
12 initiated legislation, that is the equivalent of it
13 becoming sponsored by the Administration. And so that
14 we will contact June and inform her of this.

15 We felt that, step one, in compliance with the
16 Commission's last directive to seek alternative sources
17 of revenue, that this was an option to explore. So the
18 issue before this group is whether you want to go forward
19 with it or not.

20 But, yes, we will stay in touch with the
21 Administration. This will not be a unilateral effort.

22 COMMISSIONER DUDLEY: I'd like to make a motion to
23 go forth with it.

24 COMMITTEE CHAIR MOORE: There's a motion on the
25 floor.

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1 Is there a second?

2 COMMISSIONER DOYLE: I'll second. Doyle.

3 COMMITTEE CHAIR MOORE: Moved and seconded.

4 All those in favor?

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

6 COMMITTEE CHAIR MOORE: Opposed?

7 *(No response)*

8 COMMITTEE CHAIR MOORE: Seeing none, the motion
9 passes.

10 MS. BLAYLOCK: All right, I will move on to Item C,
11 the oral report for the bills of interest.

12 Today, I will be discussing 11 bills for this
13 legislative session.

14 And I will start with AB 65, introduced by Alejo.
15 This bill is for body-worn cameras. And though that in
16 itself does not affect POST, the problem with this bill
17 is that it would delete the transfer or requirement for
18 the Driver Training Penalty Assessment Fund and instead,
19 require a transfer to a body-worn camera fund. That
20 would result in a loss to POST of \$14 million annually.
21 POST services to law enforcement would be significantly
22 reduced.

23 It does require a two-thirds vote. And the good
24 news is that it has stalled in Assembly Appropriations
25 and held in submission. However, it's important to

1 remember that this is still an active bill, and it may
2 resurface in 2016.

3 Any questions on AB 65?

4 *(No response)*

5 MS. BLAYLOCK: Just be aware, that is one we will
6 continue to watch, to see if it revives in the next
7 legislative session.

8 Moving on to Item Number 2, we have AB 334, which is
9 the motorcycle profiling bill we've discussed before.

10 As a reminder, this bill would make motorcycle
11 riders a protected class. That would be the effect of
12 the bill.

13 It has stalled in Assembly Appropriations and held
14 in submission. And it requires a majority vote. And
15 this bill is still active, and may resurface in the 2016
16 session.

17 Any questions on AB 334?

18 *(No response)*

19 MS. BLAYLOCK: Moving on to Item Number 3, we have
20 AB 546, Peace officers: Basic training requirement.
21 This bill requires POST to deem that there be an unmet
22 training need when Probation requests certification for
23 PC 832 courses.

24 POST met with the Probation Department and
25 determined that their needs are unique. So they are in

1 the process -- if it's not already been certified,
2 they're in the process of getting their courses
3 certified.

4 They are to be presented only to Probation, and it
5 will not have a negative impact on POST.

6 EXECUTIVE DIRECTOR STRESAK: Just to provide a
7 little additional insight into this bill, it's important
8 for everybody to be aware that the probation departments
9 in the State of California do not participate in the POST
10 program. And in the course of implementation of AB 109,
11 obviously, the training needs skyrocketed. So this was
12 an effort to help with regards to their training needs
13 for that process.

14 MS. BLAYLOCK: Any questions on AB 546?

15 *(No response)*

16 MS. BLAYLOCK: Having no questions, I'll move
17 forward to Item number 4, AB 953, the Law enforcement:
18 Racial profiling. This bill, which they will call the
19 "Racial and Identity Profiling Act of 2016," will revise
20 the definition of "racial profiling" to include racial
21 identity.

22 The unintended consequence of this bill and the
23 concerns that POST expressed, is that it will
24 inadvertently require officers to participate in
25 profiling behavior.

1 What the bill does is it will require a gathering of
2 information whenever officers conduct a stop or contact
3 someone in the field; and that officer will be required
4 to take some information, such as race, perceived age --
5 it's actually perceived race. They cannot ask the
6 participant what their race is; so, therefore, it
7 basically requires the officer to look at someone and
8 guess what their race is.

