

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

LEGISLATIVE REVIEW COMMITTEE MEETING



TIME: 8:30 a.m.

DATE: Thursday, October 24, 2013

PLACE: Embassy Suites
San Francisco Airport - Waterfront
150 Anza Boulevard
Burlingame, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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POST Legislative Review Committee Meeting, October 24, 2013

A P P E A R A N C E S

POST LEGISLATIVE REVIEW COMMITTEE MEMBERS PRESENT

MICHAEL SOBEK
(Committee Chair)
Sergeant
San Leandro Police Department

LAI LAI BUI
Sergeant
Sacramento Police Department

ROBERT COOKE
California Narcotics Officers' Association

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

JANICE BULLARD
Assistant Executive Director
Executive Office
Standards and Development Bureau

CHARLES EVANS
Legislative Liaison
Executive Office

A P P E A R A N C E S

POST STAFF PRESENT

(participating staff)

MARIE BOUVIA
Executive Assistant
Executive Office



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Thursday, October 24, 2013, 8:30 a.m.

Burlingame, California



*(The following proceedings commenced with
Mr. Kurylowicz absent from the room.)*

CHAIR SOBEK: All right, good morning, everybody.
We'll start the Leg. Committee. And I think it is going
to be fairly short. We don't have a whole lot on the
agenda.

So I will turn it over to Charles.

MR. EVANS: Good morning, everyone.

COMMITTEE MEMBERS: Good morning.

MR. EVANS: I suspect this is going to be a fast one
today, since many of the items that are on this agenda
we've been monitoring them as they've gone through the
legislative process. So we're speaking in the rear-view
mirror now.

However, the first item, out of the nine items, the
first one that we would like for your consideration has
to do with personal services reports.

And this is our effort in order to carve out
enabling legislation, to free-pull from some of the
restrictions that we had previously discussed in
Government Code section 19130, and also restrictions
that's been listed in the Personal Services Contract.

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1 So with your approval, we'll send this to the
2 Commission, so that the Executive Director can pursue an
3 alternative way of resolving our conflict with our
4 contracts.

5 CHAIR SOBEK: Do we have that?

6 MR. STRESAK: Is there a document on that?

7 MR. EVANS: It's up there.

8 CHAIR SOBEK: Is it on here?

9 MR. EVANS: Yes. It's on the screen.

10 MEMBER BUI: Was it sent out --

11 CHAIR SOBEK: Was it sent out on the --

12 MEMBER BUI: -- on the Leg. --

13 MS. BOUVIA: This was a late entry.

14 MEMBER BUI: A late entry? Okay.

15 MR. EVANS: A late entry, yes.

16 CHAIR SOBEK: So it's not on there?

17 MR. EVANS: It's not on there, I guess.

18 MS. BOUVIA: Yes, it should be there. It's Item 2
19 on the agenda, under "Leg."

20 MEMBER BUI: Okay.

21 MR. STRESAK: Does anyone have it?

22 CHAIR SOBEK: No.

23 MR. EVANS: Does anyone have it?

24 Okay, we're projecting it on the screen.

25 MR. STRESAK: This, in a nutshell, is seeking the

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1 Commission's approval to advance another attempt at
2 legislation to relieve some of our contract issues, our
3 contract restrictions.

4 And our focus is to craft language that is narrow
5 enough where it focuses on POST-certified products and
6 narrow enough where it does not disfranchise State labor
7 in any way. So it allows us to continue to pursue
8 seeking expertise to support law-enforcement training,
9 and at the same time, strike a balance within labor
10 issues of the state, if that makes any sense.

11 Is that clear?

12 CHAIR SOBEK: Yes. We talked about this at the last
13 Leg. meeting.

14 MR. STRESAK: Right.

15 CHAIR SOBEK: I think we offered our stakeholders
16 that we're involved with -- and I think you did reach
17 out, right?

18 *(Mr. Kurylowicz entered the room.)*

19 MR. STRESAK: I did. I did reach out at the time.

20 At the time, we attempted to use the vehicle of
21 AB 906 to advance some carve-out language. It just
22 became entangled in other issues. And now AB 906 went
23 forward, our amendments were added, and then they were
24 deleted, and then they were added, and they were deleted.
25 And so we ultimately ended up with a no net gain on that

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1 product. So this is attempt number two.

