

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



TIME: 8:30 a.m.
DATE: Thursday, February 28, 2013
PLACE: Sheraton Garden Grove, Anaheim South
12221 Harbor Boulevard
Garden Grove, California 92840



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 COMMITTEE MEMBERS PRESENT

MICHAEL SOBEK
(*Acting Chair*)
Sergeant
San Leandro Police Department

LAI LAI BUI
Sergeant
Sacramento Police Department

ROBERT COOKE
Regional Director
California Narcotics Officers' Association

SANDRA HUTCHENS
Sheriff-Coroner
Orange County



POST STAFF PRESENT

BOB STRESAK
Interim Executive Director
Executive Office

CHARLES EVANS
Legislative Liaison
Executive Office



I N D E X

<u>Proceedings</u>	<u>Page</u>
Call to Order and Welcome	4
A. Report on Proposed Legislation regarding Joint Powers Agencies in the POST Program	4
B. Assembly Bill 25 (Campos) Social Media	9
C. Assembly Bill 602 (Yamada) Relating to Disabled Persons	13
D. Assembly Bill 685 (Achadjian) State Goods: Peace Officer's State-Issued Handgun: Spouse	15
E. Assembly Bill 739 (Salas) Peace Officers: Deputy Coroners	16
F. Assembly Bill 810 (Muratsuchi) Law Enforcement Data Sharing	--
Assembly Bill 979 (Weber) Maritime Peace Officer Standards Act	17
G. Senate Bill 340 (Jackson) Relating to Law Enforcement: Anti-Reproductive Rights Crimes	19
H. Proposition 35: Ban on Human Trafficking and Sex Slavery (2012)	20
New Item	7
Adjournment	22
Reporter's Certificate	23



POST Legislative Committee Meeting, February 28, 2013

Thursday, February 28, 2013, 8:30 a.m.

Garden Grove, California



(Gavel was sounded.)

ACTING CHAIR SOBEK: All right, good morning, everybody. I'm Mike Sobek, if you don't know who I am, and I'm filling in since we don't have a chair for the Leg. Committee.

And welcome to everybody here.

Charles, I know we have -- it seems like we have a few things on the plate here.

MR. EVANS: Yes, we have two major things that is informational.

ACTING CHAIR SOBEK: Okay, we're ready.

MR. EVANS: Good morning, everyone.

MEMBER HUTCHENS: Good morning.

MEMBER BUI: Good morning.

MR. EVANS: We have eight items on today's agenda, two that are most important for Commission consideration. So Items C through H will be informational only. And Item A, and an unlisted item, will be for Commission consideration.

The first item for consideration has to do with the report on proposed legislation regarding joint powers agencies in the POST program.

1 Back in January of 1980, the town of Corte Madera
2 and the City of Larkspur executed a joint powers
3 agreement pursuant to California Government Code section
4 6500. The consolidated police services was subsequently
5 named "Twin Cities Police Authority."

6 Twenty-nine years later, in 2009, Twin Cities
7 decided to move into a police headquarters. So they
8 temporarily reassigned the dispatchers to the
9 headquarters of the San Anselmo Police Department.

10 The collaboration was so good among the dispatchers,
11 that they seamlessly integrated their workload. And so
12 the chief of police there in San Anselmo decided, you
13 know, this was a pretty good model to follow. So they
14 developed a number of other agreements throughout the
15 entire police department using the dispatchers' model as
16 an example for integration.

17 As a result, there was another joint powers
18 agreement that was introduced, merging the Twin Cities
19 with the Central Marin Police Department, "Central Marin
20 Police Authority."

21 So in December, the Legislature actually approved
22 that. However, there was a gap in the legislative
23 language, not addressing joint powers authority. And so
24 it's before us today.

25 So the recommendation is that staff recommends that

POST Legislative Committee Meeting, February 28, 2013

1 the Commission authorize the Executive Director to pursue
2 legislation to amend Penal Code section 13507 and add
3 13526.3 in order to authorize a joint powers agreement
4 with law-enforcement agencies to participate in our
5 reimbursable program.

6 ACTING CHAIR SOBEK: Bob, I'm familiar with the
7 area. It's across the bridge from where I work and live.
8 But this is just really -- this is really paperwork,
9 right?

10 MR. STRESAK: This is not substantive, mechanical.
11 We're just trying to tighten up a loophole.

12 MEMBER HUTCHENS: I think this seems to be the wave
13 of the future, in any case.

14 I know there's been lots of discussions about a JPA
15 in Orange County. I'm sure, because of the budgetary
16 reasons, I'm sure that extends to other counties. So I
17 think it's important that we pursue this.