9 And in that vein, it makes no sense at all; but it
10 has been chaptered and it has been passed.

11 I can see there being some future legislation to
12 correct some of these issues. But we did express those
13 concerns. However, the bill has passed; and it's
14 effective January 1st.

15 Any questions on AB 953?

16 *(No response)*

17 MS. BLAYLOCK: I highly recommend that if you
18 haven't read the bill, that you read it. There are a
19 lot of things in there, a lot of consequences for law
20 enforcement, like, what agencies have to report data.
21 It depends on the size of the agency. And they have
22 certain dates that the data has to be submitted. It
23 requires the establishment by the Attorney General of
24 a Racial and Identity Profiling Advisory board, which
25 they're calling "RIPA."

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1 So there is quite a bit of -- it's going to affect
2 law enforcement in a significant way.

3 As far as training for POST, we will update our
4 training to refer to the definition of "racial profiling"
5 and include racial identity in that.

6 Any questions?

7 COMMISSIONER DUDLEY: Yes, I have a question.

8 Have you heard about who is trying to amend this?

9 MS. BLAYLOCK: No. We're hoping someone will.

10 But, no, I haven't heard that.

11 I just know that, for the field, it seems very
12 awkward that officers are going to be, you know --

13 COMMISSIONER DUDLEY: No, it's impossible.

14 MS. BLAYLOCK: Yes.

15 COMMISSIONER DUDLEY: It's an impossible piece of
16 legislation.

17 MS. BLAYLOCK: So I fully anticipate that there will
18 be a lot of "unknowns" on the "racial" box. That's what
19 I would do. I can't possibly look at someone and try and
20 guess --

21 COMMISSIONER DUDLEY: It's not only ridiculous, it's
22 a waste of time. There's everything wrong with this
23 piece of legislation.

24 MS. BLAYLOCK: Yes.

25 COMMISSIONER DUDLEY: So my concern is that I would

1 like to get POST behind the people that are seeking to
2 amend this as soon as possible, so that we can get
3 involved in rewriting that legislation and supporting the
4 amendments of that legislation.

5 So just keeping us posted on who those folks might
6 be, I think would be helpful.

7 MS. BLAYLOCK: Okay, I will work with Ralph on that.

8 COMMISSIONER DUDLEY: Thank you.

9 COMMISSIONER DOYLE: I think we discussed that at
10 great length at the State Sheriffs a couple of weeks ago,
11 and we haven't heard of anyone mobilizing to amend it,
12 so...

13 That doesn't mean they won't, but...

14 COMMISSIONER DUDLEY: Yes.

15 COMMITTEE CHAIR MOORE: I guess part of my question
16 is, RIPA, that's going to be a committee; correct?

17 MS. BLAYLOCK: Yes.

18 COMMITTEE CHAIR MOORE: It's on there. And I think
19 it would be -- and there's no one -- no representation
20 from POST on that.

21 So I think part of our position should be also to
22 make sure that when this committee is formed, that we
23 have some form of representation on that committee to
24 help --

25 COMMISSIONER WALLACE: I think you'll need

1 legislation.

2 MS. BLAYLOCK: I think, in the legislation, it
3 actually outlines who the committee members will be. So
4 they have determined that. That doesn't mean it can't
5 be changed or amended. But so far, they do have an
6 outline of how the committee will -- you know, what would
7 be the composition of that committee.

8 COMMISSIONER WALLACE: And certain folks have
9 appointments on it as well, like the Governor and the
10 Attorney General have seats.

11 MS. BLAYLOCK: Yes.

12 COMMISSIONER WALLACE: So there's ways to get folks
13 on the board.

14 EXECUTIVE DIRECTOR STRESAK: Commissioner Wallace,
15 are you aware of any initial efforts yet to form the
16 committee?

17 COMMISSIONER WALLACE: No. We had our initial
18 meeting last week, at the AG's office, to start the
19 conversations. And I know that we would form it by
20 June 30th of '16 or July 1st, one of the two. And so
21 we're starting to move in that direction. But we just
22 started.

23 MS. BLAYLOCK: Yes, that would be July 1st, 2016.

24 COMMISSIONER WALLACE: But it lays it out in 953,
25 all the specific individuals that will have positions on

1 that board and who can appoint.