2 CHAIR SOBEK: So from this committee, I'll take a
3 motion to recommend to the full commission that we will
4 allow the Executive Director to go ahead with this
5 contract proposal.

6 MEMBER HUTCHENS: Move it.

7 MEMBER WALLACE: Second.

8 CHAIR SOBEK: Good.

9 All in favor, say "aye."

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

11 CHAIR SOBEK: Any opposed?

12 *(No response)*

13 CHAIR SOBEK: Okay, the motion carries.

14 MR. EVANS: Assembly Bill 25 by Campos, that's the
15 social media bill that we had discussed earlier. That
16 was set aside by the Governor.

17 Prior to that decision to set that bill aside, the
18 stakeholders, law-enforcement advocates, peace-officer
19 advocates, they got together. We had a meeting with
20 staff from Campos' office and also staff from the
21 Governor's office.

22 The Governor had directed Campos to sit down and
23 come to some kind of resolution. She didn't agree with
24 them. So when the bill went forward, he didn't agree
25 with her. And so he said, we're going to revisit this in

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1 January.

2 But he wants her to get it, wants the Campos staff
3 to reconvene a meeting with all the public-safety
4 advocates, and to come to a consensus based upon what
5 public-safety advocates have recommended versus what she
6 is recommending. So it will be brought up again in
7 January.

8 CHAIR SOBEK: There's some conflict between some of
9 the public-safety advocates, too. So it's going to be an
10 interesting deal here.

11 MEMBER BUI: Yes.

12 MR. EVANS: Assembly Bill 128 by Bradford, that was
13 the Peace Officers Airport Law Enforcement bill. And
14 that's where LAPD was confronting or objecting to the
15 airport police officers moving from an 830.33 to an
16 830.1.

17 The bill was passed. But the way it was passed is
18 very convoluted because it effectively doesn't do
19 anything. What the bill effectively states is that if
20 the Los Angeles Police Commission can agree with the
21 Airport Board Police Commissioners to allow the Inspector
22 General for the LAPD Commission to inspect records, then
23 they could consider moving them, the officers, from
24 830.33 to 830.1.

25 Right. It's convoluted.

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1 And like Bob's analogy, it's the classic
2 Hatfields-and-McCoys situation.

3 MR. STRESAK: It is.

4 MR. EVANS: And you're not going to get to a
5 resolution.

6 But the bill is written so ambiguously, it's of
7 non-effect.

8 So I encourage you to just take a look at it, if
9 you'd like. You can see it.

10 Any questions on that one?

11 *(No response)*

12 MR. EVANS: It doesn't impact POST at this point, so
13 it's not a focus of our concern.

14 CHAIR SOBEK: I think the airport police -- and I'm
15 friends with -- or I know the president. I think it's
16 one of those, "Be careful what you wish for."

17 MEMBER HUTCHENS: Right, right.

18 CHAIR SOBEK: It gets tucked into one, big group, I
19 think, so...

20 MR. EVANS: Assembly Bill 602 by Yamada, that dealt
21 with the mentally and developmentally disabled persons.
22 That bill was passed by the Governor also.

23 POST currently has a DVD that addressed many of the
24 nuances of this particular bill. And so we had actually
25 updated that DVD in September, I think --

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1 MS. BULLARD: August.

2 MR. EVANS: In August, we updated that one. But it
3 was after this bill came up. So it's going to be a minor
4 tweak. And I would imagine if we have to add in the
5 nuances for this one, it's not going to require a major
6 revision of what we already have.

7 CHAIR SOBEK: When we say "DVD," does that mean it's
8 on the Web site, we can access it? Or do we have to
9 ask as an organization?

10 MS. BULLARD: No, this isn't going to be streamed.
11 This is a regular one of our new formatted, facilitated
12 DVDs.

13 They're not streamed. They go out to all the
14 agencies, and they're to allow them to teach in briefing.

15 CHAIR SOBEK: Okay.

16 MS. BULLARD: And we probably are going to do a new
17 one and focus just primarily on the requirements of that
18 new bill.

19 CHAIR SOBEK: That's awesome.

20 MR. EVANS: Okay.

21 MEMBER HUTCHENS: Just a comment, more in a general
22 sense. I was thinking about this yesterday when we were
23 having the conversation at the Advisory group about our
24 declining income here, or declining budget. And I really
25 think we need to bring the stakeholders probably, because

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1 these bills that come up that mandate more training, more
2 training, more training, all the well-intentioned, I'm
3 sure. But, now this one doesn't sound like it's going to
4 be major. But some of them require agencies -- or POST
5 to create training, the agencies to conduct it, are going
6 to be more problematic.