18 MR. STRESAK: Thank you. And I think you're
19 spot-on. Because when we looked at this, we said there
20 is an increasing trend line in these kind of
21 consolidations. So this is kind of a proactive effort to
22 tighten that up.

23 ACTING CHAIR SOBEK: Bob, Lai Lai, do you have any
24 questions?

25 MEMBER BUI: No.

POST Legislative Committee Meeting, February 28, 2013

1 MEMBER COOKE: I don't think I do.

2 ACTING CHAIR SOBEK: Does someone want to make a
3 motion and move it forward to the full commission?

4 MEMBER COOKE: Sure. I move.

5 ACTING CHAIR SOBEK: Okay, I've got a motion from
6 Bob to approve this recommendation to the full
7 commission.

8 MEMBER BUI: Second.

9 ACTING CHAIR SOBEK: Second by Lai Lai.

10 All in favor, say "aye."

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

12 MR. EVANS: It should also be noted that this
13 legislation has been enjoined with the California
14 District Attorneys omnibus bill, so it's now
15 matriculating through the legislative process.

16 MR. STRESAK: Yes, and that's exactly our vehicle.
17 We used the omnibus bill to talk to Cory Salzillo over
18 there; and they're going to try to incorporate it as part
19 of the omnibus because it doesn't seem to be too
20 controversial.

21 MR. EVANS: The next item of concern is not on the
22 agenda, it's a late item, that has to do with a staff
23 recommendation that the Commission authorize the
24 Executive Director to pursue legislation to mitigate the
25 unintended negative consequences precipitated by

POST Legislative Committee Meeting, February 28, 2013

1 Government Code section 19130.

2 And as you know, POST contracts have been stifled
3 recently because of the stringent application of
4 Government Code section 19130 by the Department of
5 General Services. So we're requesting that the Executive
6 Director be given permission to actually pursue
7 legislation to resolve that issue.

8 MR. STRESAK: And just a view from the balcony on
9 this, you're all aware of our contractual issues, and
10 I'll hit that again today, this morning at the Commission
11 meeting; but this is just part of leaving the door open
12 on a strategy that if one strategy is not effective, we
13 still want to pursue legislative relief, if we can, so...

14 ACTING CHAIR SOBEK: Do we have any language in
15 here?

16 MR. EVANS: It's not here.

17 ACTING CHAIR SOBEK: Oh, this is just a verbal
18 report?

19 MEMBER BUI: Okay.

20 MR. STRESAK: So do you want to read the motion one
21 more time?

22 MR. EVANS: Sure.

23 Staff recommends that the Commission authorize the
24 Executive Director to pursue legislation to mitigate the
25 unintended negative consequences precipitated by

POST Legislative Committee Meeting, February 28, 2013

1 Government Code section 19130.

2 MEMBER HUTCHENS: I'll make the motion.

3 ACTING CHAIR SOBEK: Motion by Commissioner
4 Hutchens.

5 MEMBER BUI: I'll second.

6 ACTING CHAIR SOBEK: Second by Commissioner Bui.

7 Any comment?

8 *(No response)*

9 ACTING CHAIR SOBEK: No?

10 All in favor, say "aye."

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

12 ACTING CHAIR SOBEK: Any opposed?

13 *(No response)*

14 ACTING CHAIR SOBEK: The motion passes.

15 MR. EVANS: Under Agenda Item Number 2, it discusses
16 legislation relevant to social media.

17 So last year, Governor Brown signed two social media
18 bills protecting the privacy of online involvement. It
19 was Assembly Bill 1844 and Senate Bill 1349. One bill
20 protected the privacy of students in colleges and K-1
21 through 12, and the other bill dealt with private
22 industry.

23 So as an employer, you cannot ask for the social
24 networking access codes, even for the purpose of
25 background investigations.

POST Legislative Committee Meeting, February 28, 2013

1 So this year, on December 3rd, Assemblywoman Campos,
2 she initiated another bill applying those same
3 restrictions to public entities. It's of concern in
4 law enforcement because this prevents background
5 investigators from asking applicants for access to their
6 social media.

7 ACTING CHAIR SOBEK: We can't even ask on a
8 background --

9 MR. EVANS: Correct, according to this proposal.

10 ACTING CHAIR SOBEK: -- to get approval?

11 MR. EVANS: Correct, you cannot ask for permission
12 to take a look at what they have on their social media.
13 It's viewed as an invasion of their privacy.

