ITEM 3
TEST CLAIM
PROPOSED DECISION

Penal Code Sections 13515.26; 13515.27; 13515.28; 13515.29; and 13515.295

Statutes 2015, Chapter 468 (SB 11); and Statutes 2015, Chapter 469 (SB 29)

Peace Officer Training: Mental Health/Crisis Intervention

17-TC-06

Cities of Claremont and South Lake Tahoe, Claimants

TABLE OF CONTENTS

Exhibit A

Test Claim, filed May 10, 2018 1-66

Exhibit B

Department of Finance's Comments on the Test Claim, filed October 26, 2018.....1-8

Exhibit C

Draft Proposed Decision, issued February 12, 2019..... 1-43

Exhibit D

Claimants' Comments on the Draft Proposed Decision, filed March 4, 2019 1-8

Exhibit E

Supporting Documentation 1-49

California POST Course Catalog, list of certified presenters for the FTO program, https://catalog.post.ca.gov/PresenterCourseDescription.aspx?crs_no=31725&crs_title=FIELD+TRAINING+OFFICER&numPresentations=17&pageId=10 (accessed on January 23, 2019).

"Crisis Intervention Behavioral Health Training, Senate Bill 11, Impact on Law Enforcement," https://post.ca.gov/crisis-intervention-behavioral-health-training (accessed on January 18, 2019).

"Crisis Intervention Behavioral Health Training, Senate Bill 29, Impact on Law Enforcement," https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training (accessed on January 29, 2019).

PAM section D-1, Basic Training, https://post.ca.gov/commission-procedure-d-1-basic-training#d11 (accessed on December 14, 2018).

PAM section D-13, Field Training, https://post.ca.gov/commission-procedure-d-13-field-

training (accessed on December 13, 2018).

POST's List of Basic Training Academies, https://post.ca.gov/basic-training-academies (accessed on January 18, 2019).

Regular Basic Course Training Specifications, POST, https://post.ca.gov/regular-basic-course-training-specifications (accessed on December 14, 2018).

"Regulation 1081 Minimum Standards for Legislatively Mandated Courses, Crisis Intervention Behavioral Health Training for Field Training Officers, Expanded Course Outline (8 hours)," https://post.ca.gov/Portals/0/post_docs/resources/CIT/SB29_FTO_8HR_Course_ECO.pdf (accessed on January 23, 2019).

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

For CSM Use Only	
Filing Date:	RECEIVED May 10, 2018 Commission on State Mandates
Test Claim #:	17-TC-06

TEST CLAIM FORM Section 1

Proposed Test Claim Title:

Peace Officer Training: Mental Health/Crisis Intervention

Section 2

Local Government (Local Agency/School District) Name:

City of South Lake Tahoe *(Joint Test Claimant with City of Claremont)*

Name and Title of Claimant's Authorized Official pursuant to CCR, tit.2, § 1183.1(a)(1-5):

Debbie McIntyre, Finance Director

Street Address, City, State, and Zip: 1901 Airport Road, South Lake Tahoe, CA 96150-7004

Telephone Number	Fax Number	Email Address:
(530) 542-7402	(530) 542-6041	DMcIntyre@cityofslt.us

Section 3

Claimant Representative: Annette Chinn Title: President

Organization: Cost Recovery Systems, Inc.

Street Address, City, State, Zip: 705-2 E. Bidwell Street, #294, Folsom, CA 95630

Telephone Number	Fax Number	Email Address:
(916) 939-7901	(916) 939-7801	achinncrs@aol.com

Revised 3/2018

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to Government Code section 17553 and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Senate Bill 29, Chapter 469, Statutes of 2015
Adding Penal Code Sections: 13515.28, 13515.29 and 13515.295
Senate Bill 11, Chapter 468, Statutes of 2015
Adding Penal Code Sections: 13515.26 and 13515.27

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 5/10/18

A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] ___/___/_____, the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] 5/23/17, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

(Gov. Code § 17551(c); Cal. Code Regs., tit. 2, §§ 1183.1(c) and 1187.5.)

Section 5 – Written Narrative:

☒ Includes a statement that actual and/or estimated costs exceed one thousand dollars ($1,000). (Gov. Code § 17564.)

☒ Includes all of the following elements for each statute or executive order alleged ***pursuant to Government Code section 17553(b)(1) (refer to your completed WORKSHEET on page 7 of this form)***:

☒ Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;

☒ Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;

☒ Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

☒ Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;
Following FY 2017-2018____ Total Costs:_$600,000_____

☒ Identifies all dedicated funding sources for this program; State: __$0_____

Federal: _____$0_____ Local agency's general purpose funds: $11,150

Other nonlocal agency funds: ___$0_____

Fee authority to offset costs: ____$0_____

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: _____n/a_____

☒ Identifies a legislatively determined mandate that is on the same statute or executive order:_____n/a_____

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to Government Code Section 17553(b)(2) and California Code of Regulations, title 2, section 1187.5, as follows (refer to your completed WORKSHEET on page 7 of this form):

☒ Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

☒ Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

☒ Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Government Code section 17573, and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of Government Code section 17574.

☒ The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to Government Code section 17553(b)(3) and California Code of Regulations, title 2, § 1187.5 (refer to your completed WORKSHEET on page 7 of this form):

☒ The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. Pages __28_____ to ____33_____.

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages _____ to _____.

☐ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages _____ to _____.

☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.* (Cal. Code Regs., tit. 2, § 1187.5). Pages 47 to 55.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a)(1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

Debbie McIntrye

Name of Authorized Local Government Official pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Finance Director

Print or Type Title

Debbie McIntyre

Signature of Authorized Local Government Official pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

6-22- 2018

Date

Revised 3/2018

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: **SB 11 and 29, Chapters 468 and 469, Statues of 2015**
Adding Penal Code Sections 13515.28, 13515.29, 13515.295, 13515.26 & 13515.27

Activity: All Field Training Officers who provide instruction in the field training program are required to attend an 8 hour crisis intervention course after every 24 months. Field Training Officers assigned or appointed before 1/1/17 shall complete the crisis intervention training by 6/30/17. FTOs assigned after 1/1/17 shall complete the course within 180 days of assignment.

Initial FY: 2016-17 Cost: $11,150 Following FY: 2017-18 Cost:$0
Evidence (if required): see pages 13-14 and pages 47-55
All dedicated funding sources; State: $0_____ Federal: ____$0_____
Local agency's general purpose funds: ____$11,150___(see page 10)_____
Other nonlocal agency funds: _____$0_____
Fee authority to offset costs: _____$0_____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: SAME AS ABOVE

Activity: All Field Training Officers who provide instruction in the field training program are required to attend an 8 hour crisis intervention course after every 24 months. Field Training Officers assigned or appointed before 1/1/17 shall complete the crisis intervention training by 6/30/17. FTOs assigned after 1/1/17 shall complete the course within 180 days of assignment.

Following FY: 2018-19 Cost Estimate: $11,485
Evidence (if required): $11,150 x estimated 3% cost of living adjustment
All dedicated funding sources; State: ___$0 _____ Federal: _____ $0 _____
Local agency's general purpose funds: estimate of $11,485
Other nonlocal agency funds: $0_____ Fee authority to offset costs: _____$0_____

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

For CSM Use Only
Filing Date:
Test Claim #:

TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

Peace Officer Training: Mental Health/Crisis Intervention

Section 2

Local Government (Local Agency/School District) Name:

City of Claremont *(Joint Test Claimant with the City of South Lake Tahoe)* _____

Name and Title of Claimant's Authorized Official pursuant to CCR, tit.2, § 1183.1(a)(1-5):

Adam Pirrie, Finance Director _____

Street Address, City, State, and Zip: 207 Harvard Ave. Claremont, CA 91711_____

Telephone Number	Fax Number	Email Address
(909) 399-5456	(909) 399-5366	apirrie@ci.claremont.ca.us

Section 3

Claimant Representative: Annette S. Chinn_ Title President

Organization: Cost Recovery Systems, Inc.

Street Address, City, State, Zip: 705-2East Bidwell Street, #294, Folsom, CA 95630

Telephone Number	Fax Number	Email Address achinncrs@aol.com
(916) 939-7901	(916) 939-7801	

Revised 3/2018

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to Government Code section 17553 and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Senate Bill 29, Chapter 469, Statutes of 2015

Adding Penal Codes Sections: 13515.28, 13515.29, and 13515.295

SB 11, Chapter 468, Statutes of 2015,

Adding Penal Codes Sections: 13515.26 and 13515.27

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 05/10/2018

☐ A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] ___/___/_____, the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] _06/06/2017, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

(Gov. Code § 17551(c); Cal. Code Regs., tit. 2, §§ 1183.1(c) and 1187.5.)

Section 5 – Written Narrative:

☒ Includes a statement that actual and/or estimated costs exceed one thousand dollars ($1,000). (Gov. Code § 17564.)

☒ Includes all of the following elements for each statute or executive order alleged ***pursuant to Government Code section 17553(b)(1) (refer to your completed WORKSHEET on page 7 of this form)***:

☒ Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;

☒ Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;

☒ Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

☒ Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;
Following FY: 2017 - 2018 Total Costs: $ 600,000

X Identifies all dedicated funding sources for this program; State: $0

Federal: $0 Local agency's general purpose funds: $2,981

Other nonlocal agency funds: $2,737

Fee authority to offset costs: $0

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: n/a

☒ Identifies a legislatively determined mandate that is on the same statute or executive order: n/a

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to Government Code Section 17553(b)(2) and California Code of Regulations, title 2, section 1187.5, as follows (refer to your completed WORKSHEET on page 7 of this form):

☒ Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

☒ Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

☒ Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

☐ If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Government Code section 17573, and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of Government Code section 17574.

☒ The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to Government Code section 17553(b)(3) and California Code of Regulations, title 2, § 1187.5 (refer to your completed WORKSHEET on page 7 of this form):

☒ The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. Pages 28 to 33.

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages _____ to _____.

☐ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages _____ to _____.

☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5).* Pages __56___ to __60_____.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a)(1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

___Adam Pirrie_____ Finance Director

Name of Authorized Local Government Official **Print or Type Title**
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

_____ 6-25-18

Signature of Authorized Local Government Official **Date**
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Revised 3/2018

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number:

SB 11 & SB 29, Chapters 468 and 469, Statutes of 2015
Adding Penal Code Section 13515.28, 13515.29, 13515.295, 13515.26 & 13515.27

Activity:All Field Training Officers (FTOs) who provide instruction in the field training program shall attend an 8 hour crisis intervention behavioral training course after every 24 months. FTO's assigned or appointed before 1/1/17 shall complete the crisis intervention training by 6/30/17. FTOs assigned after 1/1/17 shall complete the course within 180 days of assignment.

Initial FY: 2016-17 Cost: $5,718 Following FY: 17-18 Cost: $0

Evidence (if required): __pages 14-15 and pages 56-60_____

All dedicated funding sources; State: __$0_____ Federal: ___$0_____

Local agency's general purpose funds: __$2,981_____

Other nonlocal agency funds: ____$2,737_____Fee Authority $0_____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: **SAME AS ABOVE**

Activity: All Field Training Officers (FTOs) who provide instruction in the field training program shall attend an 8 hour crisis intervention behavioral training course after every 24 months. FTO's assigned or appointed before 1/1/17 shall complete the crisis intervention training by 6/30/17. FTOs assigned after 1/1/17 shall complete the course within 180 days of assignment.

Following FY: 2018-19___ Cost: estimated $5,890__

Evidence (if required): __$5,718 x 3% estimated cost of living adjustment_____

All dedicated funding sources; State: ____$0____Federal: _____$0_____

Local agency's general purpose funds: ___estimate at $5,890_____

Other nonlocal agency funds: $0 ___ Fee authority to offset costs: $0

Revised 3/2018

Table of Contents:

Section 5

Written Narrative.....pages 12-18

Section 6

Declaration Statements (City of South Lake Tahoe) .....pages 19-23

Declaration Statements (City of Claremont).....pages 24-27

Section 7

Senate Bill 11, Chapter 468, Statutes of 2015 adding Penal Code Sections 13515.26 and 13515.27.....pages 28-30

Senate Bill 29, Chapter 469, Statutes of 2015 adding Penal Code Sections 13515.28, 13515.29 and 13515.295.....pages 31-33

August, 2015 Assembly Floor Analysis.....pages 34-38

August, 2015 Senate Rules Committee Analysis.....pages 39-46

Evidence/Proof of Costs Incurred (City of South Lake Tahoe Police Department) - Certified Course Reports for staff attending "Crisis Intervention Behavioral Health Training" ..... pages 47-55

Evidence/Proof of Costs Incurred (City of Claremont Police Department) - Certified Course Reports for staff attending "Crisis Intervention Behavioral Health Training" ..... pages 56-60

Section 8

Test Claim Certification (City of South Lake Tahoe) .....page 62

Test Claim Certification (City of Claremont..... .....page 63

Joint Test Claim of:
City of South Lake Tahoe and City of Claremont (Co-Claimants)

Peace Officer Training: Mental Health/Crisis Intervention

SB 11: Chapter 468, Statutes of 2015
Adding Penal Codes 13515.26 and 13515.27

and

SB 29 : Chapter 469, Statutes of 2015
Adding Penal Codes 13515.28,. 13515.29, and 13515.295

STATEMENT OF THE CLAIM

Both the Cities of South Lake Tahoe and Claremont agree that the alleged state mandated costs result from the same State statutes and agree on all issues of this Test Claim. The joint test claimants allege:

MANDATE SUMMARY & SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES:

In 2015, the California Senate passed Senate Bills (SB) 11 and 29 entitled Peace Officer Training: Mental Health. SB 11, Chapter 468, Statutes of 2015 added sections 13515.26 and 13515.27 to the Penal Code and required the Commission on Peace Officer's Standards and Training (POST) to develop additional training to better prepare law enforcement officers to recognize, deescalate, and appropriately respond to persons with mental illness or intellectual disability.

SB 29, Chapter 469, Statutes of 2015 added sections 13515.28, 13515.29 and 13515.295 to the Penal Code and required the training be completed by June 30, 2017. This bill requires field training officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training. This 8-hour training course must be repeated after every 24 months.

This legislation also requires POST to have as a part of its existing field training officer course (field training program and police training program) at least 4 hours of training related to how to interact with persons with mental illness or intellectual disability.

A. **DETAILED DESCRIPTION OF THE NEW ACTIVITIES AND COSTS THAT ARISE FROM THE MANDATE:**

- Section 13515.28 states, in part:

> The commission (Commission on Peace Officer Standards and Training or POST) shall require the field training officers who provide instruction in the field training program to have at least eight (8) hour crisis intervention behavioral health training as specified after every 24 months to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability.

If a field training officer has completed 40 hours of crisis intervention behavioral training, the requirement described in paragraph (1) shall not apply.

Field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.

Section 13515.29 (c) states:

All prospective field training officers shall complete the course described in 13515.29 subdivisions (a) and (b) as part of the existing field training officer program.

Section 13515.295 addresses POSTs requirements to review, evaluate, and identify what additional training is needed and describes what the training shall address.

The sections added by SB 11 and SB 29 resulted in the following new mandated activities for local law enforcement agencies:

On-going activities:

1) Field Training Officers (FTOs) time and expense to attend the 8-hour mandated training sessions. Including: compensating of staff time to attend mandated sessions; compensating costs for backfilling positions (including overtime) during mandated training; travel expenses, instructor fees, facility costs, and training material.

2) FTOs time and expense to repeat the mandated 8-hour training after every 24 months (unless a field training officer has completed 40 hours of crisis intervention behavioral training). Including: compensating of staff time to attend mandated sessions; compensating costs for backfilling positions (including overtime) during mandated training, if required by the department; travel expenses, instructor fees, facility costs, and training material.

B. DETAILED DESCRIPTION OF THE EXISTING ATIVITIES AND COSTS THAT ARE MODIFIED BY THE MANDATE:

Not applicable – the statutes in question were newly added sections of the penal code. They were not modified or amended.

C. & D. ACTUAL AND/OR ESTIMATED INCREASED COSTS INCURRED BY THE CO-CLAIMANTS EXCEED ONE THOUSAND DOLLARS ($1,000)

CITY OF SOUTH LAKE TAHOE:

Actual FY 2016-17 Costs of $11,150 incurred by the City exceeded $1,000: The City of South Lake Tahoe first provided training to its field officers to comply with this mandate (as required by SB 11 and SB 29 of 2015 which added Penal Code sections 13515.26, 13515.27, 13515.28,

13515.29, and 13515.295) on May 23, 2017 (FY 2016-17); therefore this Joint Test Claim is timely filed within 365 days from the date costs were first incurred.

The actual costs incurred by the City ($11,150) to implement this alleged mandate exceed $1,000 annually. (See below for computation of FY 2016-17 costs incurred). Copies of actual training records used to support these costs are attached in the appendix to this Test Claim on pages 47-55.

Program PO Crisis Trianing	MANDATED COSTS PO Training: Crisis Intevention/Mental Health ACTIVITY COST ESTIMATES						ACTUAL COSTS FY 2016-17
City of South Lake Tahoe							
DIRECT COSTS							
Description of Expenses:							
Employee Names, Job Class., Functions Performed and Description of Expenses	Hourly Rate or Unit Cost	Benefit Rate	Hours Worked or Quantity	Salaries	Benefits	Materials and Supplies	Total Salaries & Benefits
ON-GOING COSTS							
Field Training Officers (8) Attend an eight hour mandated course on Crisis Intervention Behavioral Health Training (includes drive time to session)	$49.59	56.1%	94.00	$4,661	$2,615		$7,277
Total On-Going Costs (Estimated)			**94.00**	**$ 4,661**	**$ 2,615.08**		**$ 7,276.54**
INDIRECT COSTS (ICRP Rate = 83.1%)							$3,874
GRAND TOTAL (ESTIMATE)							**$11,150**

Estimated Future Costs are expected to exceed $1,000: The statutes alleged in this test claim requires field training officers who provide instructions in the field training program to receive 8 hours of training after every 24 months, therefore the City of South Lake Tahoe expects to incur future costs exceeding $1,000 when staff is sent to required retraining as mandated.

No costs ($0) are expected in FY 2017-18. In FY 2018-19 costs are expected to be similar to the costs incurred in FY 2016-17: $11,150 plus cost of living adjustments (3%) = $11,485.

CITY OF CLAREMONT:

Actual FY 2016-17 Costs ($5,718 gross costs; $2,981 net-after-grant costs) exceeded $1,000: The City of Claremont first provided training to its four (4) field officers on June 6, 2017 to comply with the mandated program mandate (as required by SB 11 and SB 29 of 2015 which added Penal Code sections 13515.26, 13515.27, 13515.28, 13515.29, and 13515.295) therefore this Joint Test Claim is timely filed within 365 days from the date costs were first incurred.

The actual costs incurred by the City of Claremont to implement this alleged mandate exceed $1,000 annually. (See below for computation of FY 2016-17 costs incurred). Copies of actual training records used to support these costs are attached in the appendix to this Test Claim on pages 56-60

Program PO Crisis Trianing	MANDATED COSTS PO Training: Crisis Intevention/Mental Health ACTIVITY COST ESTIMATES						ACTUAL COSTS FY 2016-17
City of Claremont							
DIRECT COSTS							
Description of Expenses:							
Employee Names, Job Class., Functions Performed and Description of Expenses	Hourly Rate or Unit Cost	Benefit Rate	Hours Worked or Quantity	Salaries	Benefits	Materials and Supplies	Total Salaries & Benefits
ON-GOING COSTS							
Field Training Officers (4) (Overtime pay incurred) Attend an eight hour mandated course on Crisis Intervention Behavioral Health Training	$73.64	61.0%	32.00	$2,356	$958		$3,315
Embassy Consulting Services (Tuition charge - $95 per person)						$380	$380
Total On-Going Costs (Estimated)			32.00	$ 2,356.32	$ 958.24		$ 3,694.56
INDIRECT COSTS (ICRP Rate = 80%)							$2,023
GRAND TOTAL (ESTIMATE)							$5,718

The City of Claremont received a special one-time grant to send staff to the mandated training in FY 2016-2017. The grant paid for staff time as well as for trainer course fees (Embassy Consulting), however the grant did not pay for staff benefits or indirect costs.