2 COMMITTEE CHAIR MOORE: Thank you.

3 MS. BLAYLOCK: Any other questions or comments on
4 AB 953?

5 COMMISSIONER DUDLEY: Just a thought, Commissioner
6 Wallace, if you would -- if the AG is thinking about
7 appointing someone, if you'd at least mention to her that
8 POST is interested; and then we can figure out later, you
9 know, who that person might be. But I think that is very
10 important, given the training that's going to have to
11 come from this organization.

12 COMMISSIONER WALLACE: Absolutely.

13 COMMISSIONER DUDLEY: Thank you.

14 MS. BLAYLOCK: Thank you.

15 I will move forward now to Item Number 5, AB 1168.
16 This bill basically was a request for the extension of
17 the three-year re-qualification requirement. They asked
18 for an extension to five years for a deputy sheriff
19 assigned as an 830.1(c) custodial officer who desires
20 to move -- to be reassigned to 830.1 general law
21 enforcement officer.

22 The sunset on that is January 1st, 2019. It does
23 not negatively impact POST; and we found no way that it
24 negatively impacted law enforcement.

25 There was a requirement that they receive the

1 training in the meantime. They have to complete the
2 continuous professional training. That is something that
3 we did express that concern, and that was granted. So
4 that bill shouldn't really affect law enforcement.

5 COMMISSIONER DOYLE: What was behind this was there
6 are a number of valley counties that hire people who
7 have been to the academy, but they are correctional. And
8 so they wanted them to at least be transitioned into
9 peace-officer status and not have to go through the --
10 what is it, two or three weeks of retraining.

11 MS. BLAYLOCK: Yes, the re-qualification, I believe,
12 is 132 hours --

13 COMMISSIONER DOYLE: Right, total.

14 MS. BLAYLOCK: -- of training.

15 COMMISSIONER DOYLE: King County is one of the
16 bigger --

17 MS. BLAYLOCK: Yes.

18 COMMISSIONER DOYLE: -- but there are some other
19 valley counties that did the same things.

20 MS. BLAYLOCK: Yes.

21 EXECUTIVE DIRECTOR STRESAK: It was an effort to
22 help alleviate the recruitment and retention issues.

23 COMMISSIONER DOYLE: Right.

24 COMMISSIONER DUDLEY: Thank you.

25 MS. BLAYLOCK: Any questions on AB 1168?

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1 MR. BROWN: Alexis, if we can, going back one to
2 AB 953 under the new section, the 13519.4, there is a
3 subsection (k), as far as the designees on this RIPA
4 committee. And Section (k) says, "Up to two other
5 members that the Governor may prescribe." So that's kind
6 of an opening for that opportunity.

7 MS. BLAYLOCK: Yes.

8 MR. BROWN: So it does exist.

9 COMMISSIONER DUDLEY: Yes. And I'm sure it's just
10 a typo; but they talk about the public defenders but not
11 the D.A.'s.

12 COMMISSIONER DOYLE: It was an oversight.

13 COMMISSIONER DUDLEY: Yes.

14 MS. BLAYLOCK: Thank you.

15 Any questions on AB 1168?

16 *(No response)*

17 MS. BLAYLOCK: Moving forward, we'll go to AB 1194.
18 This is regarding mental health and involuntary
19 commitments; and pertaining to training, it only says
20 that the individual making the determination whether or
21 not a person will be held for an involuntary examination,
22 that they would consider available relevant information
23 about their historical background regarding their mental
24 health.

25 This is an improvement over the previous version.

1 The previous version said that the officers would
2 basically look at their background; and we expressed the
3 concern that we don't have access to that information,
4 you can't require us to consider something we don't have
5 access to. So the language was massaged to say that we
6 would consider available information; so that is the
7 difference in this bill.

8 And it was chaptered, and it will have no impact on
9 training for law enforcement.

10 Any questions on AB 1194?

11 *(No response)*

12 MS. BLAYLOCK: We're halfway there.

13 Moving forward, we have SB 11. This is the -- these
14 are significant bills, SB 11 and 29, which I'll get to
15 in just a moment.