14 MEMBER COOKE: There's a medical and
15 psychological and the follow-ups.

16 ACTING CHAIR SOBEK: That is the most ridiculous
17 thing I've ever heard.

18 They either sign it or they don't. If they don't
19 sign it...

20 MR. EVANS: A couple of the concerns from the
21 background investigators' perspective, they're saying
22 they need to have that access in order to have greater
23 transparency about what the applicant is all about.

24 But on the other side, one of the arguments against
25 it is that, you know, on your Web site, on your Facebook,

1 you may have 500 friends. And you may only look at maybe
2 friends 1 through 50. So when those other conversations
3 are taking place later on, we're going to hold them
4 accountable later on for the inappropriateness of those
5 conversations, possibly.

6 So you're going to have arguments for and against.
7 And so I guess it depends upon the thoroughness of the
8 background investigator to clarify what the essence of
9 those conversations was, and how much you, the Facebook
10 holder, knew about those conversations going on. So it's
11 a quagmire.

12 MEMBER BUI: And this is just for hiring purposes,
13 right?

14 MR. EVANS: For hiring purposes, background
15 investigations.

16 MEMBER BUI: Okay.

17 MR. STRESAK: So for purposes of wearing your POST
18 hat, this does not really hit POST in the ten-ring. On
19 the periphery, it does in terms of background
20 investigation. But this is really a local hiring issue.
21 So we need to keep that in mind in your deliberations
22 here.

23 MEMBER COOKE: Can we just oppose in principle?
24 Instead of coming out and say "We support" or "We
25 oppose," can we just, by principle, say we oppose it or

POST Legislative Committee Meeting, February 28, 2013

1 support it, rather than saying we do support it, if it's
2 not really something that we should be overly concerned
3 about because of we're wearing our POST hats?

4 MEMBER BUI: Are you talking about neutral?
5 Remaining neutral?

6 MEMBER COOKE: No. Neutral is neutral.

7 I'm saying, because it's not really, what you said,
8 hitting POST in the ten-ring...

9 ACTING CHAIR SOBEK: Yes, but I think -- and correct
10 me if I'm wrong, Bob -- I think that we have an
11 obligation to let people know, as commissioners and as
12 POST, what we think of some of this legislation, or we
13 wouldn't have a legislative committee, right?

14 MR. STRESAK: Correct.

15 ACTING CHAIR SOBEK: So I would certainly say --

16 MEMBER COOKE: Then I would oppose the change
17 because I think we need to look at that social media, we
18 need to look at the Web sites, we need to look at their
19 e-mails. Because five years from now, when somebody does
20 do something ridiculous, "Oh, if we only would have
21 known."

22 ACTING CHAIR SOBEK: Yes.

23 Commissioner Hutchens?

24 MEMBER HUTCHENS: Well, I think it's -- clearly,
25 it's an important toll for law enforcement.

POST Legislative Committee Meeting, February 28, 2013

1 It may not be -- I'm sure it's going to be opposed
2 by other, you know, law-enforcement agencies, chiefs of
3 police and sheriffs. But I would agree, I think we have
4 a responsibility to take a position. It's not directly
5 our issue; but in terms of the people that we hire to be
6 police officers in the state, this impacts agencies'
7 abilities to make sure we're getting the best.

8 So I don't think it would be outside of the realm
9 for POST to take a position of "oppose" to this bill.

10 MEMBER BUI: Is that a motion?

11 MEMBER HUTCHENS: That's a motion.

12 MEMBER BUI: Because I would second that motion.

13 ACTING CHAIR SOBEK: We got a motion from
14 Commissioner Hutchens and a second from Commissioner Bui
15 to oppose -- to actively oppose this bill.

16 MEMBER HUTCHENS: Yes.

17 ACTING CHAIR SOBEK: Or actually, just oppose it.
18 All in favor, say "aye."

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

20 ACTING CHAIR SOBEK: Any opposed?

21 *(No response)*

22 ACTING CHAIR SOBEK: Motion passes.

23 MR. EVANS: Item Number 3, Assembly Bill 602 by
24 Assemblymember Yamada. She is very passionate about
25 protecting the rights and interests of mentally

1 challenged individuals.

2 So currently, POST establishes and updates
3 continuing education classroom training involving
4 mentally disabled individuals.

5 This bill will require the Commission to establish
6 by July 1, 2015, and keep updated training courses
7 related to law-enforcement interactions with the mentally
8 disabled.