Therefore, the only unreimbursed cost incurred by the City in FY 2016-17 to comply with the mandate in FY 2016-17 was $2,981 (benefits of $958 + indirect costs of $2,023).

Estimated Future Costs are expected to exceed $1,000: The statutes alleged in this test claim requires field training officers who provide instructions in the field training program to receive 8 hours of training after every 24 months, therefore the City of Claremont expects to incur future costs exceeding $1,000 when staff is sent to mandated retraining.

No costs are expected in FY 2017-18. In FY 2018-19 costs are expected to be similar to the costs incurred in FY 2016-17: $5,718 x 3% inflation rate adjustment = $5,890.

E. STATEWIDE COST ESTIMATE OF INCREASED COSTS THAT ALL LOCAL AGENCIES WILL INCUR TO IMPLEMENT THE ALLEDGED MANDATE DURING THE FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR THE CLAIM WAS FILED.

According to the Assembly Appropriations Committee: "Reimbursable state mandated costs in the $2.57 million (General Fund) range initially and $600,000 ongoing to backfill for officers participating in the training. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs for missed work hours for all field training officers in training."

F. AVAILABLE FUNDING SOURCES

There could potentially be some grants and funding sources to partially pay for the mandated training program. However, the co-claimants are not aware of any current State, Federal, or other nonlocal agency funds to pay for costs incurred to perform alleged mandated activities listed above.

The City of Claremont received a special one-time grant in FY 2016-17 to send staff to the mandated training in 2017. The grant paid for staff time as well as for trainer course fees (Embassy Consulting), however the grant did not pay for staff benefits or indirect costs. The City of Claremont is not aware of any future on-going State, Federal, or other nonlocal agency funds available for this program and anticipates that all future increased costs will be paid for from department general fund appropriations.

The City of South Lake Tahoe was not and is not aware of, nor did it receive any State, Federal, or other nonlocal agency funds available for this program and all the increased costs was paid for from department general fund appropriations.

Neither the City of South Lake Tahoe or the City of Claremont are aware of fee authority to offset these costs and neither city has charged any fees for attending mandated training.

G. PRIOR MANDATE DETERMINATIONS BY THE BOARD OF CONTROL OR COMMISSION ON STATE MANDATES.

The cities are not aware of any prior determinations made by the Board of Control or the Commission on State mandates related to this matter.

H. IDENTIFICATION OF A LEGISLATIVELY DETERMINED MANDATED PURSUANT TO GOVERNMENT CODE SECTION 17573 THAT IS ON THE SAME STATUTE OR EXECUTIVE ORDER.

To the best of our knowledge, this does not apply.

CONCLUSION

The costs incurred by the cities of South Lake Tahoe and Claremont as a result of the statute on which this test claim is based are reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Government Code §17500 *et seq.* of the Government Code. Section 17514 of the Government Code defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."

2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975."

3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIIIB of the California Constitution."

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

MANDATE MEETS BOTH SUPREME COURT TESTS

The mandate created by this statute meets both tests that the Supreme Court in the *County of Los Angeles* v. *State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the "unique to government" and the "carry out a state policy" tests. Their application to this test claim is discussed below.

Mandate Is Unique to Local Government

The sections of the law alleged in this Test Claim are unique to government as sworn law enforcement services are uniquely provided by local government agencies.

Mandate Carries Out a State Policy

New State statutes alleged in the Test Claim impose a higher level of service by requiring local agencies to provide additional training to their sworn Field Training Officers on the Topic of Mental Health – Crisis Intervention Training.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code §17556 which could serve to bar recovery of "costs mandated by the State", as defined in Government Code §17556. None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.

2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.

3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.

4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.

5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.

6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.

7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

The enactment of SB 11 Chapter 468, Statutes of 2015 and Senate Bill 29, Chapter 469, Statutes of 2015 which added Penal Code sections 13515.26, 13515.27, 13515.28, 13515.29, and 13515.295 imposed a new state mandated program and cost on joint Test Claimants: South Lake Tahoe and Claremont.

The mandated program meets all of the criteria and tests for the Commission on State Mandates to find a reimbursable state mandated program. None of the disclaimers or other statutory or constitutional provisions that would relieve the State from its constitutional obligation to provide reimbursement have any application to this claim.

DECLARATIONS

DECLARATION OF DEBORAH MCINTRYRE

Pursuant to 17553 (b) (2) of the Government Code and per the Commission on State Mandates, I Deborah McIntryre, Finance Director and the City's Chief Fiscal Officer of the City of South Lake Tahoe (City), declare the following under the penalty of perjury under the laws of the State of California, based on my personal knowledge, information, and belief:

I have examined the Peace Officer Training: Mental Health/Crisis Intervention test claim and believe the resulting costs were incurred to implement the Subject Statutes listed in paragraph B of this declaration and find base on personal knowledge that such costs are correct, and in my opinion, are "costs mandated by the State", as defined in Government Code, Section 17514:

> " 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

A. As part of my duties, I am responsible for recovery of costs mandated by the State.

B. Senate Bills 11 (Chapter 468, Statutes of 2015, adding Penal Codes 13515.26 and 13515.27) and Senate Bill 29 (Chapter 469, Statutes of 2015 adding Penal Codes 13515.28, 13515.29, and 13515.295) (collectively the "Subject Statutes") mandated implementation of a new program by requiring all Police Department Field Training Officers (FTOs) to attend an 8-hour Peace Officer Standards and Training (POST) certified course on the topic of Mental Health/Crisis Intervention Training by June, 30, 2017. These Subject Statutes also require this Field Training Officer training be repeated every 24-months.

C. Based upon my personal knowledge, the training records and information attached to this Test Claim as evidence (see pages 47-55) was provided by City of South Lake Tahoe Police Department's (SLT PD) and it is my belief that those records are true and correct. Based on those records, costs were first incurred by the City on May 23, 2017 when the first two Police FTOs attended the POST certified training mandated by Subject Statues as alleged in this Test Claim.

D. Based on my personal knowledge, the City's actual FY 2016-17 costs incurred to send PD staff to receive the training required by the subject statues alleged in this Test Claim was $11,150 (see page 14) and paid from General Funds.

E. Based on my information and belief, this 8-hour training is mandated by Subject Statutes alleged in this Test Claim every 24 months and no costs are expected to be incurred in FY 2017-18.

F. Based on my information and belief, the Subject Statutes alleged in this Test Claim require FTOs to be sent to the mandated training again in FY 2018-19 and based on my own personal knowledge, expected costs to do so will total approximately $11,485 in general fund expenditures.

G. Based on my personal knowledge, the City did not receive any local, state, federal funding; nor was there any fee authority to offset the increased costs the City will incur to implement this program, including direct and indirect costs.

H. Based on my information and belief, the City does not have access to any ongoing local, state, federal funding sources or have fee authority to offset **all** the increased costs that will be incurred by the City to implement this program including direct and indirect costs.

I. Based on my personal knowledge, this test claim is not for a Legislatively Determined Mandate and no payments have been received by the City for the implementation of the new activities required by the statutes in question.

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts, and if so required, I could and would testify to the statements made herein.

Executed this 10th day of September in South Lake Tahoe, California.

Deborah McIntyre

Deborah McIntyre
Finance Director
City of South Lake Tahoe

DECLARATION OF SHANNON LANEY

I, Shannon Laney, declare under the penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information, and belief:

1. I am a Lieutenant for the City of South Lake Tahoe Police Department (SLT PD). I have been employed by the City in this capacity since 2017 and have been a law enforcement officer since 1999. As part of my duties, I am responsible for overseeing the SLT PD sworn staff training program. I am also responsible for assisting with the recovery of costs mandated by the State.

2. Senate Bills 11 (Chapter 468, Statutes of 2015, adding Penal Codes 13515.26 and 13515.27) and Senate Bill 29 (Chapter 469, Statutes of 2015 adding Penal Codes 13515.28, 13515.29, and 13515.295) (the "Subject Statutes") mandated implementation of a new program by requiring all Police Department Field Training Officers (FTO) to attend a new 8-hour POST Certified course on the topic of Mental Health/Crisis Intervention Training by June, 30, 2017. These Subject Statutes also added new requirements that this training be repeated every 24-months.

3. Based on my personal knowledge, the City of South Lake Tahoe first incurred costs to comply with the requirements of these new statutes on May 23, 2017 when the SLT PD sent their first (2) field training officers (FTOs) to the required POST certified training. Six other FTOs were sent to this mandated training between May and June of 2017. Based on my personal knowledge, the SLT PD provided actual, true and correct training records and costs as evidence showing costs incurred to comply with the Subject Statutes (See pages 47 - 55).

4. Based on my personal knowledge, the City paid for the costs of this training with General Funds in FY 2016-17 and the City did not receive any local, state, federal funding or have fee authority to offset the increased costs the City will incur to implement this program, including direct and indirect costs.

5. Based on my information and belief, there are no local, state, federal funding opportunities, or fee authority to offset the increased costs the City will incur to implement this program, including direct and indirect costs.

6. Based on my personal knowledge, SLT PD does not plan to send any FTOs to the mandated training alleged in this Test Claim, nor does it expect to incur costs in FY 2017-18. However, the SLT PD does expect to send their eight (8) FTOs to the mandated 8-hour training again in FY 2018-19. These costs are expected to be paid from General Funds and to exceed $1,000.

7. I have examined the Peace Officer Training: Mental Health/Crisis Intervention test claim prepared by the City of South Lake Tahoe and based on my personal knowledge, the training described in this test claim was completed to implement the requirements of SubjectStatutes of this Test Claim. Based on my information and belief, I find such costs to be correctly computed and are "costs mandated by the State", as defined in Government Code, Section 17514:

> " 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this Test Claim, and if so required, I could and would testify to the statements made herein.

Executed this 28th day of June, 2018 in South Lake Tahoe, California.

Shannon Laney
Lieutenant
South Lake Tahoe Police Department

DECLARATION OF ADAM PIRRIE

Pursuant to 17553 (b) (2) of the Government Code and per the Commission on State Mandates, I Adam Pirrie, Finance Director and the Chief Fiscal Officer of the City of Claremont ("Claremont"), declare the following under the penalty of perjury under the laws of the State of California, based on my personal knowledge, information, and belief:

I have examined the Peace Officer Training: Mental Health/Crisis Intervention test claim and believe the resulting costs were incurred to implement the Subject Statutes listed in paragraph 2 of this declaration and find based on personal knowledge that such costs are correct, and in my opinion, are "costs mandated by the State", as defined in Government Code, Section 17514:

> " 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

1. As part of my duties, I am responsible for recovery of costs mandated by the State.

2. Senate Bills 11 (Chapter 468, Statutes of 2015, adding Penal Codes 13515.26 and 13515.27) and Senate Bill 29 (Chapter 469, Statutes of 2015 adding Penal Codes 13515.28, 13515.29, and 13515.295) (collectively the "Subject Statutes") mandated implementation of a new program by requiring all Police Department Field Training Officers (FTOs) to attend an 8-hour Peace Officer Standards and Training (POST) certified course on the topic of Mental Health/Crisis Intervention Training by June, 30, 2017. These Subject Statutes also require this Field Training Officer training be repeated every 24-months.

3. Based upon my personal knowledge, the training records and information attached to this Test Claim as evidence (see pages 56-60) was provided by the City of Claremont Police Department (PD) and it is my belief that those records are true and correct. Based on those records, costs were first incurred by the City on June 6, 2017 when the Police Field Training Officers attended the POST certified training mandated by Subject Statutes as alleged in this Test Claim.

4. Based on my personal knowledge, Claremont's actual FY 2016-17 costs incurred to send PD staff to receive the training required by the Subject Statues alleged in this Test Claim was $5,718. Of that amount, a grant received by the PD in FY 2016-17 paid for employee labor and instructor fees, leaving an estimated net unreimbursed amount of $2,981 (which is comprised remaining unreimbursed benefit and indirect costs) that the city paid for with General Funds. (see page 15).

5. Based on my information and belief, the subject State Statutes alleged in this Test Claim require FTOs to be sent to the mandated training again in FY18-19 and based on my own personal knowledge, expected costs will total approximately $5,890 and be paid f rom General Funds.

6. Based on my information and belief, this 8-hour training is mandated by Subject Statutes alleged in this Test Claim every 24 months and no costs are expected to be incurred in FY 2017-18.

7. Based on my information and belief, the City of Claremont does not have access to any ongoing local, state, federal funding sources or have fee authority available to offset all the increased costs that will be incurred by the Claremont to implement this program, including direct and indirect costs.

8. Based on my personal knowledge, this test claim is not for a Legislatively Determined Mandate and no payments have been received by Claremont for the implementation of the new activities required by the statutes in question other than what has been disclosed in this declaration and Test Claim.

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts, and if so required, I could and would testify to the statements made herein.

Executed this 10th day of September in Claremont, California.

Adam Pirrie
Finance Director
City of Claremont

DECLARATION OF MICHAEL CISZEK

I, Michael Ciszek, declare under the penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information, and belief:

1. I am a Lieutenant for the City of Claremont Police Department (PD). I have been employed by the City of Claremont ("Claremont") in this capacity since 2009 and have been a law enforcement officer since 1996. I have personal knowledge of the training programs performed by Claremont's PD. I am also responsible for assisting with the recovery of costs mandated by the State as it pertains to the Police Department.

2. Senate Bills 11 (Chapter 468, Statutes of 2015, adding Penal Codes 13515.26 and 13515.27) and Senate Bill 29 (Chapter 469, Statutes of 2015 adding Penal Codes 13515.28, 13515.29, and 13515.295) ("Subject Statutes") mandated implementation of a new program by requiring all Police Department Field Training Officers to attend a new 8-hour POST Certified course on the topic of Mental Health/Crisis Intervention Training by June, 30, 2017. Subject Statutes also added new requirements that this Field Training Officer training be repeated every 24-months.

3. Based on my personal knowledge, Claremont first incurred costs to comply with the requirements of these new statutes on June 6, 2017 when the PD sent their four (4) field training officers (FTOs) to the required POST certified training. Based on my personal knowledge, the Claremont PD provided actual, true, and correct training and cost records as evidence showing costs incurred to comply with the alleged mandate (See pages 56 - 60).

4. Based on my personal knowledge, Claremont received a grant in FY 2016-17 to offset salary and course fees associated with attending the mandated training. Remaining benefit and overhead costs were paid from city general funds.

5. Based on my information and belief, there are no current local, state, federal funding opportunities, or fee authority to offset all the increased costs Claremont will incur to implement this program, including direct and indirect costs.

6. Based on my personal knowledge, the Claremont PD does not plan to send any FTOs to the mandated training in FY 2017-18 nor to incur any costs in that fiscal year. However, the PD expects to send their four (4) FTOs to the mandated 8-hour training again in FY 2018-19 to satisfy the mandate requirements. FY 18-19 costs are expected to exceed $1,000 in general funds.

7. I have examined the Peace Officer Training: Mental Health/Crisis Intervention test claim prepared by Claremont and based on my personal knowledge, the training described in this test claim was completed to implement the requirements of subject statutes of this Test Claim. Based on my information and belief, I find such costs to be correctly computed and are "costs mandated by the State", as defined in Government Code, Section 17514:

> " 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this Test Claim, and if so required, I could and would testify to the statements made herein.

Executed this 25 day of June, 2018 in Claremont, California.

Michael E. Ciszek

Michael Ciszek

Lieutenant
Claremont Police Department

Senate Bills 11 and 29 of 2015

SB-11 Peace officer training: mental health. (2015-2016)

SHARE THIS:

Senate Bill No. 11

CHAPTER 468

An act to add Sections 13515.26 and 13515.27 to the Penal Code, relating to peace officer training standards.

[Approved by Governor October 03, 2015. Filed with Secretary of State October 03, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 11, Beall. Peace officer training: mental health.

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.

This bill would require POST to review the training module relating to persons with a mental illness, intellectual disability, or substance abuse disorder in its basic training course, and develop additional training to better prepare law enforcement officers to recognize, deescalate, and appropriately respond to persons with mental illness, intellectual disability, or substance use disorders. The bill would require that this training be at least 15 hours, address issues relating to stigma, be culturally relevant and appropriate, include training scenarios and facilitated learning activities, and be included in the current hour requirement of the regular basic course.

The bill would also require POST to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disabilities, and substance use disorders. The bill would require that this continuing training course be at least 3 consecutive hours. The bill would require this course be made available to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties.

This bill would require implementation of the training module and continuing training course no later than August 1, 2016.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13515.26 is added to the Penal Code, to read:

13515.26. (a) The commission shall review the training module in the regular basic course relating to persons with a mental illness, intellectual disability, or substance use disorder, and analyze existing training curricula in order

to identify areas where additional training is needed to better prepare law enforcement to effectively address incidents involving mentally disabled persons.

(b) Upon identifying what additional training is needed, the commission shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disability, and substance use disorders, and with appropriate consumer and family advocate groups.

(c) The training shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) Recognizing indicators of mental illness, intellectual disability, and substance use disorders.

(2) Conflict resolution and deescalation techniques for potentially dangerous situations.

(3) Use of force options and alternatives.

(4) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(5) Mental health resources available to the first responders to events that involve mentally disabled persons.

(d) The course of instruction shall be at least 15 hours, and shall include training scenarios and facilitated learning activities relating to law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders.

(e) The course shall be presented within the existing hours allotted for the regular basic course.

(f) The commission shall implement this section on or before August 1, 2016.

SEC. 2. Section 13515.27 is added to the Penal Code, to read:

13515.27. (a) The commission shall establish and keep updated a classroom-based continuing training course that includes instructor-led active learning, such as scenario-based training, relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders.

(b) This course shall be at least three consecutive hours, may include training scenarios and facilitated learning activities, shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) The cause and nature of mental illness, intellectual disability, and substance use disorders.

(2) Indicators of mental illness, intellectual disability, and substance use disorders.

(3) Appropriate responses to a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.

(4) Conflict resolution and deescalation techniques for potentially dangerous situations.

(5) Appropriate language usage when interacting with potentially emotionally distressed persons.

(6) Resources available to serve persons with mental illness or intellectual disability.

(7) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(c) The course described in subdivisions (a) and (b) shall be made available by the commission to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties.

(d) The commission shall implement this section on or before August 1, 2016.

California LEGISLATIVE INFORMATION

SB-29 Peace officer training: mental health. (2015-2016)

Senate Bill No. 29

CHAPTER 469

An act to add Sections 13515.28, 13515.29, and 13515.295 to the Penal Code, relating to peace officer training standards.

[Approved by Governor October 03, 2015. Filed with Secretary of State October 03, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 29, Beall. Peace officer training: mental health.

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.

This bill would require POST to require field training officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training, as specified. The bill would also require POST to require as part of its existing field training officer course, at least 4 hours of training relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability, to be completed as specified.

By requiring local law enforcement field training officers to have at least 8 additional hours of training and imposing additional training costs on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13515.28 is added to the Penal Code, to read:

13515.28. (a) (1) The commission shall require the field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability. This course shall include classroom instruction and instructor-led active learning, such as scenario-based training,

and shall be taught in segments that are at least four hours long.

(2) If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described in paragraph (1) shall not apply.

(b) The crisis intervention behavioral health training shall address issues relating to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) The cause and nature of mental illnesses and intellectual disabilities.

(2) (A) How to identify indicators of mental illness, intellectual disability, and substance use disorders.

(B) How to distinguish between mental illness, intellectual disability, and substance use disorders.

(C) How to respond appropriately in a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.

(3) Conflict resolution and deescalation techniques for potentially dangerous situations.

(4) Appropriate language usage when interacting with potentially emotionally distressed persons.

(5) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(c) Field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.

(d) This section does not prevent an agency from requiring its field training officers to complete additional hours of crisis intervention behavioral health training or requiring its field training officers to complete that training earlier than as required by this section.