16 But SB 11 is quite significant to law enforcement
17 and it regards the mental-health training. This was
18 introduced by Senator Beall out of the Santa Clara
19 region. And the impact is that it would increase the
20 Regular Basic Course, Learning Domain Number 37, from
21 six hours to 15 hours.

22 We are constrained to keeping the academy within
23 the regular hours of the Regular Basic Course, which is
24 664 hours. So what it's saying is that we'll increase
25 training by nine hours without increasing the academy.

1 That's going to present some challenges for us.

2 We have already looked at the content of the Regular
3 Basic Course and identified areas where POST can
4 consolidate material and eliminate duplicated material.
5 So we're doing everything that we can to accommodate
6 this.

7 We will have to do it, since it has been chaptered.
8 But that is the effect that that will have on us. This
9 will be effective January 1st.

10 And it added two sections, so I'm going to just give
11 you a synopsis of what each section does.

12 So it adds 13515.26 to the Penal Code and 13515.27
13 to the Penal Code.

14 .26 adds the five hours to the Learning Domain
15 that's unnecessary. And I say "five hours," because
16 after looking at all of the content that the author
17 requested, all of the content that our subject-matter
18 experts said could be added to the course, we still
19 determined that the course could be effectively presented
20 in ten hours.

21 So with our saying that we only need ten hours to
22 present this material and we are mandated to extend it
23 to 15 hours, we have five hours that we have to figure
24 out how to accommodate that. But that's something that
25 POST will be doing. So I just wanted to let you know how

1 that affects us.

2 And the 13515.27, it's important to let you know
3 that that new section is actually redundant. Because
4 existing law under 13515.25 already mandates continuing
5 training course related to behavioral health.

6 So we have -- as of January 1st, we'll have two
7 sections that will state that POST must establish and
8 maintain a continuing training course related to
9 behavioral health.

10 So in the analysis that I presented to the Governor
11 on that, I did a comparison of 13515.25 and 13515.27 to
12 show that there is a duplication of effort, it's expense
13 without benefit to the law-enforcement community.

14 Some of the content is the same; some of the content
15 is different on those two sections. And the problem is,
16 that will cause confusion. Because someone reading the
17 Penal Code is going to look at that and say, "Oh, this
18 says we have to have this continual training, and it has
19 to contain these topics." Then they'll look down and
20 say, "Well, this says, we have to have continual
21 training, and it has to have these topics." And they're
22 not the same.

23 So, you know, it would be ideal if we could combine
24 those at some point in the future. I don't know how
25 successful we will be doing that with that senator.

1 Because traditionally, if there's a correction to be
2 made, we go back to the author that kind of presented the
3 issue and ask that author to make the correction. But
4 just be aware that we have two sections now that require
5 similar things, with slightly different content. So it
6 is going to cause some confusion.

7 EXECUTIVE DIRECTOR STRESAK: A couple of quick
8 points on this is, Point Number 1 is that these are
9 unfunded training mandates. And what I wanted to clarify
10 on SB 11 is when we brought together the subject-matter
11 experts -- and, as you know, we bring together Northern
12 California, Southern California; urban, rural; large,
13 small; and related mental health subject-matter experts,
14 including a representative from the author's office, the
15 best they could come up with was an increase up to
16 ten hours of the curriculum. But we have a mandate to
17 develop -- or deliver 15 hours; so that remains our
18 challenge.

19 MS. BLAYLOCK: And just to be aware, they have --
20 they require that both of these sections have an
21 implementation date of August 1st, 2016, which is
22 unrealistic, considering the process that POST has to
23 go through, through the Office of Administrative Law.
24 So it is actually almost impossible for us to meet that
25 deadline.

1 EXECUTIVE DIRECTOR STRESAK: Okay, Ralph?

2 MS. BLAYLOCK: And we've made the Administration
3 aware of that.

4 EXECUTIVE DIRECTOR STRESAK: Ralph, you were part of
5 the LD-37 development. Is there anything you wanted to
6 add to that?