9 One of the requirements in this legislation also is
10 that the Commission submit a report to the Legislature
11 by October 1, 2017, that contains specific information
12 regarding our ongoing efforts to produce curriculum
13 relevant to mentally challenged individuals.

14 ACTING CHAIR SOBEK: Now, there is a cost of this
15 for POST, right?

16 MR. STRESAK: Any fiscal impact?

17 MR. EVANS: Yes.

18 MEMBER BUI: Isn't this --

19 MR. EVANS: We would have to report back what that
20 impact would be.

21 MR. STRESAK: As a general guideline, anything
22 initiated by the Legislature that requires us to conduct
23 training, that's our job. So we need to keep that in
24 mind.

25 ACTING CHAIR SOBEK: And you guys are okay -- your

1 recommendation to us is what? I must have missed the
2 recommendation, if there was one.

3 MR. STRESAK: Did you have a recommendation,
4 Charles?

5 MR. EVANS: There was none. That was informational
6 only.

7 MR. STRESAK: Okay, so the recommendation would
8 either be a neutral position or to support this.
9 So as a general rule, when we're required to develop
10 training, we'll just take a neutral position and let the
11 Legislature make the decision.

12 MR. EVANS: Assembly Bill 685 has to do with
13 allowing the surviving spouse of officers killed in the
14 line of duty to --

15 MR. STRESAK: Charles, excuse me, for one second.
16 I think we need a motion on 602.

17 ACTING CHAIR SOBEK: Do we?

18 MEMBER HUTCHENS: Was that info only?

19 MR. EVANS: It was for info only.

20 MR. STRESAK: Info? I'm sorry.

21 MR. EVANS: Currently, the surviving spouse of an
22 officer killed in the line of duty is not allowed to
23 purchase guns -- purchase that weapon.

24 This legislation would allow that surviving spouse
25 to purchase that weapon within 30 days of the death of

1 the officer.

2 This is just informational.

3 MEMBER BUI: Okay.

4 MR. EVANS: It has nothing to do with POST.

5 Assembly Bill 739 by Assemblymember Salas, it has to
6 do with recognizing certain individuals as peace
7 officers.

8 In this legislation, it's recommended that part-time
9 and volunteer personnel working for the coroner's office,
10 who perform duties of a deputy coroner, be considered as
11 peace officers in the state of California.

12 ACTING CHAIR SOBEK: So there is a sheriff.

13 What do you think about that one?

14 MEMBER HUTCHENS: Did you see the look on my face?

15 ACTING CHAIR SOBEK: And I was looking before you
16 looked.

17 MEMBER HUTCHENS: Well, I guess I just see that if
18 that's going to be extended to deputy coroners or
19 part-time, is that going to then be a foot in the door
20 for part-time or volunteer peace officers? So that's my
21 initial reaction.

22 I haven't really taken a look.

23 MR. EVANS: I think that's the intent of the
24 legislation, to actually put them in a position to become
25 peace officers.

POST Legislative Committee Meeting, February 28, 2013

1 MEMBER HUTCHENS: Yes, my initial reaction is, I
2 have some concern with it. But I don't know what's
3 driving this.

4 ACTING CHAIR SOBEK: Yes.

5 MR. EVANS: I'll find out.

6 MEMBER HUTCHENS: It's a foot-in-the-door bill.

7 ACTING CHAIR SOBEK: I could see Sheriff Doyle
8 having a comment or two on this.

9 MR. EVANS: Under section 6, I want to bypass the
10 Assembly Bill 810. And right behind it, there is an
11 Assembly Bill 979 by Assemblymember Weber. And this bill
12 was introduced last year. It was entitled "The Maritime
13 Peace Officer Standards Training Act." It didn't pass
14 last year, and so it was carried over this year. There
15 was some objection.

16 It requires that any law-enforcement agency
17 operating in a water environment be mandated to receive
18 training in maritime investigations. There is some
19 federal funds that's required to be part of this in order
20 for it to happen; but the intent is to get any
21 law-enforcement agency that's working near a port to take
22 maritime training.

23 ACTING CHAIR SOBEK: Just the port? Not water?

24 MR. EVANS: Excuse me, water.

25 ACTING CHAIR SOBEK: So my city, which is on the

1 edge of water --

2 MR. EVANS: You would have to take maritime
3 training.

4 *(No response)*

5 ACTING CHAIR SOBEK: Is this because of --

6 MR. EVANS: And it would be part of POST's
7 requirement to include it in the basic training.

8 ACTING CHAIR SOBEK: Does this have something to do
9 with Alameda and not going in the water when --

10 MR. EVANS: Actually, I think it had to do --
11 actually, I think it --

12 MEMBER COOKE: Probably not.

13 MR. EVANS: Initially, it had to do with individuals
14 on cruise ships. There was not a particular entity that
15 was responsible for investigating crimes on ships. And
16 down in the harbor area in L.A., L.A. harbor, they
17 decided not to take a report when I think that they felt
18 they should have -- someone thought they should have
19 taken a crime report on a ship.