SEC. 2. Section 13515.29 is added to the Penal Code, to read:

13515.29. (a) The commission shall establish and keep updated a field training officer course relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability.

(b) This course shall consist of at least four hours of classroom instruction and instructor-led active learning, such as scenario-based training, shall address issues related to stigma, and shall be culturally relevant and appropriate.

(c) All prospective field training officers shall complete the course described in subdivisions (a) and (b) as part of the existing field training officer program.

(d) The commission shall implement the provisions of this section on or before August 1, 2016.

SEC. 3. Section 13515.295 is added to the Penal Code, to read:

13515.295. (a) The commission shall, by May 1, 2016, conduct a review and evaluation of the required competencies of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or intellectual disability.

(b) Upon identifying what additional training is needed, the commission shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disabilities, and substance abuse disorders, and with appropriate consumer and family advocate groups.

(c) The training shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) How to identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia.

(2) Autism spectrum disorder.

(3) Genetic disorders, including, but not limited to, Down syndrome.

(4) Conflict resolution and deescalation techniques for potentially dangerous situations.

(5) Alternatives to the use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities.

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(7) Involuntary holds.

(8) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

ASSEMBLY AND SENATE BILL ANALYSIS

SENATE THIRD READING
SB 29 (Beall)
As Amended August 31, 2015
Majority vote

SENATE VOTE: 40-0

Committee	Votes	Ayes	Noes
Public Safety	7-0	Quirk, Melendez, Jones-Sawyer, Lackey, Lopez, Low, Santiago	
Appropriations	16-1	Gomez, Bloom, Bonta, Calderon, Chang, Nazarian, Eggman, Gallagher, Eduardo Garcia, Holden, Jones, Quirk, Rendon, Wagner, Weber, Wood	Bigelow

SUMMARY: Requires law enforcement field training officers to have training from the Commission on Police Officer Standards and Training (POST) regarding law enforcement interaction with persons with mental illness or intellectual disability. Specifically, **this bill**:

1) Requires field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers to effectively interact with persons with mental illness or intellectual disability. Training should be taught segments that are at least four hours long.

2) Excludes a field training officer who has completed eight hours of crisis intervention behavioral health training within the past 24 months, or 40 hours of crisis intervention behavioral health training, from the training requirement.

3) Specifies that field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention course within 180 days of assignment or appointment.

4) States that nothing shall prevent an agency from requiring its field training officers from completing a crisis intervention behavioral health training with a greater amount of hours or sooner than the specified time limits.

5) Requires POST to establish and keep updated a field training officer course relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability. This course shall be at least four hours of classroom instruction and instructor-led active learning.

6) Requires all prospective field training officers to complete the course as part of the field training officer program.

7) Requires POST to implement the provisions of this section on or before August 1, 2016.

8) Specifies that POST shall, by May 1, 2016, conduct a review and evaluation of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or an intellectual disability.

9) Directs that POST shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disabilities, and substance abuse disorders, and with appropriate consumer and family advocate groups.

10) States that the training shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

    a) How to identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia;

    b) Autism spectrum disorder;

    c) Down syndrome;

    d) Conflict resolution and de-escalation techniques for potentially dangerous situations;

    e) Alternatives to use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities;

    f) The perspective of individuals and/or families with lived experiences with persons with mental illness, intellectual disability, and substance use disorders;

    g) Involuntary holds; and,

    h) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

EXISTING LAW:

1) Requires any department which employs peace officers to have a POST-approved Field Training Program. Requests for approval of a department's Field Training Program must be submitted to POST and signed by the department head attesting to the adherence of the following program requirements:

    a) The Field Training Program must have Field Training Officers (FTOs) who:

        i) Have been awarded a POST Basic Certificate (not Specialized);

        ii) Have a minimum of one year general law enforcement uniformed patrol experience;

        iii) Have been selected based upon a department-specific selection process; and,

        iv) Meet the following training requirements:

(1) Successfully complete a POST-certified Field Training Officer Course prior to training new officers; and,

(2) Complete 24-hours of update training every three years following completion of the Field Training Officer Course.

2) Requires a POST-Approved Field Training Program to minimally include the following topics: a) Agency Orientation and Department Polices; b) Officer Safety; c) Ethics; d) Use of Force; e) Patrol Vehicle Operations; f) Community Relations/Professional Demeanor (including Cultural Diversity, Community Policing, and Problem Solving; g) Radio Communications; h) Leadership; i) California Codes and Law; j) Search and Seizure; k) Report Writing; l) Control of Persons, Prisoners, and Mentally Ill; m) Patrol Procedures (including Domestic Violence and Pedestrian and Vehicle Stops); n) Investigations/Evidence; o) Tactical Communications/Conflict Resolution; p) Traffic (including Driving Under the Influence); (q) Self-Initiated Activity; r) Additional Agency-Specific Topics (may include Community Specific Problems, Special Needs Groups, etc.).

3) Specifies that the POST-certified Field Training Officer Course be a minimum of 40 hours. In order to meet local needs, flexibility to present additional curriculum may be authorized with prior POST approval. Instructional methodology is at the discretion of individual course presenters unless specified otherwise in a training specification document developed for the course. The Field Training Officer Course curriculum must include the following topics: a) Field Training Program Goals and Objectives; b) Keys to Successful Field Training Programs; c) Field Training Program Management/Roles of Program Personnel; d) Teaching and Training Skills Development; e) The Professional Relationship between the FTO and the Trainee; f) Evaluation/Documentation; g) Expectations and Roles of the FTO; h) Driver Safety; i) Officer Safety; j) Intervention; k) Remediation/Testing/Scenarios; l) Trainee Termination; m) Legal Issues and Liabilities; n) Review of the Regular Basic Course Training; and, o) Competency Expectations.

4) Requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with mentally disabled persons. The training course is required to be developed in consultation with appropriate community, local, and state organizations and agencies that have expertise in the area of mental illness and developmental disability, and with appropriate consumer and family advocate groups. POST is required to make the course available to law enforcement agencies in California. This course must consist of classroom instruction and utilize interactive training methods to ensure that the training is as realistic as possible. The course must include, at a minimum, core instruction in the following:

a) The cause and nature of mental illnesses and developmental disabilities;

b) How to identify indicators of mental disability and how to respond appropriately in a variety of common situations;

c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons;

d) Appropriate language usage when interacting with mentally disabled persons;

e) Alternatives to lethal force when interacting with potentially dangerous mentally disabled persons;

f) Community and state resources available to serve mentally disabled persons and how these resources can be best utilized by law enforcement to benefit the mentally disabled community; and,

g) The fact that a crime committed in whole or in part because of an actual or perceived disability of the victim is a hate.

FISCAL EFFECT: According to the Assembly Appropriations Committee:

1) Reimbursable state mandated costs in the $2.57 million (General Fund) range initially and $600,000 ongoing to backfill for officers participating in the training. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs for missed work hours for all field training officers in training.

2) Initial costs of $1.7 million (Post Officer's Training Fund – POTF) to POST for training costs and course development, and annual ongoing costs of $250,000 (POTF) for prospective training.

COMMENTS: According to the author, "People with mental illnesses or intellectual disabilities are involved in nearly half of all police shootings. Yet the California Peace Officer Standard and Training Curriculum mandates only six hours of mental health training; and there is no requirement to include mental health training for new officers in the Field Training Program. SB 29 increases training for new officers in field training while increasing training of existing officers who supervise them. The bill responds to the public's demand to increase safety by mandating stronger evidence-based behavioral health training that has proven to reduce volatile confrontations between peace officers and people with mental illnesses or intellectual disabilities. Equally important, SB 29 acknowledges California's diverse populations by requiring training to be culturally appropriate."

Analysis Prepared by: David Billingsley / PUB. S. / (916) 319-3744 FN: 0001684

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 29
Author: Beall (D)
Amended: 8/31/15
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 7-0, 4/7/15
AYES: Hancock, Anderson, Leno, Liu, McGuire, Monning, Stone

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/28/15
AYES: Lara, Bates, Beall, Hill, Leyva, Mendoza, Nielsen

SENATE FLOOR: 40-0, 6/3/15
AYES: Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, Wolk

ASSEMBLY FLOOR: 77-2, 9/2/15 - See last page for vote

SUBJECT: Peace officer training: mental health

SOURCE: United Domestic Workers of America

DIGEST: This bill requires law enforcement field training officers (FTOs) to have training from the Commission on Police Officer Standards and Training (POST) regarding law enforcement interaction with persons with mental illness or intellectual disability.

Assembly Amendments:

1) Require FTOs who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training, taught in segments that are at least four hours long, as specified.

2) Exclude an FTO who has completed eight hours of crisis intervention behavioral health training within the past 24 months, or 40 hours of crisis intervention behavioral health training, from the training requirement, as specified.

3) Specify that FTOs assigned or appointed before January 1, 2017, must complete the crisis intervention behavioral health training by June 30, 2017. FTOs assigned or appointed on or after January 1, 2017, shall complete the crisis intervention course within 180 days of assignment or appointment.

4) Require POST to establish and keep updated an FTO course relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability, as specified. Requires all prospective FTOs to complete the course as part of the FTO program, as specified.

5) Delete the requirement that POST require as part of its existing field training program 20 hours of field training relating to law enforcement interaction with persons with mental illness or intellectual disability to be completed during the employing department's field training and probationary period.

6) Require POST, by May 1, 2016, to conduct a review and evaluation of the required competencies of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or intellectual disability, as specified.

ANALYSIS:

Existing law:

1) Creates POST. POST consists of 15 members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate. Racial, gender, and ethnic diversity shall be considered for all appointments to the commission. (Penal Code § 13500.)

2) Requires POST to adopt rules establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of any city police officers, peace officer members of a county sheriff's office, marshals or deputy marshals, and other specified peace officers. (Penal Code § 13510.)

3) Requires, in Section 1005 of Title 11 of the California Code of Regulations, any department which employs peace officers to have a POST-approved Field

Training Program. Requests for approval of a department's Field Training Program must be submitted to POST and signed by the department head attesting to the adherence of the following program requirements:

a) The Field Training Program is to be delivered over a minimum of 10 weeks and based upon the structured learning content as specified in the POST manual.

b) A trainee must have successfully completed the Regular Basic Course before participating in the Field Training Program.

c) The Field Training Program must have a Field Training Supervisor/ Administrator/Coordinator (SAC), as specified.

d) The Field Training Program must have FTOs who meet specified requirements.

e) Trainees must be supervised depending upon their assignment:

i) A trainee assigned to general law enforcement uniformed patrol duties must be under the direct and immediate supervision (physical presence) of a qualified FTO.

ii) A trainee temporarily assigned to non-enforcement, specialized function(s) for the purpose of specialized training or orientation is not required to be in the immediate presence of a qualified FTO while performing the specialized function(s).

f) Trainee performance must be:

i) Documented daily through journaling, daily training notes, or Daily Observation Reports (DORs) and shall be reviewed with the trainee by the FTO; and,

ii) Monitored by a Field Training Program SAC, or designee, by review and signing of the DORs or, by completing and/or signing weekly written summaries of performance (e.g., Supervisor's Weekly Report, Coaching and Training Reports) that are reviewed with the trainee.

g) The FTO's attestation of each trainee's competence and successful completion of the Field Training Program and a statement that releases the trainee from the program, along with the signed concurrence of the department head, or his or her designate, must be retained in department records.

4) Requires a POST-Approved Field Training Program to minimally include the following topics: (a) Agency Orientation and Department Polices; (b) Officer Safety; (c) Ethics; (d) Use of Force; (e) Patrol Vehicle Operations; (f) Community Relations/Professional Demeanor (including Cultural Diversity, Community Policing, and Problem Solving; (g) Radio Communications; (h) Leadership; (i) California Codes and Law; (j) Search and Seizure; (k) Report Writing; (l) Control of Persons, Prisoners, and Mentally Ill; (m) Patrol Procedures (including Domestic Violence and Pedestrian and Vehicle Stops); (n) Investigations/Evidence; (o) Tactical Communications/Conflict Resolution; (p) Traffic (including DUI); (q) Self-Initiated Activity; and, (r) Additional Agency-Specific Topics (may include Community Specific Problems, Special Needs Groups, etc.). (POST Administrative Manual, Procedure D-13-3.)

5) Requires that the POST-certified FTO Course be a minimum of 40 hours. In order to meet local needs, flexibility to present additional curriculum may be authorized with prior POST approval. Instructional methodology is at the discretion of individual course presenters unless specified otherwise in a training specification document developed for the course. The FTO Course curriculum must include the following topics: (a) Field Training Program Goals and Objectives; (b) Keys to Successful Field Training Programs; (c) Field Training Program Management/Roles of Program Personnel; (d) Teaching and Training Skills Development; (e) The Professional Relationship between the FTO and the Trainee; (f) Evaluation/Documentation; (g) Expectations and Roles of the FTO; (h) Driver Safety; (i) Officer Safety; (j) Intervention; (k) Remediation/Testing/Scenarios; (l) Trainee Termination; (m) Legal Issues and Liabilities; (n) Review of the Regular Basic Course Training; and, (o) Competency Expectations. (POST Administrative Manual, Procedure D-13-4.)

This bill:

1) Requires FTOs who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers to effectively interact with persons with mental illness or

intellectual disability. Training should be taught segments that are at least four hours long.

2) Excludes an FTO who has completed eight hours of crisis intervention behavioral health training within the past 24 months, or 40 hours of crisis intervention behavioral health training, from the training requirement.

3) Specifies that FTOs assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. FTOs assigned or appointed on or after January 1, 2017, shall complete the crisis intervention course within 180 days of assignment or appointment.

4) States that nothing shall prevent an agency from requiring its FTOs from completing a crisis intervention behavioral health training with a greater amount of hours or sooner than the specified time limits.

5) Requires POST to establish and keep updated an FTO course relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability. This course shall be at least four hours of classroom instruction and instructor-led active learning.

6) Requires all prospective FTOs to complete the course as part of the FTO program.

7) Requires POST to implement the provisions of this section on or before August 1, 2016.

8) Specifies that POST shall, by May 1, 2016, conduct a review and evaluation of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or an intellectual disability.

9) Directs that POST shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disabilities, and substance abuse disorders, and with appropriate consumer and family advocate groups.

10) States that the training shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

    a) How to identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia;

    b) Autism spectrum disorder;

c) Genetic disorders, including, but not limited to, down syndrome;

d) Conflict resolution and de-escalation techniques for potentially dangerous situations;

e) Alternatives to use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities;

f) The perspective of individuals and/or families with lived experiences with persons with mental illness, intellectual disability, and substance use disorders;

g) Involuntary holds; and,

h) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

Background

All field training requirements are regulatory. POST requires an officer be provided a minimum of 10 weeks of field training. This training must cover 18 different competency requirements, including a component relating to "Control of Persons, Prisoners, and Mentally Ill." A trainee can comply with these requirements by demonstrating competency in the field, through role playing, or by taking a verbal or written test. Both the FTO and the trainee have to sign a form stating that training was received and competency was demonstrated for each of the training components. This bill requires POST to conduct a review and evaluation of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or an intellectual disability.

FTOs must have a POST Basic Training Certificate and one year general law enforcement uniformed patrol experience. FTOs are additionally required to have a minimum of 40 hours of training on a variety of topics, including: (1) Field Training Program Goals and Objectives; (2) Keys to Successful Field Training Programs; (3) Field Training Program Management/Roles of Program Personnel; (4) Teaching and Training Skills Development; (5) The Professional Relationship between the FTO and the Trainee; (6) Evaluation/Documentation; (7) Expectations and Roles of the FTO; (8) Driver Safety; (9) Officer Safety; (10) Intervention; (11) Remediation/Testing/Scenarios; (12) Trainee Termination; (13) Legal Issues and Liabilities; (14) Review of the Regular Basic Course Training; and, (15)

Competency Expectations. There is currently no behavioral health training requirement.

This bill requires eight hours of crisis intervention behavioral health training for FTOs who provide instruction in the field training program, as specified. And, this bill requires POST to establish and keep updated a FTO course that addresses how to interact with persons with mental illness or intellectual disability and requires all prospective FTOs to complete the course as part of the FTO program.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

1) Reimbursable state mandated costs in the $2.57 million (General Fund) range initially and $600,000 ongoing to backfill for officers participating in the training. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs for missed work hours for all FTOs in training.

2) Initial costs of $1.7 million (Post Officer's Training Fund – POTF) to POST for training costs and course development, and annual ongoing costs of $250,000 (POTF) for prospective training.

SUPPORT: (Verified 9/1/15)

United Domestic Workers of America (source)
American Civil Liberties Union of California
American Federation of State, County and Municipal Employees
Association of Regional Center Agencies
California Association of Code Enforcement Officers
California College and University Police Chiefs Association
California Association of Highway Patrolmen
California Attorneys for Criminal Justice
California Council of Community Mental Health Agencies
California Crisis Intervention Training Association
California Medical Association
California Narcotic Officers Association
California Public Defenders Association
City of San Jose
Community Health Awareness Council

County Behavioral Health Directors Association
Disability Action Coalition
Disability Rights California
Donald Rocha, San Jose City Councilmember
Jeffrey Rosen, District Attorney, Santa Clara County
Los Angeles Deputy Sheriffs
Los Angeles Police Protective League
Mental Health America of California
National Alliance on Mental Illness
Riverside Sheriffs' Association
State Council on Developmental Disabilities
Steinberg Institute
The Arc and United Cerebral Palsy California Collaboration

OPPOSITION: (Verified 9/1/15)

California State Sheriffs' Association

ASSEMBLY FLOOR: 77-2, 9/2/15
AYES: Achadjian, Alejo, Travis Allen, Baker, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Beth Gaines, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Hadley, Roger Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Olsen, Patterson, Perea, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, Wood, Atkins
NOES: Bigelow, Grove
NO VOTE RECORDED: Harper

Prepared by: Jessica Devencenzi / PUB. S. /
9/2/15 19:27:55

****** END ******

EVIDENCE/PROOF OF COSTS
CITY OF SOUTH LAKE TAHOE

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Robertson

Course: 9440-20763-16	**Plan**	**Max Enroll**	**Max Rmb Hours:**	8
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	IV	50	**Certified Hours:**	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	**Non-Reimbursable Tuition:**		**Status**
Phone: (530) 895-2869	6	$0.00		Active

Presenter No. : 9440

CA STATE PARKS

837 ASILOMAR BOULEVARD

PACIFIC GROVE 93950

Region: 99

Original Certification Date: 03/07/2017

Course Description:

Crisis intervention behavioral health training for Field Training Officers. This course will provide the trainee with the minimum topics mandated by Senate Bill 29 and PC 13515.28(a)(1) of the California Penal Code.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	05/23/2017	05/23/2017	FOLSOM	8		05/25/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Spaeth

Course: 9440-20763-16	Plan	Max Enroll	Max Rmb Hours:	8
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	IV	50	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				

	Max Presn	Non-Reimbursable Tuition:	Status
Phone: (530) 895-2869	6	$0.00	Active

Presenter No. : 9440

CA STATE PARKS

837 ASILOMAR BOULEVARD

PACIFIC GROVE 93950

Region: 95

Original Certification Date: 03/07/2017

Course Description:

Crisis intervention behavioral health training for Field Training Officers. This course will provide the trainee with the minimum topics mandated by Senate Bill 29 and PC 13515.28(a)(1) of the California Penal Code

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	05/23/2017	05/23/2017	FOLSOM	8		05/25/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Poole

Course: 2950-20763-16	**Plan**	**Max Enroll**	**Max Rmb Hours:**	8
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	IV	30	**Certified Hours:**	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	**Non-Reimbursable Tuition:**		**Status**
Phone: (530) 895-2405	20	$0.00		Active

Presenter No. : 2950

BUTTE COLLEGE PUBLIC SAFETY TRAINING CENTER

3536 BUTTE CAMPUS DRIVE

OROVILLE 95965

Region: 95

Original Certification Date: 10/31/2016

Course Description:

Crisis intervention behavioral health training for Field Training Officers. This course will provide the trainee with the minimum topics mandated by Senate Bill 29 and PC 13515.28(a)(1) of the California Penal Code.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:

Course Start	Course End	Location	Hours	Tuition	Roster Processed
05/25/2017	05/25/2017	OROVILLE	8		05/26/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report Crivelli

Course: 2540-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	25	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (408) 229-4299	65	Onsite: $125 00		Active

Presenter No. : 2540

SOUTH BAY REGIONAL TRAINING CONSORTIUM

560 BAILEY AVE

SAN JOSE 95141

Region: 95

Original Certification Date: 12/23/2016

Course Description:

Using lecture, law, and force options branching, special interactive scenarios are presented to allow law enforcement responders to verbally interact with persons suspected to have affected mental health issues. the emphasis here is learning or refreshing the various aspects of an encounter to obtain optimum outcomes without resulting to physical force. Meets minimum 8 hour for Field Training Officer per SB29. ***Course available for free to Santa Clara Co agencies***Contact Coordinator for further information

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:

Course Start	Course End	Location	Hours	Tuition	Roster Processed
06/26/2017	06/26/2017	SAN JOSE	8	$125.00	06/30/2017

Perishable Skill
COMMUNICATIONS-TACTICAL

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Carlquist

Course: 5930-20763-16	**Plan**	**Max Enroll**	**Max Rmb Hours:**	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	25	**Certified Hours:**	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	**Non-Reimbursable Tuition:**		**Status**
Phone: (530) 668-5269	6	$0.00		Active

Presenter No. : 5930

YOLO COUNTY SHERIFF'S DEPARTMENT

41793 GIBSON ROAD

WOODLAND 95776

Region: 95

Original Certification Date: 11/29/2016

Course Description:

Crisis Intervention Behavioral Health Training for Field Training Officers. This course will provide the trainee with the minimum topics mandated by Senate Bill 29 & PC 13515.28(a)(1) of the California Penal Code.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	06/07/2017	06/07/2017	WOODLAND	8		06/09/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Webber

Course: 5930-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	25	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (530) 668-5269	6	$0.00		Active

Presenter No. : 5930

YOLO COUNTY SHERIFF'S DEPARTMENT

41793 GIBSON ROAD

WOODLAND 95776

Region: 95

Original Certification Date: 11/29/2016

Course Description:

Crisis Intervention Behavioral Health Training for Field Training Officers. This course will provide the trainee with the minimum topics mandated by Senate Bill 29 & PC 13515.28(a)(1) of the California Penal Code.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:

Course Start	Course End	Location	Hours	Tuition	Roster Processed
06/07/2017	06/07/2017	WOODLAND	8		06/09/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report

Course: 2540-20763-16 Morrison	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	25	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (408) 229-4299	65	Onsite: $125.00		Active

Presenter No. : 2540

SOUTH BAY REGIONAL TRAINING CONSORTIUM

560 BAILEY AVE

SAN JOSE 95141

Region: 95

Original Certification Date: 12/23/2016

Course Description:

Using lecture, law, and force options branching, special interactive scenarios are presented to allow law enforcement responders to verbally interact with persons suspected to have affected mental health issues. the emphasis here is learning or refreshing the various aspects of an encounter to obtain optimum outcomes without resulting to physical force. Meets minimum 8 hour for Field Training Officer per SB29. ***Course available for free to Santa Clara Co agencies***Contact Coordinator for further information.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:

Course Start	Course End	Location	Hours	Tuition	Roster Processed
06/26/2017	06/26/2017	SAN JOSE	8	$125.00	06/30/2017

Perishable Skill
COMMUNICATIONS-TACTICAL

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 4/26/2018

Course Report Clark

Course: 2540-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	25	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (408) 229-4299	65	Onsite: $125.00		Active

Presenter No. : 2540

SOUTH BAY REGIONAL TRAINING CONSORTIUM

560 BAILEY AVE

SAN JOSE 95141

Region: 95

Original Certification Date: 12/23/2016

Course Description:

Using lecture, law, and force options branching, special interactive scenarios are presented to allow law enforcement responders to verbally interact with persons suspected to have affected mental health issues. the emphasis here is learning or refreshing the various aspects of an encounter to obtain optimum outcomes without resulting to physical force Meets minimum 8 hour for Field Training Officer per SB29 ***Course available for free to Santa Clara Co agencies***Contact Coordinator for further information

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:

Course Start	Course End	Location	Hours	Tuition	Roster Processed
06/26/2017	06/26/2017	SAN JOSE	8	$125.00	06/30/2017

Perishable Skill
COMMUNICATIONS-TACTICAL

EVIDENCE/PROOF OF COSTS
CITY OF CLAREMONT

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 8/30/2017

Course Report

Course: 1083-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	30	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				

	Max Presn	Non-Reimbursable Tuition:	Status
Phone: (562) 577-5874	30	$95.00	Active

Presenter No. : 1083

EMBASSY CONSULTING SERVICES, LLC

11278 LOS ALAMITOS BLVD, #232

LOS ALAMITOS 90720

Region: 95

Original Certification Date: 10/14/2016

Course Description:

This course is designed to provide training on how to interact effectively with persons with mental illness or intellectual disabilities. This class will address stigma and how to identify indicators of mental illness, intellectual disability and substance use disorders. This course is specifically designed for Field Training Officers (FTO'S) and complies with Senate Bill 29.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	06/06/2017	06/06/2017	CLAREMONT	8		06/12/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 8/30/2017

Course Report

Course: 1083-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	30	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (562) 577-5874	30	$95 00		Active

Presenter No. : 1083

EMBASSY CONSULTING SERVICES, LLC

11278 LOS ALAMITOS BLVD, #232

LOS ALAMITOS 90720

Region: 95

Original Certification Date: 10/14/2016

Course Description:

This course is designed to provide training on how to interact effectively with persons with mental illness or intellectual disabilities. This class will address stigma and how to identify indicators of mental illness, intellectual disability and substance use disorders. This course is specifically designed for Field Training Officers (FTO'S) and complies with Senate Bill 29.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	06/06/2017	06/06/2017	CLAREMONT	8		06/12/2017

:OMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 8/30/2017

Course Report

Course: 1083-20763-16	Plan	Max Enroll	Max Rmb Hours:	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	NA	30	Certified Hours:	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	Non-Reimbursable Tuition:		Status
Phone: (562) 577-5874	30	$95.00		Active

Presenter No. : 1083

EMBASSY CONSULTING SERVICES, LLC

11278 LOS ALAMITOS BLVD #232

LOS ALAMITOS 90720

Region: 95

Original Certification Date: 10/14/2016

Course Description:

This course is designed to provide training on how to interact effectively with persons with mental illness or intellectual disabilities. This class will address stigma and how to identify indicators of mental illness, intellectual disability and substance use disorders. This course is specifically designed for Field Training Officers (FTO'S) and complies with Senate Bill 29

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	06/06/2017	06/06/2017	CLAREMONT	8		06/12/2017

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 9/24/2018

Course Report

Course: 1083-20763-16	**Plan**	**Max Enroll**	**Max Rmb Hours:**	0
CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO	**NA**	30	**Certified Hours:**	8
CAT K 09 CRISIS INTERVENTION BEHAV HEALTH TRAINING FTO				
	Max Presn	**Non-Reimbursable Tuition:**		**Status**
Phone: (562) 577-5874	30	$95.00		Active

Presenter No. : 1083

EMBASSY CONSULTING SERVICES, LLC

11278 LOS ALAMITOS BLVD, #232

LOS ALAMITOS 90720

Region: 95

Original Certification Date: 10/14/2016

Course Description:

This course is designed to provide training on how to interact effectively with persons with mental illness or intellectual disabilities. This class will address stigma and how to identify indicators of mental illness, intellectual disability and substance use disorders. This course is specifically designed for Field Training Officers (FTO'S) and complies with Senate Bill 29.

Perishable Skills: See Presentations Below

Course Comments:

Presentation Attended:	Course Start	Course End	Location	Hours	Tuition	Roster Processed
	06/06/2017	06/06/2017	CLAREMONT	8		06/12/2017

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

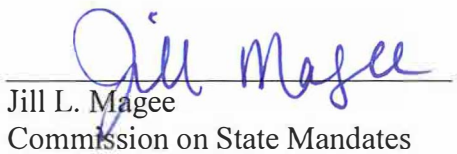
On September 26, 2018, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued September 26, 2018**
- **Test Claim filed by the Cities of Claremont and South Lake Tahoe on May 10, 2018**

  Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06
  Penal Code Sections 13515.26, 13515.27, 13515.28, 13515.29, and 13515.295;
  as added or amended by Statutes 2015, Chapter 468 (SB 11) and
  Statutes 2015, Chapter 469 (SB 29)
  Cities of Claremont and South Lake Tahoe, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 26, 2018 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/21/18

Claim Number: 17-TC-06

Matter: Peace Officer Training: Mental Health/Crisis Intervention

Claimant: Cities of Claremont and South Lake Tahoe

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services,LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Cindy Black, City Clerk, *City of St. Helena*
1480 Main Street, St. Helena, CA 94574
Phone: (707) 968-2742
ctzafopoulos@cityofsthelena.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*

Local Government Programs and Services, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8222
Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems,Inc.*
Claimant Representative
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinncrs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*
2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@muni1.com

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648
Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Erika Li, Program Budget Manager, *Department of Finance*
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Debbie McIntyre, Finance Director, *City of South Lake Tahoe*
1901 Airport Road, South Lake Tahoe, CA 96150-7004
Phone: (530) 542-7402
DMcIntyre@cityofslt.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*

925 L Street, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Steven Pavlov, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Steven.Pavlov@dof.ca.gov

Johnnie Pina, Legislative Policy Analyst, *League of Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8214
jpina@cacities.org

Adam Pirrie, Finance Director, *City of Claremont*
207 Harvard Ave, Claremont, CA 91711
Phone: (909) 399-5356
apirrie@ci.claremont.ca.us

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Derk.Symons@dof.ca.gov

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
Brian.Uhler@LAO.CA.GOV

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Jennifer Whiting, Assistant Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento , CA 95814
Phone: (916) 658-8249
jwhiting@cacities.org

Patrick Whitnell, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8281
pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov

RECEIVED
October 26, 2018
Commission on
State Mandates

DEPARTMENT OF FINANCE
EDMUND G. BROWN JR. • GOVERNOR
915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

Exhibit B

October 25, 2018

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Response to Test Claim 17-TC-06, Peace Officer Training: Mental Health/Crisis Intervention

Dear Ms. Halsey:

The Department of Finance has reviewed Test Claim 17-TC-06, jointly submitted to the Commission on State Mandates (Commission) by the cities of South Lake Tahoe and Claremont (Claimants). The test claim alleges state-mandated, reimbursable costs associated with Chapters 468 and 469, Statutes of 2015 (SB 11 and SB 29). These bills do the following:

- SB 11 requires the Commission on Peace Officer Standards and Training (POST) to review its basic course training module for dealing with persons with mental, intellectual, or substance abuse disorders, to identify areas where additional training is needed on how to engage with those persons, and to provide at least 15 more hours of training in the basic course training module on how to interact with those persons.

- SB 29 states POST shall require field training officers (FTOs) to have at least eight hours of crisis intervention behavioral training, so they may train new officers on how to effectively interact with persons with mental illnesses or intellectual disabilities.

  SB 29 states that FTOs appointed before January 1, 2017, have until June 30, 2017, to complete the training. FTOs appointed on or after January 1, 2017, must complete the training within 180 days of appointment. However, if a person serving as an FTO on January 1, 2017, completed either eight hours of crisis intervention behavioral health training within the previous 24 months, or 40 hours of crisis intervention training at any time before January 1, 2017, SB 29 exempts them from the required training.

The wording of the test claim raises questions about the accuracy of the asserted required costs. On page 12 of the test claim, the Claimants state the following (emphasis added):

> "Section 13515.28 states, in part: The Commission (Commission on Peace Officer Standards and Training or POST) shall require the field training officers who provide instruction in the field training program to have at least eight (8) hour *(sic)* crisis intervention behavioral health training **as specified after every 24 months** to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability."

This quote is not a statement of the statutory language. It is Claimants' interpretation. Based on their interpretation of SB 29, South Lake Tahoe alleges $11,150 in 2016-17 costs for eight FTOs to attend eight hours of crisis intervention behavioral health training. Claremont alleges $2,981 in net 2016-17 costs for four FTOs to attend eight hours of crisis intervention behavioral health training. The Claimants respectively anticipate 2018-19 costs of $11,485 and $5,980 for their FTOs to attend another eight hours of training.

Finance notes that Penal Code section 13515.28, in relevant part, reads as follows:

> (a) (1) The commission shall require the field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability. This course shall include classroom instruction and instructor-led active learning, such as scenario-based training, and shall be taught in segments that are at least four hours long.
>
> (2) If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described in paragraph (1) shall not apply.

Contrary to what appears to be Claimants' contention, SB 29 does not require FTOs to receive eight hours of crisis intervention behavioral health training every 24 months. SB 29 actually requires FTOs to receive this training only once. Furthermore, FTOs serving on January 1, 2017, were exempt from the SB 29 training if they completed either eight hours of crisis intervention behavioral health training within the previous 24 months, or 40 hours of such training at any time prior to January 1, 2017.

Based on Claimants' characterization of the test claim legislation, Finance is concerned the required costs may be significantly overstated. Depending on each claimant's factual situation regarding prior training, they may have asserted reimbursable costs far less than what appears in the test claim. We believe the Commission should require Claimants to address these points as the analysis of the claim proceeds.

Sincerely,

ERIKA LI
Program Budget Manager

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 26, 2018, I served the:

- **Department of Finance's (Finance's) Comments on the Test Claim filed October 26, 2018**

  Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06
  Penal Code Sections 13515.26, 13515.27, 13515.28, 13515.29, and 13515.295;
  as added or amended by Statutes 2015, Chapter 468 (SB 11) and
  Statutes 2015, Chapter 469 (SB 29)
  Cities of Claremont and South Lake Tahoe, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 26, 2018 at Sacramento, California.

Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/16/18

Claim Number: 17-TC-06

Matter: Peace Officer Training: Mental Health/Crisis Intervention

Claimant: Cities of Claremont and South Lake Tahoe

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services,LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Cindy Black, City Clerk, *City of St. Helena*
1480 Main Street, St. Helena, CA 94574
Phone: (707) 968-2742
ctzafopoulos@cityofsthelena.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*

Local Government Programs and Services, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8222
Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems,Inc.*
Claimant Representative
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinncrs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*
2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@muni1.com

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648

Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Erika Li, Program Budget Manager, *Department of Finance*
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Debbie McIntyre, Finance Director, *City of South Lake Tahoe*
1901 Airport Road, South Lake Tahoe, CA 96150-7004
Phone: (530) 542-7402
DMcIntyre@cityofslt.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Andy Nichols, *Nichols Consulting*

1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Steven Pavlov, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Steven.Pavlov@dof.ca.gov

Johnnie Pina, Legislative Policy Analyst, *League of Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8214
jpina@cacities.org

Adam Pirrie, Finance Director, *City of Claremont*
207 Harvard Ave, Claremont, CA 91711
Phone: (909) 399-5356
apirrie@ci.claremont.ca.us

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Derk.Symons@dof.ca.gov

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
Brian.Uhler@LAO.CA.GOV

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Patrick Whitnell, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8281
pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov

Hearing Date: May 24, 2019
J:\MANDATES\2017\TC\17-TC-06 Peace Officer Training Mental Health Crisis Intervention\TC\Draft PD.docx

ITEM ___

TEST CLAIM

DRAFT PROPOSED DECISION

Penal Code Sections 13515.26; 13515.27; 13515.28; 13515.29; and 13515.295

Statutes 2015, Chapter 468 (SB 11); and Statutes 2015, Chapter 469 (SB 29)

Peace Officer Training: Mental Health/Crisis Intervention

17-TC-06

Cites of Claremont and South Lake Tahoe, Claimants

EXECUTIVE SUMMARY

Overview

This Test Claim alleges reimbursable state-mandated activities arising from Statutes 2015, chapter 468 (SB 11); and Statutes 2015, chapter 469 (SB 29). These statutes require the Commission on Peace Officer Standards and Training (POST) to establish, and for law enforcement Field Training Officers (FTOs) to take, training courses on law enforcement interaction with persons with mental illness or intellectual disability.

Staff recommends that the Commission partially approve this Test Claim as specified below.

Procedural History

The claimants filed the Test Claim on May 10, 2018. Commission staff issued the Notice of Complete Test Claim, Schedule for Comments, and, Notice of Tentative Hearing Date on September 26, 2018. The Department of Finance (Finance) filed comments on the Test Claim on October 26, 2018. The claimants did not file rebuttal comments. Commission staff issued the Draft Proposed Decision on February 12, 2019.[1]

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. "Test claim" means the first claim filed with the Commission alleging that a particular statue or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of

[1] Exhibit C, Draft Proposed Decision.

the California Constitution and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[2]

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Issue	Description	Staff Recommendation
Was the Test Claim timely filed?	Government Code section 17551 states that local agency and school district test claims must be filed "not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[3] Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" as 365 days.[4]	*Timely filed* - The test claim statutes became effective January 1, 2016. The claimants allege they first incurred costs mandated by the state on May 23, 2017 and June 6, 2017, respectively.[5] The Test Claim was filed May 10, 2018, within 365 days of first incurring costs. Therefore, based on the date costs were first incurred, the Test Claim was timely filed in accordance with Government Code section 17551 and section 1183.1(c) of the Commission's regulations.
Do Penal Code sections 13515.26 and 13515.27, added by Statutes 2015, chapter 468; and section 13515.295, added by Statutes 2015, chapter 469, impose a reimbursable state-mandated program?	Penal Code sections 13515.26, 13515.27, and 13515.295 require POST to establish training courses, and to review and update the existing Field Training Program, with respect to how officers effectively address incidents involving persons with mental illness or intellectual disability.	*Deny* - Penal Code sections 13515.26, 13515.27, and 13515.295 impose requirements on POST, a state agency, but do not impose any state-mandated activities on local government.
Does Penal Code section 13515.29, added by Statutes	Penal Code section 13515.29 directs POST to establish and	*Deny* - Penal Code section 13515.29 does not impose a

[2] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

[3] Government Code section 17551(c).

[4] Title 2, California Code of Regulations, section 1183.1(c) (Register 2018, No. 9, eff. April 1, 2018.)

[5] Exhibit A, Test Claim, page 14.

Issue	Description	Staff Recommendation
2015, chapter 469, impose a reimbursable state-mandated program?	keep updated the field training officer course, which addresses how to interact with persons with mental illness or intellectual disability. In response to Penal Code section 13515.29, POST issued a bulletin stating that it "utilized subject matter experts to incorporate the 4 hours of crisis intervention behavioral health training into the FTO course, and that the FTO course will remain at 40 hours.[6] And POST certified several entities, including community colleges, to present the FTO training.[7] Section 13515.29 also requires prospective FTOs to have four hours of training within the FTO course relating to "how to interact with persons with mental illness or intellectual disability."	new program or higher level of service on local government, or increased costs mandated by the state, in accordance with *County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176. There is no requirement for the law enforcement employer to develop and present the course, and the total number of training hours in the existing FTO course remains the same.
Does Penal Code section 13515.28, added by Statutes 2015, chapter 469, impose a reimbursable state-mandated program?	Penal Code section 13515.28 requires existing FTOs to have an additional eight hours of crisis intervention behavioral health training, to be completed between January 1, 2017 and June 30, 2017, or within 180	*Partially approve* - In response to Penal Code section 13515.28, POST created an expanded course outline for the required eight-hour training.[8] In addition, POST issued a bulletin authorizing, but not requiring, agencies to present

[6] Exhibit X, FTO Crisis Intervention and Behavioral Health Training, SB 29 (emphasis added) (https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 23, 2019).