7 MR. BROWN: Well, just that the SMEs, which
8 consisted of folks that were Ph.D.s and counselors and
9 the like, could very rarely agree -- a group in a
10 controlled environment could very rarely agree on
11 diagnosis and how one approaches one in a differentiation
12 between someone under the influence and somebody with a
13 mental illness, and then how they're dealt with
14 individually. And so even in that environment, versus in
15 the street environment, it's obviously much more of an
16 impact.

17 So a great deal of lack of congruence in the group.
18 Nonetheless, they did agree on the specific content after
19 we kind of reined them in a little bit. It's going to be
20 very difficult, at best.

21 EXECUTIVE DIRECTOR STRESAK: Thank you.

22 MS. BLAYLOCK: Okay, and as Director Stresak
23 mentioned, it is an unfunded training mandate. We're
24 looking at the cost of this for all of this to be about,
25 total, \$875,000, just for SB 11.

1 Any questions?

2 (No response)

3 MS. BLAYLOCK: Moving forward to our second mental-
4 health bill. That will be SB 29, also by Senator Beall.
5 And this bill would require that all field-training
6 officers have at least eight hours of crisis-intervention
7 behavioral-health training.

8 It was amended in Assembly on 8/31 -- favorably to
9 us, I might add; and it was chaptered on October 3rd. So
10 it will become effective January 1st.

11 This bill added three sections to the Penal Code:
12 13515.28, 13515.29, and 13515.295.

13 13515.28 will require that all FTOs have that eight
14 hours of CIT or mental-health-related training.

15 13515.29 requires that the existing field-training
16 officer course, which is a 40-hour course, that it be
17 modified to contain four hours of mental-health training.
18 That's 10 percent of the course. We thought that was
19 too much. We thought two hours would be reasonable.
20 However, we lost that fight. So it is four hours of
21 mental-health training that would be required on
22 13515.29.

23 The third section, 13515.295, requires that POST
24 update a field-training program guide to expand the
25 mental-health competencies requirements, and add all of

1 the new topics that the legislation wants in the field
2 training guide, which is not an issue for us at all.

3 EXECUTIVE DIRECTOR STRESAK: I don't think there is
4 anybody in this room that will disagree with enhanced
5 mental-health training is a benefit to the field.

6 What this kind of begins to dabble in, perhaps, is
7 the potential to -- with the expectation of officers to
8 diagnose. And we've always said that our mission is to
9 train officers to recognize behavioral indicators and not
10 get into that realm of diagnosis. And my hope is that
11 this is not the precursor to an expectation that officers
12 accurately diagnose conditions in the field.

13 MS. BLAYLOCK: Yes, and we did express those
14 concerns.

15 The language actually is much improved. If you will
16 recall when we first started this, they wanted 40 hours
17 here, 40 hours there, 20 hours here. It was quite
18 overwhelming, without any sense of what content would be
19 contained in those hours. So with our working with the
20 Administration and with the Senator's office, we were
21 able to make significant improvements.

22 So while the bills, SB 11 and 29, are not perfect
23 and while we still have some issues with them, they are
24 a whole lot better than they were when we started.

25 COMMISSIONER DUDLEY: Has it been determined what

1 those ten hours will include?

2 MS. BLAYLOCK: The ten hours that we identified
3 will include all of the topics, old and new, of the
4 mental-health training. And it's outlined in the bill.
5 And I think the subject-matter experts came up with a few
6 things.

7 Is that correct, Ralph?

8 MR. BROWN: Correct, correct.

9 MS. BLAYLOCK: They came up with a few things in
10 addition.

11 So with everything that the Senator wanted and the
12 subject-matter experts identified, it's still only ten
13 hours. So we're mandated for 15.

14 And we've been discussing creative ways to
15 accommodate that, like perhaps running some training
16 concurrently with other learning domains, where the
17 two actually interact with one another -- like, missing
18 persons, for example. A missing person -- a person who
19 has mental illness and missing persons, can we combine
20 that hour and cover them both.

21 So we're looking at what we can and cannot do to
22 accommodate this legislation.

23 COMMISSIONER DUDLEY: Ralph, can you address Bob's
24 concerns about diagnosing? Is that part of those ten
25 hours? Do you feel like it's headed in that direction?