20 So this is to establish that anyone operating near
21 a port has the authority to take a crime report on
22 off-coast activity.

23 ACTING CHAIR SOBEK: So what does that have to do
24 with maritime laws and things like that?

25 MR. EVANS: Well, currently, many of your maritime

POST Legislative Committee Meeting, February 28, 2013

1 law-enforcement agencies, they are not a part of POST.
2 They want to become a part of POST.

3 I think they're operating -- I think, Alan, we
4 talked about this, were they operating under FLETC?
5 Under federal -- a federal mandate versus a local
6 mandate, a statewide mandate.

7 MR. STRESAK: We do have a POST-certified course for
8 maritime training for those agencies that have water
9 units. This is a little more encompassing.

10 MR. EVANS: Yes.

11 MR. STRESAK: I think part of this spawned from
12 those people that mysteriously fall overboard and the
13 victims don't know what to do. So it's perhaps an intent
14 to clarify jurisdictional issues.

15 MEMBER BUI: Does this specify which agencies will
16 need directly --

17 ACTING CHAIR SOBEK: Anybody on water.

18 MR. EVANS: No, they haven't identified the
19 parameters of the geography. They're speaking very
20 permissively and generally.

21 Was there any more on that?

22 MEMBER BUI: No.

23 MR. EVANS: Any more discussion?

24 ACTING CHAIR SOBEK: Thank you.

25 MR. EVANS: Under Tab 7, Senate Bill 340, it has to

1 do with Reproductive Rights Law Enforcement Act. And
2 currently, POST actually produced curriculum on this one,
3 but -- and there was a sunset date on it. But the
4 legislation is requesting that the sunset not be
5 recognized and that we continue to produce curriculum
6 ongoing.

7 ACTING CHAIR SOBEK: Another financial -- fiscal
8 issue. There's no problems with that; right?

9 MR. STRESAK: No.

10 MR. EVANS: Item Number 8, the last item.

11 Last year, Proposition 35 was passed by 80 percent
12 of the California voters. And Proposition 35 was the
13 Californians against Sexual Exploitation Act, human
14 trafficking. And they have three provisions in there.

15 One, this bill increased prison terms for human
16 trafficking.

17 Two, it required convicted sex traffickers to
18 register as sex offenders.

19 Three, it required all sex registrants to disclose
20 their Internet accounts.

21 And four, it required criminal fines for
22 trafficking.

23 It also required that POST produce curriculum
24 relevant to human trafficking, which we currently do.

25 This came up as an issue because the question was

1 raised that because a San Francisco judge had imposed
2 an injunction on this one, was POST absolved from its
3 responsibility to produce human-trafficking curriculum?
4 We were not.

5 The injunction on this particular bill applied to
6 that one area that had to do with requiring registered
7 sex offenders to disclose their Internet accounts.
8 The judge concluded that it would violate their First
9 Amendment rights if they were prevented from accessing
10 sex sites prior to notifying law enforcement that they
11 were going on the site.

12 So it's part of their conditions, they have to
13 actually notify law enforcement that they're, you know,
14 surfing those sexual sites.

15 This judge says, well, they have a right to comment
16 on sexual items that's on the Internet.

17 So the injunction applied strictly to that one
18 section dealing with sexual registrants, and it did not
19 apply to POST.

20 We still have to produce curriculum relevant to
21 human trafficking, and the prohibition was only against
22 the concern with the rights.

23 The ACLU took up the case -- I put the literature in
24 your packets there. I called the ACLU, and they gave me
25 their information, with a little encouragement. And so I

POST Legislative Committee Meeting, February 28, 2013

1 just leave that there for your own research.

2 That concludes all the legislative items that we
3 have today.

4 ACTING CHAIR SOBEK: Commissioners, any questions?
5 Comments?

6 MEMBER COOKE: Thank you.

7 MR. STRESAK: Thank you.

8 ACTING CHAIR SOBEK: That's it.

9 All right, the meeting is adjourned. Thank you all.

10 *(The Legislative Committee meeting concluded*
11 *at 8:50 a.m.)*

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 20th, 2013.

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