[7] Exhibit X, California POST Course Catalog, list of certified presenters for the FTO program (https://catalog.post.ca.gov/PresenterCourseDescription.aspx?crs_no=31725&crs_title=FIELD+TRAINING+OFFICER&numPresentations=17&pageId=10, accessed January 23, 2019).

[8] Exhibit X, "Regulation 1081 Minimum Standards for Legislatively Mandated Courses, Crisis Intervention Behavioral Health Training for Field Training Officers, Expanded Course Outline (8 hours)"(https://post.ca.gov/Portals/0/post_docs/resources/CIT/SB29_FTO_8HR_Course_ECO.pdf, accessed January 23, 2019.)

Issue	Description	Staff Recommendation
	days of appointment as an FTO.	the course required by Penal Code section 13515.28 using the POST outline.[9] Therefore, presenting the course is not mandated by the state and to the extent that a local agency does so, it is based on its own discretionary decision and is not subject to subvention. However, section 13515.28 imposes a reimbursable state-mandated program for cities and counties, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, that are required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program, to ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a *one-time*, eight hour training on crisis intervention and behavioral health before June 30, 2017; and to ensure that each FTO assigned or appointed after January 1, 2017 shall attend a *one-time*, eight hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO.

[9] Exhibit X, Crisis Intervention and Behavioral Health Training, SB 29 (emphasis added) (https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 23, 2019), emphasis added.

Issue	Description	Staff Recommendation
		FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months are *exempt* from these requirements.

Staff Analysis

A. The Test Claim Was Timely Filed.

Government Code section 17551 states that test claims must be filed "not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[10]

Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" for purposes of filing a test claim as "365 days" and specifically provides:

> Except as provided in Government Code sections 17573 and 17574, any test claim or amendment filed with the Commission must be filed not later than 12 months (365 days) following the effective date of a statute or executive order, or within 12 months (365 days) of first incurring increased costs as a result of a statute or executive order, whichever is later.[11]

The test claim statutes became effective on January 1, 2016. The claimants have filed evidence in the form of declarations and POST training records showing they first incurred costs under the test claim statutes on May 23, 2017 and June 6, 2017, respectively.[12] The Test Claim was filed May 10, 2018, less than 365 days from the dates of first incurred costs. Therefore, on the basis of the date costs were first incurred, the Test Claim was timely filed in accordance with Government Code section 17551 and Title 2, California Code of Regulations, section 1183.1(c).

B. Penal Code Sections 13515.26, 13515.27, and 13515.295 Impose Requirements on POST, a State Agency, But Do Not Impose Any State-Mandated Activities on Local Government.

Penal Code section 13515.26 requires POST to review its training modules and course content "in the *regular basic course* relating to persons with mental illness, intellectual disability, or

[10] Government Code section 17551(c).

[11] Title 2, California Code of Regulations, section 1183.1(c) (Register 2018, No. 9, eff. April 1, 2018.)

[12] Exhibit A, Test Claim, pages 20, 24, 48, 57-60 [Declaration of Deborah McIntryre, Finance Director and Chief Fiscal Officer for the City of Lake Tahoe; Declaration of Adam Pirrie, Finance Director and Chief Fiscal Officer for the City of Claremont; POST report of training dated May 23, 2017 for Officers Robertson and Spaeth of the City of Lake Tahoe; POST report of training dated June 6, 2017 for City of Claremont officers].

substance abuse disorder," and identify areas where additional training is needed.[13] POST shall then update its training "in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disability, and substance abuse disorders…"[14] The training "shall be presented within the existing hours allotted for the regular basic course."[15]

Section 13515.27 requires POST to establish a three-hour continuing training course for existing peace officers, relating to interacting with persons with mental illness.[16] That course "shall be *made available by the commission* to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties."[17] POST has established a course to comply with section 13515.27 that can be utilized for training and makes it clear that the course is "not mandatory for law enforcement."[18]

Penal Code section 13515.295 requires POST to "conduct a review and evaluation of the required competencies of the field training program," especially with respect to how officers effectively address incidents involving persons with mental illness or intellectual disability, and to update the training accordingly.[19]

There is nothing in the plain language of sections 13515.26, 13515.27, or 13515.295 that impose any express requirements on local government, and the claimants have made no argument and presented no evidence that these sections impose additional activities or costs.

Accordingly, Penal Code sections 13515.26, 13515.27, and 13515.295 do not impose any state-mandated activities on local government.

C. Penal Code Section 13515.29, Which Requires *Prospective* Field Training Officers (FTOs) to Receive Four Hours of Training as Part of the FTO Course That Addresses How to Interact with Persons with Mental Illness or Intellectual Disability, Does Not Mandate a New Program or Higher Level of Service or Result in Increased Costs Mandated by the State Since There Is No Requirement for the Law Enforcement Employer to Develop and Present the Course, and the Total Number of Training Hours in the FTO Course Remains the Same.

POST regulations provide, with some exceptions, that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training

---

[13] Penal Code section 13515.26(a) (Stats. 2015, ch. 468).

[14] Penal Code section 13515.26(b) (Stats. 2015, ch. 468).

[15] Penal Code section 13515.26(d-e) (Stats. 2015, ch. 468).

[16] Penal Code section 13515.27(a-b) (Stats. 2015, ch. 468).

[17] Penal Code section 13515.27(c) (Stats. 2015, ch. 468).

[18] Exhibit X, "Crisis Intervention Behavioral Health Training, SB 11, Impact on Law Enforcement," published by POST (https://post.ca.gov/crisis-intervention-behavioral-health-training, as of January 18, 2019).

[19] Penal Code section 13515.295 (added, Stats. 2015, ch. 469).

Program."[20] Each department's Field Training Program is required to have Field Training Officers (FTOs) to train new officers before they can be assigned to general law enforcement uniformed patrol duties without direct and immediate supervision.[21] And FTOs are required to first complete a POST-certified, 40-hour, Field Training Officer Course before they can provide the training to other officers.[22]

The test claim statute added section 13515.29 to the Penal Code to require POST to establish and keep updated an FTO course "relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability."[23] That course is required to be "at least four hours of classroom instruction and instructor-led active learning" and "[a]ll *prospective field training officers* shall complete the course…*as part of the existing field training officer program*."[24] This statute does not require local law enforcement employers to develop or present the training.

Although the local law enforcement employer may incur costs for its prospective FTOs to attend the FTO course, staff finds that Penal Code section 13515.29 does not impose a new program or higher level of service, or result in increased costs mandated by the state. The total number of hours required by the state for the existing FTO course did not increase as a result of the test claim statute. The plain language of the statute requires the updated training to be "part of the existing field training officer program," and POST has clarified that the FTO course remains at 40 hours. Thus, in accordance with *County of Los Angeles II*,[25] the statute does not impose a new program or higher level of service, or result in increased costs mandated by the state.

D. Penal Code Section 13515.28, Which Requires Assigned or Appointed FTO's to Receive an Additional Eight Hours of Crisis Intervention Behavioral Health Training to Better Train New Peace Officers on How to Effectively Interact with Persons with Mental Illness or Intellectual Disability, Imposes a Reimbursable State-Mandated Program on Eligible Local Agencies.

1. Penal Code section 13515.28 imposes new FTO training requirements on local law enforcement agencies.

Penal Code section 13515.28, enacted by Statutes 2015, chapter 469, requires assigned or appointed FTOs, except those specified FTOs who have previous similar training, to complete an additional eight hours of crisis intervention behavioral health training by a June 30, 2017 or within 180 days of being assigned or appointed as an FTO, in order to better train new peace

---

[20] California Code of Regulations, title 11, section 1004(a) (Register 2015, No. 50).

[21] California Code of Regulations, title 11, section 1004(a)(4).

[22] California Code of Regulations, title 11, section 1004(d); Exhibit X, PAM section D-13-4, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training (accessed, December 13, 2018).

[23] Penal Code section 13515.29(a) (Stats. 2015, ch. 469).

[24] Penal Code section 13515.29(b)(c) (Stats. 2015, ch. 469).

[25] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1194-1195.

officers on how to effectively interact with persons with mental illness or intellectual disability. Specifically, as relevant to this issue, section 13515.28 provides:

> (a)(1) The commission shall require the field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health . . .
>
> (2) If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described in paragraph (1) shall not apply.
>
> [¶] . . .[¶]
>
> (c) Field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.

The claimants allege that section 13515.28 requires eight hours of repeated or continuing crisis intervention behavioral health training *every 24 months*.[26] Finance interprets the test claim statute to require eight hours of crisis intervention behavioral health training only once per appointed or assigned FTO.[27]

Staff finds that eight hours of crisis intervention behavioral health training is required *one* time per employee providing training as an FTO, and not every 24 months as alleged by the claimant. This interpretation is supported by the plain language of Penal Code section 13515.28(a)(2), which exempts FTOs who have completed eight hours of crisis intervention behavioral health training within the past 24 months or have completed 40 hours of crisis intervention behavioral health training, the legislative history, and POST's implementation of Statutes 2015, chapter 469.

Although the requirements of section 13515.28 are expressly directed to the officers themselves, the requirements imposed on the officers fall on the local law enforcement agencies required by section 1004 of the POST regulations to have a Field Training Program. The training of the officers occurs within the scope of employment and their appointment or assignment as an FTO by the employer.[28] In addition, under the Federal Fair Labor Standards Act (FLSA), which

---

[26] Exhibit A, Test Claim, pages 12-13.

[27] Exhibit B, Finance's Comments on the Test Claim, page 2.

[28] California Code of Regulations, title 11, section 1004(a), which states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) provides that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and completed a similar POST approved Field Training Program may request an exemption.

applies to local government employers, the employer is responsible for compensating the employee for job-related training time that is required and not voluntary.[29]

However, these statutes do not require local law enforcement employers to develop or present the training. In this case, the claimants utilized outside organizations to provide the training required by Penal Code section 13515.28; their officers attended training provided by California State Parks, Butte College Public Safety Training Center, South Bay Regional Training Consortium, Yolo County Sheriff's Department, and Embassy Consulting Services.[30]

Accordingly, Penal Code section 13515.28 imposes the following new requirements on local law enforcement agencies required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program:[31]

- Ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health before June 30, 2017.
- Ensure that each FTO assigned or appointed after January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO.

FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months, are *exempt* from these requirements. In addition, reimbursement is not required for the local law enforcement employer to develop or present the training since these activities are not mandated.

2. The New Requirements of Penal Code Section 13515.28 Impose a State-Mandated Program Only on City and County Law Enforcement Agencies, and Police Protection Districts That Wholly Supplant the Law Enforcement Functions of the County Within their Jurisdiction, That Are Required to Have a Field Training Program and Have Appointed or Assigned FTOs For That Program.

The minimum training standards and rules for peace officers that are outlined in Penal Code sections 13510 et seq. (which includes section 13515.28) "shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter . . . ."[32] Participating

---

[29] See Code of Federal Regulations, title 29, sections 785.27, 785.29; *Garcia v. San Antonio Metropolitan Transit Authority et al.* (1985) 469 U.S. 528.

[30] Exhibit A, Test Claim, pages 48-61.

[31] California Code of Regulations, title 11, section 1004(a), states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) states that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and who have completed a similar POST approved Field Training Program may request an exemption and not comply with this requirement.

[32] Penal Code section 13510(a).

agencies agree to abide by the standards established by POST and may apply to POST for state aid.[33] Although this statutory language only requires local agencies to comply with the training standards as a condition of their participation in POST, the court in *County of Los Angeles II* held that POST training "for all practical purposes" is not voluntary.[34]

However, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates (POBRA)* held that school districts, community college districts, and special districts that are permitted, but not required, by state law to employ peace officers who *supplement* the general law enforcement units of cities and counties, are not legally compelled by state law to comply with the new requirements.[35] Thus, the Court found, they were not eligible claimants entitled to reimbursement under article XIII B, section 6 of the California Constitution.[36] However, cities, counties, and special police protection districts that wholly supplant the law enforcement functions of the county within the jurisdiction of that district pursuant to Government Code section 53060.7), were found to be prima facie eligible for reimbursement because they have "as an *ordinary, principal, and mandatory duty* the provision of policing services within their territorial jurisdiction."[37]

Thus, only city and county law enforcement agencies, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, are mandated by the state to comply with the new training requirements imposed by Penal Code sections 13515.28.

3. The New Requirements Imposed by Penal Code Section 13515.28 Constitute a New Program or Higher Level of Service.

The new training requirements for FTOs imposed by Penal Code section 13515.28 on local law enforcement agencies constitute a new program or higher level of service because they require additional training hours, carry out the governmental function of providing a service to the public, and impose unique requirements on local government that do not apply generally to all residents and entities in the state. Section 13515.28 requires eight hours of training relating to crisis intervention behavioral health, and requires that training to be completed within a six month period (depending on when an FTO was appointed or assigned) in addition to existing training requirements imposed by law. In addition, POST interprets Penal Code section

---

[33] Penal Code sections 13522 and 13523.

[34] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1194 ["POST certification is, for all practical purposes, not a 'voluntary' program and therefore the County must, in order to comply with [the test claim statute], add domestic violence training to its curriculum."].

[35] *Department of Finance v. Commission on State Mandates* (POBRA) (2009) 170 Cal.App.4th 1355, 1357

[36] *Department of Finance v. Commission on State Mandates* (POBRA) (2009) 170 Cal.App.4th 1355, 1357

[37] *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1367-1368 [emphasis added].

13515.28 to require the development and implementation of an entirely new course of one-time training.[38]

Moreover, Penal Code section 13515.28 carries out the governmental function of providing a service to the public, and imposes unique requirements on local government that do not apply generally to all residents and entities in the state.

Based on the foregoing, staff finds that the additional training required by Penal Code sections 13515.28 constitutes a new program or higher level of service.

4. The Mandated Activities Result in Increased Costs Mandated by the State.

For the mandated activities to constitute reimbursable state-mandated activities under article XIII B, section 6 of the California Constitution, they must result in local agencies incurring increased costs mandated by the state. Government Code section 17514 defines "costs mandated by the state" as any increased cost that a local agency or school district incurs as a result of any statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) further requires that no claim shall be made nor shall any payment be made unless the claim exceeds $1,000. In addition, a finding of costs mandated by the state means that none of the exceptions in Government Code section 17556 apply to deny the claim.

The claimants have alleged new costs incurred to comply with Penal Code section 13515.28, and have alleged that there are no ongoing offsetting revenues such as fee authority. Specifically, the City of South Lake Tahoe alleges $11,150 in costs mandated by the state for fiscal year 2016-2017, and projects $11,485 in fiscal year 2018-2019, for officers to attend the eight-hour training course required by section 13515.28.[39] The City of Claremont alleges $2,981 net costs (after a one-time grant) for fiscal year 2016-2017, and projects $5,718 for fiscal year 2018-2019, without the grant, for its officers to attend the eight-hour training. The claimants have submitted documentation of their officers' time and tuition expenses to attend the required training, which are authenticated by declarations sworn under penalty of perjury.[40] And, as discussed above, the training required by section 13515.28 is required only one time per FTO employee assigned or appointed; therefore some claimants may experience ongoing costs for new FTOs, but not for repeat training of FTOs that have already received the eight-hour training.

Moreover, there is no evidence in the record or in the law that local agencies have received state aid from POST, or other additional revenue, sufficient to cover the costs of the new mandated activities pursuant to Government Code section 17556(e), or that the other exceptions to costs mandated by the state in section 17556 apply to deny this claim.

Based on the foregoing, staff finds, pursuant to Government Code section 17514, that the new requirements mandated by Penal Code section 13515.28 result in increased costs mandated by

---

[38] Exhibit X, FTO Crisis Intervention Behavioral Health Training, https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019.

[39] Exhibit A, Test Claim, pages 13-15.

[40] See Exhibit A, Test Claim, pages 47-55 [Cost Documentation for each Officer]; 20-27 [Declarations].

the state. In addition, any grants or other state funding that may be received by an eligible claimant will be identified in Parameters and Guidelines as offsetting revenue.

Conclusion

Based on the forgoing analysis, staff finds that Penal Code section 13515.28, as added by Statutes 2015, chapter 469, imposes a reimbursable state-mandated program for city and county law enforcement agencies, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, that are required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program, to:[41]

- Ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health before June 30, 2017.
- Ensure that each FTO assigned or appointed after January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO.

FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months, are *exempt* from these requirements. In addition, reimbursement is not required for the local law enforcement employer to develop or present the training since these activities are not mandated.

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Decision to partially approve the Test Claim and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

[41] California Code of Regulations, title 11, section 1004(a), states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) states that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and who have completed a similar POST approved Field Training Program may request an exemption and not comply with this requirement.

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM	Case No.: 17-TC-06
Penal Code Sections 13515.26; 13515.27; 13515.28; 13515.29; and 13515.295 Statutes 2015, Chapter 468 (SB 11); and Statutes 2015, Chapter 469 (SB 29) Filed on May 10, 2018 Cities of Claremont and South Lake Tahoe, Claimants	*Peace Officer Training: Mental Health/Crisis Intervention* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted May 24, 2019*)

DECISION

The Commission in State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on May 24, 2019. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision to [approve/partially approve/deny] the Test Claim by a vote of [vote will be included in the adopted Decision], as follows:

Member	**Vote**
Lee Adams, County Supervisor	
Mark Hariri, Representative of the State Treasurer	
Jeannie Lee, Representative of the Director of the Office of Planning and Research	
Sarah Olsen, Public Member	
Carmen Ramirez, City Council Member	
Yvette Stowers, Representative of the State Controller, Vice Chairperson	
Jacqueline Wong-Hernandez, Representative of the Director of the Department of Finance, Chairperson	

Summary of the Findings

This Test Claim addresses Statutes, 2015, chapters 468 and 469 (SB 11 and SB 29), which require the Commission on Peace Officer Standards and Training (POST) to establish, and for Field Training Officers (FTOs) to take, training courses on law enforcement interaction with persons with mental illness or intellectual disability.

The Commission finds that the Test Claim is timely filed within 365 days of the date that the claimants first incurred costs.

The Commission further finds that Penal Code sections 13515.26, 13515.27, and 13515.295 impose requirements on POST, a state agency, but do not impose any state-mandated activities on local government.

The Commission also finds that Penal Code section 13515.29, which requires prospective FTOs to receive four hours of training that addresses how to interact with persons with mental illness or intellectual disability as part of the existing FTO course, does not mandate a new program or higher level of service or result in increased costs mandated by the state since there is no requirement for the law enforcement employer to develop and present the course, and the total number of training hours in the existing FTO course remains the same.

However, the Commission finds that Penal Code section 13515.28, as added by Statutes 2015, chapter 469, imposes a reimbursable state-mandated program for cities and counties, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, that are required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program, to:[42]

- Ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health before June 30, 2017.
- Ensure that each FTO assigned or appointed after January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO.

FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months, are *exempt* from these requirements. In addition, reimbursement is not required for the local law enforcement employer to develop or present the training since these activities are not mandated.

All other statutes and code sections pled, and claims for reimbursement asserted are denied.

---

[42] California Code of Regulations, title 11, section 1004(a), states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) states that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and who have completed a similar POST approved Field Training Program may request an exemption and not comply with this requirement.

COMMISSION FINDINGS

I. Chronology

01/01/2016	The effective date of the test claim statutes.
05/23/2017	The date the City of Lake Tahoe first incurred costs.[43]
06/06/2017	The date the City of Claremont first incurred costs.[44]
05/10/2018	The claimant filed the Test Claim.[45]
09/26/2018	Commission staff issued the Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date.
10/26/2018	The Department of Finance (Finance) filed comments on the Test Claim.[46]
02/12/2019	Commission staff issued the Draft Proposed Decision.[47]

II. Background

This Test Claim addresses Statutes 2015, chapters 468 and 469, requiring the Commission on Peace Officer Standards and Training (POST) to establish, and for Field Training Officers (FTOs) to take, training courses on law enforcement interaction with persons with mental illness or intellectual disability.