7 So, I mean, I think that's the message we're all
8 going to have to send when additional requests for
9 training come out, which will now come frequently.

10 CHAIR SOBEK: Bob, do you get a chance as the
11 Executive Director to talk in front of our legislators
12 about the issue that the Sheriff was talking about where:
13 Hey, you keep mandating this training, we don't have the
14 money, and you're not giving us the money, that we have a
15 problem here?

16 MR. STRESAK: From time to time, yes.

17 If the issue is significant enough in the
18 forefront -- you know, for the most part, that's why we
19 have Charles kind of watching that.

20 But your point is well-taken. It's a steady barrage
21 of suggestions for mandatory training. And one of our
22 front-line efforts is to try to stem that as much as
23 possible.

24 And so if it borders on a quantifiable problem, a
25 realistic problem, we'll try to make every effort to make

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1 sure we support the development of that training. So
2 that we do that using law enforcement resources, and so
3 that we don't get unrealistic training demands. But not
4 in every case. It's just kind of difficult to watch.

5 But your point is well taken -- and especially now.

6 MEMBER HUTCHENS: Yes. But I know Cal State
7 Sheriffs and many other -- Cal Chiefs and many agencies
8 would be happy to help in that, because we feel that
9 pain, too.

10 MR. STRESAK: Thank you.

11 MR. EVANS: Yes. This bill also requires that
12 stakeholders play a part in the product production. So
13 we're bringing the stakeholders in.

14 And as part of the negotiation process, we always do
15 a cost estimate with the legislation. Just let them know
16 how much this is going to cost.

17 MEMBER HUTCHENS: Okay, thank you.

18 MR. EVANS: You're welcome.

19 Assembly Bill 685 dealt with state goods,
20 peace-officer state issued handguns.

21 Now, prior to this bill, the surviving spouses of
22 officers killed in the line of duty could not have access
23 to their weapons. This allows those spouses to receive
24 their weapons. It's not a POST issue, but it's a
25 law-enforcement issue in general.

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1 AB 703, Peace Officer Firearms. This bill, which
2 was sponsored by Assemblyman Hall, allows Level I reserve
3 officers to apply for CCW; whereas before, that was
4 disallowed.

5 The priority was that they have to serve between ten
6 and 20 years in service rather than, you know, how some
7 people would attempt to apply for CCW, who only had one
8 year or two years. But you have to have had ten to 20.

9 MEMBER COOKE: This is really going to clean up some
10 of the "honorably retired," "medically retired" language
11 in there?

12 CHAIR SOBEK: Yes, that's what it does.

13 MEMBER COOKE: Did it do it?

14 CHAIR SOBEK: Yes.

15 MEMBER COOKE: Okay, because I've been sitting here
16 and I have one person who was giving me a lot of guff
17 over that, so I'm glad that it did.

18 CHAIR SOBEK: The problem was, if you retired from
19 one agency and you went to another, some of those agency
20 chiefs or sheriffs weren't giving them the CCW.

21 MEMBER COOKE: Well, they weren't giving it to
22 medical retirees.

23 CHAIR SOBEK: Right.

24 MEMBER COOKE: And some sheriffs weren't doing that,
25 too.

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1 I don't know if you were or not. For those that
2 were retired medically, did you give them CCWs?

3 MEMBER HUTCHENS: It was a case-by-case -- no, I
4 think we did. Unless it was --

5 CHAIR SOBEK: So it was case by case.

6 MEMBER HUTCHENS: Yes, unless there was some other
7 psychological issues.

8 MR. EVANS: Assembly Bill 906 by Pan, we discussed
9 this earlier. It does nothing for POST at this point.
10 What it does do, though, if we would like to hire a
11 personal services contractor, we actually have to
12 advertise those now, and allow other people the
13 opportunity to apply for those jobs.

14 Any more information on that one? We covered that
15 one before.

16 *(No response)*

17 MR. EVANS: Okay, Assembly Bill 979, Peace Officer
18 Maritime Standards and Training. This bill effectively
19 allowed the L.A. Port Authority to apply for FLETC funds,
20 federal funds.