1 MR. BROWN: Well, so they -- after I pointed out
2 to the group -- so here we are in a controlled
3 environment and, you know, the eight or ten of you who
4 are clinical professionals versus the kids that are just
5 coming out of the academy, who just came to work in the
6 academy after working at Lowe's, there's no way we are
7 going to adequately train these folks to identify and
8 then deal with. It's going to be, like Bob said, we see
9 a behavior, how do we cope with that, deal with that --
10 effectively deal with that behavior, and not diagnose?

11 So, by the time we finished the workshop, there
12 was less of an emphasis on diagnosing, per se, clinical
13 diagnosis, and more how we effectively deal with this
14 person in a humane way. And that was the gist of the
15 working group's agreement.

16 COMMISSIONER DUDLEY: Thank you.

17 MR. BROWN: Bob, if I can, on the second -- the
18 second part of the bill, 29, that deals with FTOs. So
19 the field should know that if you have FTOs that have
20 not completed a 40-hour CIT course, they're going to have
21 to take -- within the last two years -- they're going to
22 have to take an eight-hour crisis-intervention training
23 class, which there are several listed in the POST
24 catalog.

25 This is going to be an additional expense that is

1 unfunded, and you should be aware of that.

2 MS. BLAYLOCK: Yes, so we have about 8,600 FTOs in
3 the field right now. And, yes, those who have already
4 completed a 40-hour CIT course or course related to
5 mental health, and those who have completed eight hours
6 within the past 24 months, will not be required to take
7 this eight-hour training.

8 So when you read the legislation, it sounds
9 ambiguous. It sounds like, that either 40 or eight
10 exempts them. But it's, really, they have to have
11 40 hours sometime in the past; or if they've had the
12 eight hours within the past 24 months, they will not be
13 required to meet this eight-hour training requirement.
14 But we don't think that that's going to be a significant
15 number of FTOs out of 8,600.

16 So any questions or comments on SB 29?

17 *(No response)*

18 MS. BLAYLOCK: Moving forward to Item Number 9, it
19 is SB 795. It's our Public Safety Omnibus bill. And
20 what we did with that, we requested that there be a
21 correction to Government Code 1031(e). And it was a
22 pretty simple correction. It was just a correction of
23 language. It regards the minimum education requirements
24 for peace officers.

25 We deleted "CITA," which was the Commission on

1 International and Transregional Accreditation. And CITA
2 was an accreditation agency that was acquired by
3 AdvancED, so we had to change the language to put the
4 right agencies in there.

5 So AdvancED actually does accreditations for
6 pre-K through 12. And so officers -- that now the law
7 has caught up with the changes; and so their requirements
8 for education is now -- it's up-to-date. That's all that
9 is.

10 So no --

11 COMMITTEE CHAIR MOORE: And the right agency is?

12 MS. BLAYLOCK: The new agency is AdvancED. It's
13 Advance, with E-D -- "AdvancED." And the former agency
14 was CITA.

15 AdvancED acquired CITA. So the language in there
16 still said "CITA," but CITA no longer exists; so we just
17 made the correction.

18 Any questions on SB 795?

19 *(No response)*

20 MS. BLAYLOCK: Moving on to the next item, it's an
21 extraordinary -- it's the second extraordinary session.
22 So, therefore, it reads ABX2-15, the End of Life.

23 You'll remember this bill as formerly SB 128 by
24 Senator Wolk. It was a bill we discussed about the
25 options for ending one's life who is terminally ill and

1 who is expected to live six months or less.

2 That bill stalled. I don't know why the senator
3 withdrew it. I know there was a lot of protests to the
4 bill and a lot of public reaction to the bill.

5 However, the Assembly did take it up under an
6 extraordinary session and moved the bill forward. It's
7 almost identical in language. They did clean up a few
8 ambiguities.

9 When we discussed it last time, we talked about
10 whether it would be a crime for someone to dissuade a
11 person from taking their own life; and it was unclear.
12 They did kind of clean up the language, so I will go over
13 that.