POST was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement.[48] POST consists of sheriffs and chiefs of police; rank and file officers; city and county elected officials; educators or trainers in criminal justice; two public members who are not peace officers; and the Attorney General as an ex officio member.[49] POST is charged with developing and implementing programs to increase the effectiveness of law enforcement, including training and education courses for officers.[50] POST adopts minimum standards for physical and mental fitness, and minimum training standards, for peace

---

[43] Exhibit A, Test Claim, pages 20, 47-55 [Declaration of Deborah McIntryre, Finance Director and Chief Fiscal Officer for the City of Lake Tahoe; POST report of training dated May 23, 2017 for Officers Robertson and Spaeth of the City of Lake Tahoe].

[44] Exhibit A, Test Claim, pages 24, 56-60 [Declaration of Adam Pirrie, Finance Director and Chief Fiscal Officer for the City of Claremont; POST report of training dated June 6, 2017 for City of Claremont officers].

[45] Exhibit A, Test Claim, page 1.

[46] Exhibit B, Finance Comments on the Test Claim, page 1.

[47] Exhibit C, Draft Proposed Decision.

[48] Penal Code section 13500 et seq.

[49] Penal Code section 13500(b-c) (Stats. 2007, ch. 409).

[50] Penal Code section 13503.

officers.[51] The minimum training standards and rules "shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter . . . ."[52] Participating agencies agree to abide by the standards established by POST and may apply to POST for state aid.[53]

A. Prior Law

1. Training Requirements for all Peace Officers Performing General Law Enforcement Uniformed Patrol Duties

Penal Code sections 832 and 13510, and California Code of Regulations, title 11, section 1005 (POST regulations) require every person described as a peace officer (except certain reserve officers, peace officers whose primary duties are investigative, coroners or deputy coroners, and jail deputies) to complete a regular basic training course certified by POST before being assigned duties, which include the exercise of peace officer powers. Those powers include, but are not limited to, the power to make an arrest,[54] to take a person into custody for mental health assessment and evaluation,[55] and to serve and execute a search warrant.[56] The regular basic course is described in detail in the POST Administrative Manual (PAM) Section D-1, with links to the content and curriculum. The minimum hour requirement for basic training is currently set at 664 hours,[57] and includes content such as "Leadership, Professionalism, and Ethics," "Laws of Arrest," "Search and Seizure," "Investigative Report Writing," and many other competencies.[58]

Section 1005 of the POST regulations also requires, with exceptions, that every peace officer "following completion of the Regular Basic Course and before being assigned to perform general law enforcement uniformed patrol duties without direct and immediate supervision, shall complete a POST-approved Field Training Program." "General law enforcement duties" are defined in POST regulations as "duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations."[59]

The Field Training Program is governed by section 1004 of the POST regulations, which provides that "[a]ny department which employs peace officers and/or Level 1 Reserve peace

---

[51] Penal Code section 13510.

[52] Penal Code section 13510(a).

[53] Penal Code sections 13522 and 13523.

[54] Penal Code section 836.

[55] Welfare and Institutions Code section 5150.

[56] Penal Code sections 1523; 1530; 1532; 1534.

[57] Exhibit X, PAM section D-1-3 (d) RBC Standard Format-Training, Testing, and Hourly Requirements, pages 6-7, available at https://post.ca.gov/commission-procedure-d-1-basic-training#d11 (accessed December 14, 2018).

[58] Exhibit X, Regular Basic Course Training Specifications, POST, available at https://post.ca.gov/regular-basic-course-training-specifications, accessed December 14, 2018.

[59] California Code of Regulations, title 11, section 1001.

officers shall have a POST-approved Field Training Program."[60] A department "may request an exemption" from the Field Training Program if it only hires "lateral entry officers" who have completed the Regular Basic Course *and* completed a POST-approved Field Training Program, or "[t]he department does not provide general law enforcement uniformed patrol services." Section 1004 further provides that the Field Training Program "shall be delivered over a minimum of 10 weeks," and be based on the structured learning content specified in PAM, section D-13.[61] The Field Training content requirements identified in PAM, section D-13 include agency orientation (including standards and conduct), ethics, leadership, patrol procedures and vehicle operations, officer safety, report writing, California Codes and law, department policies, control of persons and prisoners, traffic, use of force, search and seizure, investigations and evidence, community relations, and conflict resolution.[62]

In addition, all officers are required by regulation, once appointed, to complete 24 hours of continuing training every two years, including at least two hours of "communications training, either tactical or interpersonal," and at least 12 hours of "perishable skills," such as tactical driving, use of firearms, and "arrest and control."[63] Officers are also required to complete First Aid and CPR training every two years (at least eight hours);[64] training on responding to Domestic Violence Complaints every two years (two hours);[65] Racial Profiling training every five years (two hours);[66] and *annual* refresher training on High Speed Vehicle Pursuit,[67] Blood-Borne Pathogen precautions,[68] and Respiratory Protection Fitting.[69]

2. Training Requirements for Field Training Officers

Section 1004(a)(4) of the POST regulations requires that each department's Field Training Program have Field Training Officers (FTOs) to train new officers before they can be assigned to general law enforcement uniformed patrol duties without direct and immediate supervision. The FTOs must first have been awarded a POST Basic Certificate, have a minimum of one year general law enforcement uniformed patrol experience, have been selected based upon a department-specific selection process, and have met the requirements in section 1004(d).

---

[60] California Code of Regulations, title 11, section 1004(a) (Register 2015, No. 50).

[61] California Code of Regulations, title 11, section 1004(a) (Register 2015, No. 50); Exhibit X, PAM section D-13 available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed, December 13, 2018.

[62] Exhibit X, PAM section D-13 available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed, December 13, 2018.

[63] California Code of Regulations, title 11, section 1005(d) (Register 2015, No. 50).

[64] Penal Code section 13518; California Code of Regulations, title 22, section 100022.

[65] Penal Code section 13519; California Code of Regulations, title 11, section 1081.

[66] Penal Code section 13519.4; California Code of Regulations, title 11, section 1081.

[67] Penal Code section 13519.8; California Code of Regulations, title 11, section 1081.

[68] California Code of Regulations, title 8, section 5193.

[69] California Code of Regulations, title 8, section 5144.

Section 1004(d) requires FTOs to complete a POST-certified Field Training Officer Course (40 hours) and 24 hours of update training every three years, which may be satisfied by either completing "a POST-certified Field Training Officer Update Course," or "24 hours of department-specific training in the field training topics contained in the Field Training Officer Update Course."[70]

Sections D-13-4 and D-13-6 of the PAM describe the minimum course requirements for the FTO course and FTO update course. The FTO course is required to be a minimum of 40 hours, and to cover, for example: "Teaching and Training Skills Development," "Expectations and Roles of the FTO," "Evaluation/Documentation," "Driver Safety," "Officer Safety," "Intervention," "Legal Issues and Liabilities," "Competency Expectations," and, "Trainee Termination."[71] An FTO Update Course, in order to be POST-certified, must be a minimum of 24 hours, and must include the following topics: Review of Regular Basic Course Training; Legal Issues and Liabilities; Contemporary Learning Methods; Training/Teaching Skills Development; Leadership, Ethics, and Professionalism; Driver Safety; Remediation/Testing/Scenarios; Trainee Termination; Evaluation/Documentation; Teaching Skills/Demonstration Competency Expectations; and Additional Agency/Presenter-specific topics (which may include: Community Oriented Policing, Challenging Traits of Today's Trainees, Report Writing for FTOs, Problem Solving for FTOs, Supervisory Skills Development, etc.).[72]

B. Test Claim Statutes

Statutes 2015, chapter 468 added sections 13515.26 and 13515.27 to the Penal Code, which address new requirements for the POST basic training course for peace officers, and new continuing training content for peace officers that POST was required to create and make available as an elective training course.[73] The plain language of Penal Code sections 13515.26 and 13515.27 is directed entirely to POST. Section 13515.26 requires POST to "review the training module in the regular basic course relating to persons with mental illness, intellectual disability, or substance abuse disorder, and analyze existing training curricula in order to identify areas where additional training is needed…"[74] "Upon identifying what additional training is needed," section 13515.26 requires POST to "update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disability, and substance abuse disorders, and with appropriate consumer and

[70] California Code of Regulations, title 11, section 1004(a; d) (Register 2015, No. 50); Exhibit X, PAM section D-13-4, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed, December 13, 2018.

[71] Exhibit X, PAM section D-13-4, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed, December 13, 2018.

[72] Exhibit X, PAM section D-13-3, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed, December 13, 2018.

[73] See, Exhibit A, Test Claim, page 29 (Stats. 2015, ch. 468).

[74] Penal Code section 13515.26(a) (Stats. 2015, ch. 468).

family advocate groups."[75] The updated training "shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include:"

> (1) Recognizing indicators of mental illness, intellectual disability, and substance use disorders.
>
> (2) Conflict resolution and deescalation techniques for potentially dangerous situations,
>
> (3) Use of force options and alternatives.
>
> (4) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.
>
> (5) Mental health resources available to the first responders to events that involve mentally disabled persons.[76]

Finally, section 13515.26 requires that the training "shall be at least 15 hours, and shall include training scenarios and facilitated learning activities…" and "shall be presented within the existing hours allotted for the regular basic course."[77]

Section 13515.27 requires POST to "establish and keep updated a classroom-based continuing training course…relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance abuse disorders."[78] That course "shall be at least three consecutive hours…shall address issues related to stigma, be culturally relevant and appropriate, and shall include:"

> (1) The cause and nature of mental illness, intellectual disability, and substance use disorders.
>
> (2) Indicators of mental illness, intellectual disability, and substance use disorders.
>
> (3) Appropriate responses to a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.
>
> (4) Conflict resolution and deescalation techniques for potentially dangerous situations.
>
> (5) Appropriate language usage when interacting with potentially emotionally distressed persons.
>
> (6) Resources available to serve persons with mental illness or intellectual disability,

---

[75] Penal Code section 13515.26(b) (Stats. 2015, ch. 468).

[76] Penal Code section 13515.26(c) (Stats. 2015, ch. 468).

[77] Penal Code section 13515.26(d-e) (Stats. 2015, ch. 468).

[78] Penal Code section 13515.27(a) (Stats. 2015, ch. 468).

(7) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.[79]

The course "shall be made available by [POST] to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties." POST was required to implement this new course on or before August 1, 2016.[80]

The other test claim statute pled is Statutes 2015, chapter 469, which added Penal Code sections 13515.28, 13515.29, and 13515.295, relating to the Field Training Program. Section 13515.28 states that POST "shall require…[FTOs]…to have at least eight hours of crisis intervention behavioral health training to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability."[81] That eight-hour course "shall include classroom instruction and instructor-led active learning, such as scenario-based training, and shall be taught in segments that are at least four hours long."[82] However, if an FTO "has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if [an FTO] has completed 40 hours of crisis intervention behavioral health training, the requirement…shall not apply."[83] The required training "shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:"

(1) The cause and nature of mental illnesses and intellectual disabilities.

(2) (A) How to identify indicators of mental illness, intellectual disability, and substance use disorders.

(B) How to distinguish between mental illness, intellectual disability, and substance use disorders.

(C) How to respond appropriately in a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.

(3) Conflict resolution and deescalation techniques for potentially dangerous situations.

(4) Appropriate language usage when interacting with potentially emotionally distressed persons.

(5) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

---

[79] Penal Code section 13515.27(b) (Stats. 2015, ch. 468).

[80] Penal Code section 13515.27(c-d) (Stats. 2015, ch. 468).

[81] Penal Code section 13515.28(a) (Stats. 2015, ch. 469).

[82] Penal Code section 13515.28(a) (Stats. 2015, ch. 469).

[83] Penal Code section 13515.28(a) (Stats. 2015, ch. 469).

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.[84]

FTOs "assigned or appointed before January 1, 2017 shall complete the crisis intervention behavioral health training by June 30, 2017," while FTOs "assigned or appointed on or after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment."[85]

Section 13515.29 provides that POST "shall establish and keep updated a field training officer course relating to competencies of the field training program that addresses how to interact with persons with mental illness or intellectual disability."[86] That course "shall consist of at least four hours of classroom instruction and instructor-led active learning, such as scenario-based training, shall address issues related to stigma, and shall be culturally relevant and appropriate."[87] "All prospective [FTOs] shall complete the course…as part of the existing field training officer program."[88] POST is required to implement this section on or before August 1, 2016.[89]

Section 13515.295 provides that POST "shall, by May 1, 2016, conduct a review and evaluation of the required competencies of the field training program and police training program to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or intellectual disability."[90] POST "shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disabilities, and substance abuse disorders, and with appropriate consumer and family advocate groups."[91] The training "shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:"

(1) How to identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia.

(2) Autism spectrum disorder.

(3) Genetic disorders, including, but not limited to, Down syndrome.

(4) Conflict resolution and deescalation techniques for potentially dangerous situations.

---

[84] Penal Code section 13515.28(b) (Stats. 2015, ch. 469).

[85] Penal Code section 13515.28(c) (Stats. 2015, ch. 469).

[86] Penal Code section 13515.29(a) (Stats. 2015, ch. 469).

[87] Penal Code section 13515.29(b) (Stats. 2015, ch. 469).

[88] Penal Code section 13515.29(c) (Stats. 2015, ch. 469).

[89] Penal Code section 13515.29(d) (Stats. 2015, ch. 469).

[90] Penal Code section 13515.295(a) (Stats. 2015, ch. 469).

[91] Penal Code section 13515.295(b) (Stats. 2015, ch. 469).

(5) Alternatives to the use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities.

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(7) Involuntary holds.

(8) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.[92]

C. POST's Notice Issued in Response to the Test Claim Statutes

In response to Statutes 2015, chapter 468, POST developed a three-hour continuing training course entitled "Police Response to People with Mental Illness, Intellectual Disabilities, and Substance Abuse Disorders."[93] POST states that officers attending this course can meet their perishable skills requirement for Communications, but the course itself is not mandatory.[94]

POST responded to the requirements of Statutes 2015, chapter 469 by issuing the following notice:

> On October 3, 2015, Governor Brown, signed into law Senate Bill 29. In brief, the resulting laws mandate mental health training for Field Training Officers (FTO) and an increase in hours in Learning Domain 37 of the Regular Basic Course. This information is intended to facilitate an understanding of the new laws and how they will be implemented. Please refer to the California Penal Code (PC) for a full description of each law.
>
> **Field Training Officers shall have 8 hours of crisis intervention behavioral health training**
>
> PC 13515.28(a)(1)
>
> Field Training Officers (FTO) will complete 8 hours of crisis intervention behavioral health training (CIT) as follows;
>
> - FTOs assigned or appointed on or before January 1, 2017 shall complete the training by June 30, 2017
> - FTOs assigned or appointed after January 1, 2017 shall complete the training within 180 days of assignment or appointment
>
> FTOs are exempted if they have attended;

---

[92] Penal Code section 13515.295(c) (Stats. 2015, ch. 469).

[93] Exhibit X, "Crisis Intervention Behavioral Health Training, SB 11, Impact on Law Enforcement," published by POST, https://post.ca.gov/crisis-intervention-behavioral-health-training, accessed January 18, 2019.

[94] Exhibit X, "Crisis Intervention Behavioral Health Training, SB 11, Impact on Law Enforcement," published by POST, https://post.ca.gov/crisis-intervention-behavioral-health-training, accessed January 18, 2019.

- a 40 hour CIT course or
- an 8 hour or more CIT course since October 3, 2013, that meets the criteria enumerated in PC13515.28(a)(1)

To assist agencies with PC 13515.28(a)(1), POST is offering the following resources and services;

- An expanded course outline (ECO) (pdf) and hourly distribution (pdf) for a Mental Health Course that satisfies the 8 hour training requirement for FTOs. Agencies or training centers may utilize the ECO to deliver a course by certifying it through their Regional Consultant.
- Mental health training course providers may request their course outline be reviewed by POST to ensure it meets the required criteria of PC 13515.28(a)(1). Please initiate this review through the appropriate POST Regional Consultant. If the course does not meet the criteria of SB 29, providers will be advised what to include in the course to satisfy the requirements.

Field Training Officers shall have 4 hours of crisis intervention behavioral health training as part of the Field Training Officer Course

PC 13515.29(a)

FTOs are required to have 4 hours of crisis intervention behavioral health training (**in addition to** the mandated **8 hours** of training required by PC 13515(a)(1)) as part of the Field Training Officer Course. POST has utilized subject matter experts to incorporate the 4 hours of CIT training into the FTO course. The FTO course will remain at 40 hours.

Law Enforcement Agencies shall provide additional training in the Field Training Programs (FTP) or Police Training Programs (PTP) to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or intellectual disability.

PC 13515.295

In response to PC 13515.295, POST has reviewed existing programs and developed an additional competency 12.7.09 (Address Issues Related to Stigma) that must be added to all Field Training Programs and Police Training Program.

Competency 12.7.09 (Address Issues Related to Stigma);

- Must be added to all existing Field Training Programs (docx) or Police Training Programs (pdf), as an addendum, to include an attestation (doc)
- Incorporated into any new program submitted to POST for approval.[95]

[95] Exhibit X, FTO Crisis Intervention Behavioral Health Training, https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019.

Accordingly, POST has interpreted Statutes 2015, chapter 469, which added Penal Code sections 13515.28, 13515.29, and 13515.295, to require that all FTOs, unless exempt under section 13515.28(a)(2),[96] complete eight hours of crisis intervention behavioral health training by June 30, 2017, or within 180 days of appointment as an FTO;[97] that the 40 hour FTO Course for *prospective* FTOs include four hours of crisis intervention behavioral health training, on or before August 1, 2016;[98] and that pursuant to its review of existing training required by section 13515.295, "an additional competency 12.7.09 (Address Issues Related to Stigma)…must be added to all Field Training Programs and Police Training Program."[99]

III. Positions of the Parties

A. City of South Lake Tahoe and City of Claremont

The claimants have pled, on the Test Claim form, both Statutes 2015, chapter 468, which added Penal Code sections 13515.26 and 13515.27; and Statutes 2015, chapter 469, which added sections 13515.28, 13515.28, and 13515.295. However, claimants' narrative and declarations only allege reimbursable costs and activities arising from Penal Code sections 13515.28 and 13515.29.[100]

Claimants allege that the test claim statutes require FTOs who provide instruction in the Field Training Program to have at least eight hours of crisis intervention behavioral health training every 24 months.[101] FTOs assigned or appointed before January 1, 2017 shall complete crisis intervention behavioral health training prior to June 30, 2017. FTOs assigned or appointed after January 1, 2017 shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.[102] Prospective FTOs shall complete a four-hour course addressing how to interact with persons with mental illness or intellectual disability.[103]

---

[96] Penal Code section 13515.28(a)(2) (Stats. 2015, ch. 469) ["If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described in paragraph (1) shall not apply."].

[97] Penal Code section 13515.28 (Stats. 2015, ch. 469); Exhibit X, FTO Crisis Intervention Behavioral Health Training available at https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019.

[98] Penal Code section 13515.29 (Stats. 2015, ch. 469); Exhibit X, FTO Crisis Intervention Behavioral Health Training, https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019.

[99] Penal Code section 13515.295 (Stats. 2015, ch. 469); Exhibit X, FTO Crisis Intervention Behavioral Health Training, https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019.

[100] See Exhibit A, Test Claim, pages 13-15; 20; 22; 24; 26.

[101] Exhibit A, Test Claim, page 10.

[102] Exhibit A, Test Claim, page 10.

[103] Exhibit A, Test Claim, pages 12-13.

Claimants allege new mandated activities, including:

1) Field Training Officers (FTOs) time and expense to attend the 8-hour mandated training sessions. Including: compensating of staff time to attend mandated sessions; compensating costs for backfilling positions (including overtime) during mandated training; travel expenses, instructor fees, facility costs, and training material.