21 Previously, it appeared as though there would be a
22 conflict because they were attempting to have POST
23 certify training that we would not be allowed to monitor
24 or audit or hold them accountable for. So rather than
25 be a barrier in their path to getting access to federal

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1 funds, we just removed ourselves from it. And so any
2 training that's being put on by them, and much of the
3 training that will be put on by them, is a duplication
4 of existing POST training, would not be POST-certified.

5 Questions on that one?

6 *(No response)*

7 MR. EVANS: Senate Bill 340, the Law Enforcement
8 Anti-Reproductive Rights Crimes. That one was also
9 signed by the Governor. We currently have a DVD
10 curriculum that we have this, that currently addresses
11 this issue.

12 And the only thing that this bill did was remove the
13 sunset date that was on the bill.

14 And the last bill for consideration, it came up as
15 an issue last week, Senate Bill 663, Sexual Assault
16 Victims with Intellectual and Developmental Disabilities.
17 It goes to the prior conversation with this flood of
18 disability kind of bills that's coming through. And this
19 particular bill, it's so generally written that POST will
20 not be able to do it.

21 What it requires is that POST design a model program
22 for all state agencies to follow. So they require that
23 we write a general order for all law-enforcement
24 personnel to have access to information regarding people
25 with intellectual and physical disabilities.

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1 It also requires that POST writes a policy. So they
2 are asking us to do two things: To write a general order
3 and to write policies for individual law-enforcement
4 agencies, which we don't do.

5 The bill is currently at the Senate Human Services
6 Subcommittee, and it's also being reviewed by Senate
7 Public Safety. It was introduced in February of this
8 year, and it's been stuck in committee since April.

9 So I had a conversation as recently as yesterday.
10 So we need to work out the details before we make a
11 recommendation about what we would like to do, to support
12 or...

13 MR. STRESAK: A quick comment on these types of
14 bills, and along with 602, Mentally and Developmentally
15 Disabled Persons. I think, more and more, we're going to
16 see, as these ancillary effects of realignment and
17 efforts to rehabilitate versus incarcerate. And you'll
18 see increased demographics on the street. You're going
19 to see more and more expectation for officers to address
20 this as a first-line response.

21 So your point is well taken. We'll strengthen
22 our -- we'll buttress this a little bit more and see what
23 we can do. We'll work on that.

24 MR. EVANS: Those are all the bills that we have
25 thus far.

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1 CHAIR SOBEK: A point of order. We forgot to
2 approve or recommend the approval of the Legislative
3 Review Committee meeting minutes.
4 I'll entertain a motion.
5 MEMBER BUI: Motion. Bui.
6 CHAIR SOBEK: Okay, Lai Lai.
7 A second?
8 MEMBER KURYLOWICZ: Second.
9 CHAIR SOBEK: Kurylowicz is the second.
10 Okay, all in favor, say "aye."
11 *(A chorus of "ayes" was heard.)*
12 CHAIR SOBEK: Opposed?
13 *(No response)*
14 CHAIR SOBEK: Okay, that passes.
15 And for the record, let's do a roll call to have Dan
16 make sure that everybody is here.
17 So I would start with, I'm here. Present. Sobek.
18 MEMBER BUI: Bui is here.
19 CHAIR SOBEK: Cooke?
20 MEMBER COOKE: Yep.
21 CHAIR SOBEK: Hutchens?
22 MEMBER HUTCHENS: Here.
23 CHAIR SOBEK: Kurylowicz?
24 MEMBER KURYLOWICZ: Here.
25 CHAIR SOBEK: And Wallace?

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1 MEMBER WALLACE: Here.

2 CHAIR SOBEK: Good.

3 Anything else? Anything else for the Committee?

4 MR. STRESAK: Well, I have one more comment. This
5 is your last Legislative meeting.

6 CHAIR SOBEK: This is my last meeting.

7 MR. STRESAK: And this is your last Commission
8 meeting, too. I'll address that a little later.

9 But I think it's an opportune time to thank you for
10 your leadership and your support and your insight and
11 your commitment and all that you've done.

12 And I will reemphasize that I thank you for your
13 friendship and what you've done for this organization.

14 So my hat is off to you.

15 *(Applause)*

16 CHAIR SOBEK: All right, nothing else?

17 The meeting is adjourned.

18 *(The Legislative Committee meeting concluded*
19 *at 8:46 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 12th, 2013.

Daniel P. Feldhaus
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