14 So the future implications of this -- well, let me
15 start with what it does.

16 It does create a new crime, new felonies. And it
17 makes it a felony to knowingly alter or forge a request
18 for medication to end one's life without his or her
19 authorization. It makes it a felony to conceal or
20 destroy their rescission of the request for medication
21 if it is done with the intent and effect of causing the
22 individual's death. It would also be a felony to
23 knowingly coerce or exert undue influence on the person
24 to request medication to end their life, or to destroy a
25 rescission of that request to end their life. So it

1 creates four new felonies.

2 The questions that I would still have on this
3 bill -- and I'm sure we'll see them as time goes on --
4 is how would the law be interpreted for a family member
5 who destroys a patient's request to die; how would it be
6 interpreted if it prevents the patient from submitting
7 a request to die; and what would happen in a case where
8 someone other than the patient alters the document in a
9 way to ensure that the patient is denied the request.

10 So those are future things just to think about.

11 Commissioner Dudley, I welcome your input on that.
12 Because we know that when we have laws like this, there
13 will be cases that come up that are going to be
14 unanticipated things, where people look for ways to get
15 around things like this.

16 So it does affect how we do investigations -- death
17 investigations in the Regular Basic Course, it will
18 affect that.

19 It will also affect the coroner's course and the
20 homicide investigations courses.

21 So when we run into these things that I mentioned,
22 these other possibilities, we have to think about how
23 are we going to look at that, what are we going to do?
24 So it's just something to consider. But this bill was
25 passed; and so as of January 1st, it will be law.

1 Any questions on ABX2-15? Comments?

2 COMMISSIONER DUDLEY: I think we're going to be able
3 to look to Oregon for a lot of the questions you asked,
4 because they've certainly been there, and they've taken a
5 lot of these issues to court already.

6 But you're right, the devil is always going to be in
7 the details of the implementation of this, and POST does
8 have to get up to speed on it.

9 As a POST Commissioner, I'm particularly concerned
10 about what efforts boots on the ground, first responders,
11 have to make to see if such a document exists, and their
12 potential civil or criminal liability.

13 I can't imagine there's any criminal liability, but
14 I wonder about the civil liability. So I think that
15 issue has to come before POST at some point.

16 MS. BLAYLOCK: Yes, the bill, it's quite a long
17 bill. But going through it, there are provisions made
18 for that. It talks about how the civil and criminal
19 liability will be dealt with. And basically, there will
20 be little or none for those who are acting in good faith
21 with the bill.

22 However, if someone decides -- by the way, it still
23 will be a homicide in reading the bill, if someone
24 decides, "Okay, you've requested this medication to die.
25 Let me help you. I'm going to administer it to you,"

1 that's still going to be a problem. They're not allowed
2 to do that.

3 So there are a lot of restrictions in the bill. And
4 they did a wonderful job. In trying to address every
5 issue. We just know that there are always going to be
6 things that will come up that are not addressed by the
7 bill.

8 Any other questions or comments?

9 EXECUTIVE DIRECTOR STRESAK: Just FYI to everybody
10 present here, is that we will be convening a group of
11 subject-matter experts before the end of the year, to
12 begin to develop training programs on this issue.

13 MS. BLAYLOCK: Okay, our last item is the 2016
14 Omnibus bill proposal. And it's a notification to you
15 that staff intends to request authorization from the
16 Administration to seek an amendment to 33220(b) of the
17 Penal Code, that extends the existing short-barrel
18 training requirements -- short-barrel rifle and shotgun
19 requirements by peace officers to the long-barrel rifle
20 and shotguns. So right now, training is only required
21 for the short-barrel rifles and short-barrel shotguns.
22 Long-barrel is handled through -- the training
23 requirements are handled through POST regulation, not
24 by law.

25 And we have Bureau Chief Frank Decker here to answer

1 any questions you may have on this. He's worked
2 extensively on this project.

3 And, Frank, would you like to just give us a summary
4 of what it is, if you don't mind?

5 MR. DECKER: The situation with the rifle training
6 is that it is a bifurcated training standard, in that
7 the short-barrel requirement is in the Penal Code and the
8 requirement for long-barrel is in Commission regulation.

9 So we're doing two approaches: One, we're proposing
10 to amend Commission regulations to clarify that through
11 the more appropriate part of regulation as to where the
12 Commission department stands, but also to change the
13 Penal Code to reflect both long-barrel and short-barrel
14 to provide clarity to both situations.