2) FTOs time and expense to repeat the mandated 8-hour training after every 24 months (unless a field training officer has completed 40 hours of crisis intervention behavioral training). Including: compensating of staff time to attend mandated sessions; compensating costs for backfilling positions (including overtime) during mandated training, if required by the department; travel expenses, instructor fees, facility costs, and training material.[104]

The City of South Lake Tahoe alleges it incurred $11,150 to implement the alleged mandate in fiscal year 2016-2017. The City does not project costs for fiscal year 2017-2018, but expects similar costs in 2018-2019.[105]

The City of Claremont alleges that it incurred $2,981 to implement the alleged mandate in fiscal year 2016-2017, after receiving a one-time grant for direct staff costs and the trainer course fees. The City alleges the net costs after the grant include benefits costs for the officers attending the training and indirect costs. The City does not project costs for fiscal year 2017-2018, but projects $5,890 in mandated costs in fiscal year 2018-2019.[106]

The claimants argue that the requirements are new; that they are unique to government and carry out a state policy to provide a service to the public, and are therefore a new program or higher level of service; and that the activities are not mandated by any federal law or voter-approved ballot measure. Neither claimant anticipates non-local funds in the future.[107]

B. Department of Finance

Finance acknowledges that section 13515.28 appears to impose new state-mandated requirements on cities and counties, but asserts that the requirement is one-time, rather than an ongoing mandate:

> Contrary to what appears to be Claimants' contention, SB 29 does not require FTOs to receive eight hours of crisis intervention behavioral health training every 24 months. SB 29 actually requires FTOs to receive this training only once. Furthermore, FTOs serving on January 1, 2017, were exempt from the SB 29 training if they completed either eight hours of crisis intervention behavioral

[104] Exhibit A, Test Claim, page 13.

[105] Exhibit A, Test Claim, page 14.

[106] Exhibit A, Test Claim, pages 14-15.

[107] Exhibit A, Test Claim, pages 17-18.

> health training within the previous 24 months, or 40 hours of such training at any time prior to January 1, 2017.[108]

Finance continues: "Based on Claimants' characterization of the test claim legislation, Finance is concerned the required costs may be significantly overstated."[109] Finance concludes that "the Commission should require Claimants to address these points as the analysis of the claim proceeds."[110]

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

> Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service…

The purpose of article XIII B, section 6 is to "preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[111] Thus, the subvention requirement of section 6 is "directed to state-mandated increases in the services provided by [local government] …"[112]

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or "mandates" local agencies or school districts to perform an activity.[113]
2. The mandated activity constitutes a "program" that either:
   a. Carries out the governmental function of providing a service to the public; or
   b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.[114]

---

[108] Exhibit B, Finance's Comments on the Test Claim, page 2.

[109] Exhibit B, Finance's Comments on the Test Claim, page 2.

[110] Exhibit B, Finance's Comments on the Test Claim, page 2.

[111] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

[112] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[113] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

[114] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 (reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56).

3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.[115]

4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.[116]

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.[117] The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.[118] In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[119]

A. <u>The Test Claim Was Timely Filed.</u>

Government Code section 17551 states that test claims must be filed "not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[120]

Section 1183.1(c) of the Commission's regulations, in turn, defines "12 months" for purposes of filing a test claim as "365 days" and specifically provides:

> Except as provided in Government Code sections 17573 and 17574, any test claim or amendment filed with the Commission must be filed not later than 12 months (365 days) following the effective date of a statute or executive order, or within 12 months (365 days) of first incurring increased costs as a result of a statute or executive order, whichever is later.[121]

The test claim statutes were enacted October 3, 2015, effective January 1, 2016. A timely-filed test claim on the basis of the effective date of the test claim statutes therefore had to be filed no

---

[115] *San Diego Unified School Dist.* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal3d 830, 835.

[116] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

[117] *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

[118] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

[119] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 [citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817].

[120] Government Code section 17551(c).

[121] Title 2, California Code of Regulations, section 1183.1(c) (Register 2018, No. 9, eff. April 1, 2018.)

later than January 1, 2017. This Test Claim was filed May 10, 2018 and is therefore not timely on that basis.

However, the claimants have filed evidence in the form of declarations and POST training records showing they first incurred costs under the test claim statutes on May 23, 2017 and June 6, 2017, respectively.[122] The Test Claim was filed May 10, 2018, within 365 days of first incurring costs. Therefore, based on the date costs were first incurred, the Test Claim was timely filed in accordance with Government Code section 17551 and Title 2, California Code of Regulations, section 1183.1(c).

B. Penal Code Sections 13515.26, 13515.27, and 13515.295 Impose Requirements on POST, a State Agency, But Do Not Impose Any State-Mandated Activities on Local Government.

Penal Code sections 13515.26, 13515.27, and 13515.295 are addressed to POST, a state entity, and do not impose any requirements on local government.

Section 13515.26 requires POST to review its training modules and course content "in the *regular basic course* relating to persons with mental illness, intellectual disability, or substance abuse disorder," and identify areas where additional training is needed.[123] POST shall then update its training "in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disability, and substance abuse disorders…"[124] The training "shall be at least 15 hours," including training scenarios and activities "relating to law enforcement interaction with persons with mental illness, intellectual disability, and substance abuse disorders," and "shall be presented within the existing hours allotted for the regular basic course."[125]

Nothing in the plain language of section 13515.26 requires the local government employer to perform any activities. The regular basic course is a requirement for *persons* seeking peace officer status, but does not require the local government employer that hires an officer to pay for the training or otherwise provide the training.[126] Specifically, Penal Code section 832 requires "every person described in this chapter as a peace officer" to satisfactorily complete an introductory course of training prescribed by POST before they can exercise the powers of a peace officer. Any "person" completing the basic training course "who does not become employed as a peace officer" within three years is required to pass an examination developed or

---

[122] Exhibit A, Test Claim, pages 20, 24, 48, 57-60 [Declaration of Deborah McIntryre, Finance Director and Chief Fiscal Officer for the City of Lake Tahoe; Declaration of Adam Pirrie, Finance Director and Chief Fiscal Officer for the City of Claremont; POST report of training dated May 23, 2017 for Officers Robertson and Spaeth of the City of Lake Tahoe; POST report of training dated June 6, 2017 for City of Claremont officers].

[123] Penal Code section 13515.26(a) (Stats. 2015, ch. 468).

[124] Penal Code section 13515.26(b) (Stats. 2015, ch. 468).

[125] Penal Code section 13515.26(d-e) (Stats. 2015, ch. 468).

[126] See Penal Code section 832; 13510; 13511.

approved by POST.[127] POST is authorized to charge a fee for the basic training examination to each "applicant" who is not sponsored or employed by a local law enforcement agency.[128] In addition, the Legislature has instructed POST to permit the required training to be conducted by any institution approved by POST, which includes community colleges.[129] Thus, the requirement to take basic training is on the person, and not on the local government employer.

Section 13515.27 requires POST to establish a continuing training course for existing peace officers, of "at least three consecutive hours," which "may include training scenarios and facilitated learning activities, shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include" other specified topics such as the causes and nature of mental illness; indicators of mental illness, disability, or substance abuse; appropriate responses; conflict resolution and de-escalation; appropriate language when interacting with potentially emotionally distressed persons; resources available for persons with mental illness or intellectual disability; and perspectives of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance abuse disorders.[130] That course "shall be *made available by the commission* to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties."[131] Section 13515.27 requires POST to create a new training course and to make it *available* to peace officers, but does not require officers to take the course, or require the local government employer to provide or pay for the new course. POST has established a course to comply with section 13515.27 that can be utilized for training and makes it clear that the course is "not mandatory for law enforcement."[132]

Penal Code section 13515.295 is similarly directed only to POST. Section 13515.295 requires POST to "conduct a review and evaluation of the required competencies of the field training program," especially with respect to how officers effectively address incidents involving persons with mental illness or intellectual disability, and to update the training accordingly.[133] There is nothing in the plain language of section 13515.295 that imposes any express requirements on local government, and the claimants have made no argument and presented no evidence that section 13515.295 imposes additional activities or costs. As noted above, POST implemented the requirement in 13515.295 by adding, after review, "an additional competency 12.7.09

---

[127] Penal Code section 832(e).

[128] Penal Code section 832(g).

[129] Penal Code section 13511; Exhibit X, POST's List of Basic Training Academies (https://post.ca.gov/basic-training-academies, accessed on January 18, 2019.)

[130] Penal Code section 13515.27(a-b) (Stats. 2015, ch. 468).

[131] Penal Code section 13515.27(c) (Stats. 2015, ch. 468).

[132] Exhibit X, "Crisis Intervention Behavioral Health Training, SB 11, Impact on Law Enforcement," published by POST (https://post.ca.gov/crisis-intervention-behavioral-health-training, accessed on January 18, 2019).

[133] Penal Code section 13515.295 (Stats. 2015, ch. 469).

(Address Issues Related to Stigma)" to "all Field Training Programs and Police Training Program."[134] The POST competency 12.7.09 has not been pled in this test claim.

Moreover, the claimants, in their Test Claim narrative and declarations, have not alleged that Penal Code sections 13515.26, 13515.27, and 13515.295 impose any new state-mandated activities or costs on local government.

Accordingly, Penal Code sections 13515.26, 13515.27, and 13515.295 do not impose any state-mandated activities on local government.

C. Penal Code Section 13515.29, Which Requires *Prospective* FTOs to Receive Four Hours of Training as Part of the FTO Course That Addresses How to Interact with Persons with Mental Illness or Intellectual Disability, Does Not Mandate a New Program or Higher Level of Service or Result in Increased Costs Mandated by the State Since There Is No Requirement for the Law Enforcement Employer to Develop and Present the Course, and the Total Number of Training Hours in the FTO Course Remains the Same.

POST regulations require, with some exceptions, that every peace officer "following completion of the Regular Basic Course and before being assigned to perform general law enforcement uniformed patrol duties without direct and immediate supervision, to complete a POST-approved Field Training Program."[135] POST regulations further provide, with some exceptions, that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program."[136] Each department's Field Training Program is required to have Field Training Officers (FTOs) to train new officers before they can be assigned to general law enforcement uniformed patrol duties without direct and immediate supervision.[137] And FTOs are required to first complete a POST-certified, 40-hour, Field Training Officer Course before they can provide the training to other officers.[138]

Statutes 2015, chapter 469 added section 13515.29 to the Penal Code to require POST to establish and keep updated an FTO course "relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability."[139] That course is required to be "at least four hours of

---

[134] Exhibit X, FTO Crisis Intervention Behavioral Health Training, page 2, available at https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training (accessed on January 29, 2019).

[135] California Code of Regulations, title 11, section 1005.

[136] California Code of Regulations, title 11, section 1004(a) (Register 2015, No. 50).

[137] California Code of Regulations, title 11, section 1004(a)(4).

[138] California Code of Regulations, title 11, section 1004(d); Exhibit X, PAM section D-13-4, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training (accessed, December 13, 2018).

[139] Penal Code section 13515.29(a) (Stats. 2015, ch. 469).

classroom instruction and instructor-led active learning" and "[a]ll *prospective field training officers* shall complete the course…*as part of the existing field training officer program*."[140]

This statute does not require local law enforcement employers to develop the training. Rather, Penal Code section 13515.29 directs POST to establish and keep updated the field training officer course, which addresses how to interact with persons with mental illness or intellectual disability. In response to Penal Code section 13515.29, POST issued the following bulletin stating that it "utilized subject matter experts to incorporate the 4 hours of crisis intervention behavioral health training into the FTO course, and that the FTO course will remain at 40 hours:[141]

> PC 13515.29(a)
>
> FTOs are required to have 4 hours of crisis intervention behavioral health training (**in addition to** the mandated **8 hours** of training required by PC 13515(a)(1)) as part of the Field Training Officer Course. POST has utilized subject matter experts to *incorporate the 4 hours of CIT training into the FTO course*. *The FTO course will remain at 40 hours*.[142]

And POST has certified several entities, including community colleges, to present the FTO training.[143] Thus, the local agency employer is not required by state law to present the FTO course.

Although the local law enforcement employer may incur costs for its prospective FTOs to attend the FTO course, the Commission finds that Penal Code section 13515.29 does not impose a new program or higher level of service, or result in increased costs mandated by the state since the total number hours required by the state for the existing FTO course did not increase as a result of the test claim statute. The plain language of the statute requires the updated training to be "part of the existing field training officer program," and POST has clarified that the FTO course remains at 40 hours.

In this respect, the requirements of section 13515.29 are similar to those in the statute at issue in *County of Los Angeles II*.[144] In that case, the County sought reimbursement for updated domestic violence training for peace officers, required to be completed every two years by Penal

---

[140] Penal Code section 13515.29(b)(c) (Stats. 2015, ch. 469).

[141] Exhibit X, FTO Crisis Intervention and Behavioral Health Training, SB 29 (emphasis added) (https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed on January 23, 2019).

[142] Exhibit X, FTO Crisis Intervention and Behavioral Health Training, SB 29 (emphasis added), https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed on January 29, 2019.

[143] Exhibit X, California POST Course Catalog, list of certified presenters for the FTO program, https://catalog.post.ca.gov/PresenterCourseDescription.aspx?crs_no=31725&crs_title=FIELD+TRAINING+OFFICER&numPresentations=17&pageId=10, accessed on January 23, 2019.

[144] *County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176 (*County of Los Angeles II*).

Code section 13519(e).[145] The test claim statute stated that the training "shall be funded from existing resources" and further stated the Legislature's intent "not to increase the annual training costs of local government."[146] The Test Claim alleged that although POST bore the cost of producing two-hour telecourses on domestic violence, POST did not provide for any local law enforcement salary reimbursement for attendance at the training, and thus the County sought reimbursement for those costs.[147] The Commission found in the test claim proceedings that POST allows flexibility for local law enforcement agencies to choose training to meet their needs, and that the two-hour training could be fit into the existing 24 hours of POST-required training every two years and, thus, there were no increased costs mandated by the state.[148] The County disagreed, arguing that it could not simply eliminate another training course to make room for domestic violence training without incurring costs.[149] The court concluded that even though the County would "lose some flexibility" in selecting training requirements for its officers, the statute did not mandate a higher level of service, or shift costs from the state to the local governments, or impose increased costs mandated by the state because the *total number of training hours* could remain the same:

> Based upon principles discernable from the cases discussed, we find that in the instant case, the legislation does not mandate a "higher level of service." In the case of an existing program, an increase in existing costs does not result in a reimbursement requirement. Indeed, "costs" for purposes of Constitution article XIII B, section 6 does not equal every increase in a locality's budget resulting from compliance with a new state directive. Rather, the state must be attempting to divest itself of its responsibility to provide fiscal support for a program, or forcing a new program on a locality for which it is ill-equipped to allocate funding.
>
> . . . . POST training and certification is ongoing and extensive, and local law enforcement agencies may chose [sic] from a menu of course offerings to fulfill the 24-hour requirement. Adding domestic violence training obviously may displace other courses from the menu, or require the adding of courses. Officer downtime will be incurred. However, merely by adding a course requirement to POST's certification, the state has not shifted from itself to the County the burdens of state government. Rather, it has directed local law enforcement agencies to reallocate their training resources in a certain manner by mandating the inclusion of domestic violence training.
>
> . . . . Every increase in cost that results from a new state directive does not automatically result in a valid subvention claim where, as here, the directive can be complied with by a minimal reallocation of resources within the entity seeking

---

[145] The requirement is now in Penal Code section 13519(g).

[146] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1179.

[147] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1181.

[148] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1181, 1184.

[149] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1181, 1187.

> reimbursement. Thus, while there may be a mandate, there are no increased costs mandated by Penal Code section 13519.[150]

As was the case in *County of Los Angeles II*, local agencies in this case will not incur any additional costs for prospective FTOs to attend four hours of training required by section 13515.29. The training is part of the existing 40-hour FTO course that all prospective FTOs are required to take. Thus, the total number of training hours required by the state remains the same.

Accordingly, Penal Code section 13515.29 does not mandate a new program or higher level of service or result in increased costs mandated by the state.

D. Penal Code Section 13515.28, Which Requires Assigned or Appointed FTO's to Receive an Additional Eight Hours of Crisis Intervention Behavioral Health Training to Better Train New Peace Officers on How to Effectively Interact with Persons with Mental Illness or Intellectual Disability, Imposes a Reimbursable State-Mandated Program on City and County Law Enforcement Agencies, and Police Protection Districts That Wholly Supplant the Law Enforcement Functions of the County Within their Jurisdiction.

1. Penal Code section 13515.28 imposes new FTO training requirements on local law enforcement agencies.

As indicated in the section above, before a law enforcement agency can assign or appoint a peace officer as an FTO to provide field training to other officers, the peace officer is required to first complete a POST-certified, 40-hour, Field Training Officer Course.[151]

Penal Code section 13515.28, enacted by Statutes 2015, chapter 469, now requires assigned or appointed FTOs, except those specified FTOs who have previous similar training, to complete an additional eight hours of crisis intervention behavioral health training by a date certain, in order to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability. Section 13515.28 states the following:

> (a)(1) The commission shall require the field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability. This course shall include classroom instruction and instructor-led active learning, such as scenario-based training, and shall be taught in segments that are at least four hours long.
>
> (2) If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described in paragraph (1) shall not apply.

---

[150] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1194-1195.

[151] California Code of Regulations, title 11, section 1004(d); Exhibit X, PAM section D-13-4, Field Training, available at https://post.ca.gov/commission-procedure-d-13-field-training, accessed on December 13, 2018.

(b) The crisis intervention behavioral health training shall address issues relating to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) The cause and nature of mental illnesses and intellectual disabilities.

(2)(A) How to identify indicators of mental illness, intellectual disability, and substance use disorders.

(B) How to distinguish between mental illness, intellectual disability, and substance use disorders.

(C) How to respond appropriately in a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.

(3) Conflict resolution and deescalation techniques for potentially dangerous situations.

(4) Appropriate language usage when interacting with potentially emotionally distressed persons.

(5) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(c) Field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.

(d) This section does not prevent an agency from requiring its field training officers to complete additional hours of crisis intervention behavioral health training or requiring its field training officers to complete that training earlier than as required by this section.[152]

The claimants allege that section 13515.28 requires eight hours of repeated or continuing crisis intervention behavioral health training *every 24 months*.[153] Finance interprets the test claim statute to require eight hours of crisis intervention behavioral health training only once per appointed or assigned FTO.[154]

The Commission finds that eight hours of crisis intervention behavioral health training is required *one* time per employee providing training as an FTO, and not every 24 months as alleged by the claimant. This interpretation is supported by the plain language of Penal Code

---

[152] Penal Code section 13515.28 (Stats. 2015, ch. 469).

[153] Exhibit A, Test Claim, pages 12-13.

[154] Exhibit B, Finance's Comments on the Test Claim, page 2.

section 13515.28, the legislative history of SB 29, and POST's implementation of the test claim statute.

First, nothing in the plain language of Penal Code section 13515.28 suggests the training must be repeated every 24 months, as the claimant suggests. Unlike Penal Code section 13515.27, which expressly provides for a separate three-hour "*continuing* training course" on similar subject matter,[155] the Legislature did not use that language in Penal Code section 13515.28. Instead, Penal Code section 13515.28(c) requires the training to be completed by June 30, 2017 for FTO's assigned or appointed before January 1, 2017 or within 180 days of assignment or appointment for FTOs assigned thereafter, rather than incorporated into FTOs' normal continuing training hours. As discussed in the Background, all peace officers are required to have at least 24 hours of continuing training every two years, at least 12 hours of which must relate to "perishable skills," and at least two hours of which must relate to communication skills.[156] In addition, *FTOs* are required to have at least 24 hours of "update training" every three years, relating to the assignment as an FTO. In accordance with the regulations, the updated training for FTOs can be satisfied either by completing a POST-certified "Field Training Officer Update Course," or "Completing 24 hours of department-specific training in the field training topics contained in the Field Training Officer Update Course."[157] The Legislature is presumed to be aware of the state of the law,[158] and rather than direct POST to include crisis intervention behavioral health training within the continuing training requirements for all peace officers, or in the Field Training Officer Update Course specifically, Penal Code section 13515.28 instead articulates a specific training requirement (eight hours of crisis intervention for FTOs) and a specific time frame in which it must be completed (before June 30, 2017 for existing FTOs, and within 180 days for FTOs assigned after January 1, 2017).[159] Section 13515.28(d) further states that "[t]his section does not prevent an agency from requiring its field training officers to complete additional hours of crisis intervention behavioral health training." Thus, the plain language of section 13515.28 requires eight hours of crisis intervention behavioral health training *one* time per officer appointed or assigned as an FTO. The statute allows training in addition to the required eight hours, but does not require training every 24 months as alleged by the claimant.