15 MS. BLAYLOCK: Okay, any questions on the Omnibus
16 Bill Proposal?

17 *(No response)*

18 MS. BLAYLOCK: In closing, I would like to say that
19 it has been my honor to serve you for these past two
20 sessions. I have learned a great deal, both in doing
21 this assignment and from all of you. I am pleased at
22 the interaction I've had with you and all the wisdom that
23 you've had to share. So with that, I thank you very,
24 very much.

25 COMMITTEE CHAIR MOORE: Thank you, Alexis.

1 And I'm sure that everyone who has the time will
2 stop by and just wish her well.

3 And we thank you for your service and for your
4 camaraderie, and the conversations that I've personally
5 shared with you.

6 If I could take just a minute, I would like to say
7 something, if that's okay.

8 In light of the recent police shooting in New York,
9 as well as the one in Hayward and throughout this
10 country, police officers seem -- our relationships seem
11 to be strained with our communities. And so at this
12 time, we have to -- I don't know what POST's position
13 could be, if POST could take a position. But I would
14 ask that, one, we try as a collective body to reach
15 across these barriers that separate some of our
16 communities from us. Be bold in your approaches in
17 trying to have community groups meet with the different
18 departments that you have influence over, to start
19 dialogue before something drastic happens in your
20 community.

21 Also, I would ask that POST would take a position
22 somewhere, if they could, Bob, somehow, and calling on
23 the Governor and all of our elected officials to
24 establish mental-health facilities that we actually have
25 places to take people who have -- because these bills,

1 none of them have, like, mental-health establishments
2 that we can take people to, so people can get some
3 serious help to get them off the streets.

4 And so whatever POST can do to use its influence to
5 push our legislation to reopen mental-health institutes
6 so our prison guards or people working at prison
7 institutes would not have to deal with mental-health
8 issues, and we could help stop the revolving door --
9 taking them in, and six hours later they're back on the
10 street -- and the loss of our police officers' time when
11 we're taking them into the departments.

12 So I'm just asking if it's possible for POST to
13 assume a position of getting -- start using our influence
14 to reestablish mental-health facilities in the state of
15 California, to take people to.

16 And then lastly, again, to reiterate, if you have
17 the local civil-rights organizations or other
18 organizations in your communities that you guys have
19 influence over, embrace them on community boards,
20 embrace them in community meetings, if you don't have
21 relationships with them, to bring them in, so we can
22 start having dialogue to break down these barriers that
23 are being built up with our communities of color, or
24 immigrant communities; so that in the event of something
25 fatal happening in your community, that we're not

1 responding in an end meeting, but we're meeting before
2 then to have dialogue.

3 And I just wanted to add that little piece, Bob, if
4 that's okay.

5 EXECUTIVE DIRECTOR STRESAK: Thank you,
6 Commissioner.

7 Just a quick comment: It is really not our role to
8 advocate building additional facilities. However, in
9 the context of the dialogue of mental-health training,
10 we do make every effort to point out that part of the
11 increased interaction with law enforcement and mental
12 health is a failure of the mental-health infrastructure.

13 COMMITTEE CHAIR MOORE: Right, right.

14 EXECUTIVE DIRECTOR STRESAK: And they seem to be
15 aware of that. But we do, in the course of looking at
16 the entire problem from the balcony, point that out.
17 But in terms of advocating for additional facilities,
18 I think it's implied in the fact that the mental-health
19 infrastructure is failing. And hopefully, they address
20 that issue.

21 COMMITTEE CHAIR MOORE: Okay, motion to close the
22 committee session?

23 COMMISSIONER DOYLE: So moved. Doyle.

24 COMMISSIONER DUDLEY: Second.

25 COMMITTEE CHAIR MOORE: Moved and seconded.

POST Legislative Review Committee Meeting, October 22, 2015

1 All in favor?

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

3 COMMITTEE CHAIR MOORE: Thank you very much for
4 coming.

5 COMMISSIONER DOYLE: Thank you.

6 *(The Legislative Committee meeting concluded*
7 *at 9:24 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 November 10th, 2015.

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