The legislative history further supports this interpretation. The Senate Third Reading for Senate Bill 29 states the following:

> 1) Requires field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers to effectively interact with persons with mental illness or intellectual disability. Training should be taught segments that are at least four hours long.

---

[155] Penal Code section 13515.27 (Stats. 2015, ch. 468).

[156] See California Code of Regulations, title 11, section 1005(d)(4) (Register 2015, No. 50).

[157] See California Code of Regulations, title 11, section 1004(d)(1) (Register 2015, No. 50).

[158] *Arthur Andersen v. Superior Court* (1998) 67 Cal.App.4th 1481, 1500.

[159] Penal Code section 13515.28 (Stats. 2015, ch. 469).

> 2) Excludes a field training officer who has completed eight hours of crisis intervention behavioral health training within the past 24 months, or 40 hours of crisis intervention behavioral health training, from the training requirement.
>
> 3) Specifies that field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention course within 180 days of assignment or appointment.[160]

Nothing in the bill analyses suggests that the training must be repeated.[161] The bill analyses further state, in terms of fiscal effects:

> 1) Reimbursable state mandated costs in the $2.57 million (General Fund) range initially and $600,000 ongoing to backfill for officers participating in the training. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs for missed work hours for all field training officers in training.[162]

Accordingly, the bill analysis suggests that the test claim statute could have significant initial costs, but much smaller ongoing costs; nothing in the plain language suggests that this training is required to be repeated by FTOs, and the legislative history indicates that the initial costs, to send all or nearly all existing FTOs to the eight hour training, are projected to be much larger than the ongoing costs to "backfill" as new FTOs are appointed or assigned. If the intent of the Legislature is an eight-hour training that must be repeated, there is no reason that projected initial costs would be so far out of proportion to projected ongoing costs.

Finally, POST interprets section 13515.28 as imposing a one-time training requirement per FTO as follows:

> Field Training Officers (FTO) will complete 8 hours of crisis intervention behavioral health training (CIT) as follows;
>
> - FTOs assigned or appointed on or before January 1, 2017 shall complete the training by June 30, 2017
> - FTOs assigned or appointed after January 1, 2017 shall complete the training within 180 days of assignment or appointment
>
> FTOs are exempted if they have attended;
>
> - a 40 hour CIT course or

---

[160] Exhibit A, Test Claim, page 35 [Senate Third Reading, p. 1]; See also, Senate Rules Committee, analysis of Sen. Bill No. 29 (2015-2016 Reg. Sess.), page 1.

[161] See also, Exhibit A, Test Claim, pages 39-40 [Senate Floor Analysis]; See also, Senate Rules Committee, analysis of Sen. Bill No. 29 (2015-2016 Reg. Sess.).

[162] Exhibit A, Test Claim, pages 38; 45 [Senate Third Reading, p. 4; Senate Floor Analysis, p. 7] See also, Senate Rules Committee, analysis of Sen. Bill No. 29 (2015-2016 Reg. Sess.) page 7.

- an 8 hour or more CIT course since October 3, 2013, that meets the criteria enumerated in PC13515.28(a)(1)[163]

POST is the agency charged with implementing the statute and its interpretation has been adopted within POST regulations,[164] and thus, its interpretation is entitled to great weight.[165]

Therefore, Penal Code section 13515.28 requires each FTO assigned or appointed before January 1, 2017 to have one-time crisis intervention behavioral health training (to consist of at least eight hours of training that includes the topics required by section 13515.28(b)) by June 30, 2017, and each FTO assigned or appointed after January 1, 2017 is required to have the same one-time training within 180 days. Nothing in the test claim statute indicates that the eight-hour crisis intervention training called for in section 13515.28(a) must be repeated every 24 months, as the claimants suggest.[166]

Although the requirements of section 13515.28 are expressly directed to the officers themselves, the requirements imposed on the officers fall on the local law enforcement agencies required by section 1004 of the POST regulations to have a Field Training Program. The training of the officers occurs within the scope of employment and their appointment or assignment as an FTO by the employer.[167] In addition, under the Federal Fair Labor Standards Act (FLSA), which applies to local government employers, the employer is responsible for compensating the employee for job-related training time that is required and not voluntary.[168]

However, Penal Code section 13515.28 does not require local law enforcement employers to develop or present the training. Rather, Penal Code sections 13515.29 and 13515.295 direct POST to establish, review, and keep updated the field training officer course, which addresses how to interact with persons with mental illness or intellectual disability. In response to Penal Code section 13515.28, POST created an expanded course outline for the required eight-hour

---

[163] Exhibit X, FTO Crisis Intervention and Behavioral Health Training, SB 29 available at https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training (accessed on January 29, 2019)

[164] California Code of Regulations, title 11, section 1004(d)(3).

[165] *Yamaha Corp. of America v. State Board of Equalization* (1998) 19 Cal.4th 1, 12-13.

[166] See, e.g. Exhibit A, Test Claim, page 20 [Declaration of Deborah McIntyre, Finance Director for the City of South Lake Tahoe (asserting that the test claim statutes require FTO crisis intervention behavioral health training to be repeated every 24 months)].

[167] California Code of Regulations, title 11, section 1004(a), which states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) provides that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and completed a similar POST approved Field Training Program may request an exemption.

[168] See Code of Federal Regulations, title 29, sections 785.27, 785.29; *Garcia v. San Antonio Metropolitan Transit Authority et al.* (1985) 469 U.S. 528.

training.[169] In addition, POST issued a bulletin *allowing* agencies to present the course required by Penal Code section 13515.28 using the POST outline as follows:

> Senate Bill 29 (SB29) requires Field Training Officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training. Agencies *may* certify this expanded course outline (ECO) (pdf) and hourly distribution (pdf) through their Regional Consultant to present an 8 hour behavioral health course that satisfies the 8 hour training requirements for FTOs.[170]

In this case, the claimants utilized outside organizations to provide the training required by Penal Code section 13515.28; their officers attended training provided by California State Parks, Butte College Public Safety Training Center, South Bay Regional Training Consortium, Yolo County Sheriff's Department, and Embassy Consulting Services.[171]

Accordingly, Penal Code section 13515.28 imposes the following new requirements on local law enforcement agencies required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program:[172]

- Ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health before June 30, 2017. (Penal Code section 13515.28, Statutes 2015, chapter 469.)
- Ensure that each FTO assigned or appointed after January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO. Penal Code section 13515.28, Statutes 2015, chapter 469.)

FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months, are *exempt* from these requirements. In addition, reimbursement is

---

[169] Exhibit X, "Regulation 1081 Minimum Standards for Legislatively Mandated Courses, Crisis Intervention Behavioral Health Training for Field Training Officers, Expanded Course Outline (8 hours)", https://post.ca.gov/Portals/0/post_docs/resources/CIT/SB29_FTO_8HR_Course_ECO.pdf, accessed on January 23, 2019.

[170] Exhibit X, FTO Crisis Intervention Behavioral Health Training, https://post.ca.gov/FTO-Crisis-Intervention-Behavioral-Health-Training, accessed January 29, 2019., emphasis added.

[171] Exhibit A, Test Claim, pages 48-61.

[172] California Code of Regulations, title 11, section 1004(a), states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) states that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and who have completed a similar POST approved Field Training Program may request an exemption and not comply with this requirement.

not required for the local law enforcement employer to develop or present the training since these activities are not mandated.

2. The New Requirements of Penal Code Section 13515.28 Are Mandated by the State Only on City and County Law Enforcement Agencies, and Police Protection Districts That Wholly Supplant the Law Enforcement Functions of the County Within their Jurisdiction, That Are Required to Have a Field Training Program and Have Appointed or Assigned FTOs for that Program.

As indicated in the Background, the minimum training standards and rules for peace officers that are outlined in Penal Code sections 13510 et seq. (which includes section 13515.28) "shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter . . . ."[173] Participating agencies agree to abide by the standards established by POST and may apply to POST for state aid.[174] Although this statutory language only requires local agencies to comply with the training standards as a condition of their participation in POST, the court in *County of Los Angeles II* held that POST training "for all practical purposes" is not voluntary.[175] Like the facts in *County of Los Angeles II*, this case also addresses peace officer training required by state law. Thus, the holding in *County of Los Angeles II* applies in this case.

However, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates (POBRA)* held that school districts, community college districts, and special districts that are permitted by statute, but not required by state law, to employ peace officers who *supplement* the general law enforcement units of cities and counties, are not legally compelled by state law to comply with the new requirements and, thus, were not eligible claimants entitled to reimbursement under article XIII B, section 6 of the California Constitution.[176] The other law enforcement agencies at issue in the *POBRA* case (cities, counties, and special police protection districts that wholly supplant the law enforcement functions of the county within the jurisdiction of that district pursuant to Government Code section 53060.7), were found to be prima facie eligible for reimbursement because they have "as an *ordinary, principal, and mandatory duty* the provision of policing services within their territorial jurisdiction." The court stated the following:

> The Commission notes that *Carmel Valley Fire Protection Dist. v. State* characterizes police protection as one of "the most essential and basic functions of local government." (*Carmel Valley Fire Protection Dist. v. State, supra,* 190 Cal.App.3d at p. 537, 234 Cal.Rptr. 795, quoting *Verreos v. City and County of San Francisco* (1976) 63 Cal.App.3d 86, 107, 133 Cal.Rptr. 649.) However, that

---

[173] Penal Code section 13510(a).

[174] Penal Code sections 13522 and 13523.

[175] *County of Los Angeles v. Commission on State Mandates* 110 Cal.App.4th 1176, 1194 ["POST certification is, for all practical purposes, not a 'voluntary' program and therefore the County must, in order to comply with [the test claim statute], add domestic violence training to its curriculum."].

[176] *Department of Finance v. Commission on State Mandates* (POBRA) (2009) 170 Cal.App.4th 1355, 1357

> characterization is in the context of cities, counties, and districts that have as an *ordinary, principal, and mandatory duty* the provision of policing services within their territorial jurisdiction. A fire protection district perforce must hire firefighters to supply that protection.
>
> Thus, as to cities, counties, and such districts, new statutory duties that increase the costs of such services are prima facie reimbursable. This is true, notwithstanding a potential argument that such a local government's decision is voluntary in part, as to the number of personnel it hires. (See *San Diego Unified School Dist., supra,* 33 Cal.4th at p. 888, 16 Cal.Rptr.3d 466, 94 P.3d 589.) A school district, for example, has an analogous basic and mandatory duty to educate students. In the course of carrying out that duty, some "discretionary" expulsions will necessarily occur. (*Id.* at p. 887, fn. 22, 16 Cal.Rptr.3d 466, 94 P.3d 589.) Accordingly, *San Diego Unified School Dist.* suggests additional costs of "discretionary" expulsions should not be considered voluntary. Where, as a practical matter, it is inevitable that certain actions will occur in the administration of a mandatory program, costs attendant to those actions cannot fairly and reasonably be characterized as voluntary under the rationale of *City of Merced.* (See *San Diego Unified School Dist., supra,* 33 Cal.4th at pp. 887-888, 16 Cal.Rptr.3d 466, 94 P.3d 589.)
>
> However, the districts in issue are authorized, but not required, to provide their own peace officers and do not have provision of police protection as an essential and basic function. It is not essential unless there is a showing that, as a practical matter, exercising the authority to hire peace officers is the only reasonable means to carry out their core mandatory functions. As there is no such showing in the record, the Commission erred in finding that POBRA constitutes a state-mandated program for school districts and the special districts identified in Government Code section 3301.[177]

Thus, only city and county law enforcement agencies, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, are mandated by the state to comply with the new training requirements imposed by Penal Code sections 13515.28.

3. The New Requirements Imposed by Penal Code Section 13515.28 Constitute a New Program or Higher Level of Service.

State mandate reimbursement is not required for any and all costs that might be incurred by local government as an incident of a change in law or regulation. Alleged costs must be *mandated by the state,* and must constitute a *new program or higher level of service,* within the meaning of article XIII B, section 6. The California Supreme Court explained in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46:

> Looking at the language of section 6 then, it seems clear that by itself the term "higher level of service" is meaningless. It must be read in conjunction with the

[177] *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1367-1368 [emphasis added].

> predecessor phrase "new program" to give it meaning. Thus read, it is apparent that the subvention requirement for increased or higher level of service is directed to state mandated increases in the services provided by local agencies in existing "programs." But the term "program" itself is not defined in article XIII B. What programs then did the electorate have in mind when section 6 was adopted? We conclude that the drafters and the electorate had in mind the commonly understood meanings of the term – programs that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.[178]

Here, section 13515.28 requires an additional eight hours of training relating to crisis intervention behavioral health, and requires that training to be completed within a six-month period (depending on when an FTO was appointed or assigned). This training is above and beyond existing training requirements imposed by law. In addition, POST interprets Penal Code section 13515.28 to require the development and implementation of an entirely new course of one-time training.

Further, Penal Code section 13515.28 carries out the governmental function of providing a service to the public, and imposes unique requirements on local government that do not apply generally to all residents and entities in the state. The legislative history for the bill that added section 13515.28 states that "[p]eople with mental illnesses or intellectual disabilities are involved in nearly half of all police shootings…[t]he bill responds to the public's demand to increase safety by mandating stronger evidence-based behavioral health training that has proven to reduce volatile confrontations between police officers and people with mental illnesses or intellectual disabilities."[179] Thus, the additional training is required pursuant to a state policy that peace officers should be trained to interact with persons with mental illness or intellectual disability and deescalate such situations non-violently.

Based on the foregoing, the Commission finds that the additional eight hours of training required by Penal Code section 13515.28 constitutes a new program or higher level of service.

4. The New Requirements Mandated by Penal Code section 13515.28 Result in Increased Costs Mandated by the State.

For the mandated activities to constitute reimbursable state-mandated activities under article XIII B, section 6 of the California Constitution, they must result in local agencies incurring increased costs mandated by the state. Government Code section 17514 defines "costs mandated by the state" as any increased cost that a local agency or school district incurs as a result of any statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) further requires that no claim shall be made nor shall any payment be made unless the claim exceeds $1,000. In addition, a finding of costs mandated by the state means that none of the exceptions in Government Code section 17556 apply to deny the claim.

---

[178] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[179] See, Exhibit A, Test Claim, page 38 [Senate Third Reading Analysis, p. 4] See also, Senate Rules Committee, analysis of Sen. Bill No. 29 (2015-2016 Reg. Sess.).

The claimants have alleged new costs incurred to comply with Penal Code section 13515.28, and have alleged that there are no ongoing offsetting revenues. Specifically, the City of South Lake Tahoe alleges $11,150 in costs mandated by the state for fiscal year 2016-2017, and projects $11,485 in fiscal year 2018-2019, for officers to attend the eight hour training course required by section 13515.28.[180] The City of Claremont alleges $2,981 net costs (after a one-time grant) for fiscal year 2016-2017, and projects $5,718 for fiscal year 2018-2019, without the grant, for its officers to attend the eight-hour training. The claimants have submitted documentation of their officers' time and tuition expenses to attend the required training, which are authenticated by declarations sworn under penalty of perjury.[181] And, as discussed above, the training required by section 13515.28 is required only one time per FTO employee assigned or appointed; therefore some claimants may experience *recurring* costs when new FTOs are assigned, but not *ongoing* costs for FTOs who have already completed the required eight-hour training.

Moreover, there is no evidence in the record or in the law that local agencies have received any state aid from POST, or other additional revenue, sufficient to cover the costs of the new mandated activities pursuant to Government Code section 17556(e), or that the other exceptions to costs mandated by the state in section 17556 apply to deny this claim.

Based on the foregoing, the Commission finds, pursuant to Government Code section 17514, that the new requirements mandated by Penal Code section 13515.28 result in increased costs mandated by the state. In addition, any grants or other state funding that may be received by an eligible claimant will be identified in Parameters and Guidelines as offsetting revenue.

V. Conclusion

Based on the foregoing analysis, the Commission partially approves this Test Claim and finds that Penal Code section 13515.28, as added by Statutes 2015, chapter 469, imposes a reimbursable state-mandated program for city and county law enforcement agencies, and those police protection districts *that wholly supplant the law enforcement functions of the county within their jurisdiction* pursuant to Government Code section 53060.7, that are required to have a Field Training Program under California Code of Regulations, title 11, section 1004 and have appointed or assigned FTOs for that program, to:[182]

- Ensure that each FTO assigned or appointed prior to January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health before June 30, 2017. (Penal Code section 13515.28, Stats 2015, ch. 469.)

---

[180] Exhibit A, Test Claim, pages 13-15.

[181] See Exhibit A, Test Claim, pages 47-55 [Cost Documentation for each Officer]; 20-27 [Declarations].

[182] California Code of Regulations, title 11, section 1004(a), states that "[a]ny department which employs peace officers and/or Level 1 Reserve peace officers shall have a POST-approved Field Training Program." Section 1004(b) states that a department that does not provide general law enforcement uniformed patrol services, or hires only lateral entry officers possessing a POST basic certificate and who have completed a similar POST approved Field Training Program may request an exemption and not comply with this requirement.

- Ensure that each FTO assigned or appointed after January 1, 2017 shall attend a one-time, eight-hour training on crisis intervention and behavioral health within 180 days of being assigned or appointed as an FTO. (Penal Code section 13515.28, Stats 2015, ch. 469.)

FTOs who have completed 40 hours of crisis intervention and behavioral health training or who have completed eight hours of crisis intervention and behavioral health training in the past 24 months, are *exempt* from these requirements. In addition, reimbursement is not required for the local law enforcement employer to develop or present the training since these activities are not mandated.

All other statutes and code sections pled, and claims for reimbursement asserted are denied.

RECEIVED
March 04, 2019
Commission on
State Mandates

CRS Inc.
Cost Recovery Systems, Inc.

March 4, 2019

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Comments to Commissions Draft Proposed Decision;
Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06

Dear Ms. Halsey,

The claimants have reviewed Commission staff's Draft Proposed Decision and agree with the conclusion that Penal Code Section 13515.28 constitutes a reimbursable State Mandate by requiring field training officers (FTO), except those who have previously received similar training, to complete at least eight hours of crisis intervention training.

We appreciate Commission staff's clarification and legal analysis explaining that PC 13515.28 Section (a)(2) which states:

> "if a field training officer has completed eight hours of crisis intervention training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral training, the requirements described in paragraph (1) shall not apply."

only requires each FTO to attend a one-time per employee eight-hour course, and not an additional eight-hour course after 24 months if they have not completed 40 hours of crisis intervention behavior training. Our understanding of the statute was that each individual FTO would have to repeat the training after 24 months until that employee had obtained a total of 40 hours training on the topic.

If it is the State's determination that field training officers are not mandated to attend any further training on this topic once they have attended a one-time, eight-hour segment, we are happy to comply with this interpretation and to avoid additional training and costs.

Respectfully submitted,

Annette Chinn
Consultant Representative for the
Cities of Claremont and South Lake Tahoe

705-2 East Bidwell Street, # 294
Folsom, California 95630

Telephone: 916.939.7901
Fax: 916.939.7801

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

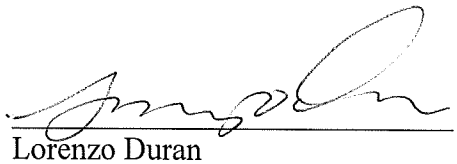
On March 4, 2019, I served the:

- **Claimants' Comments on the Draft Proposed Decision filed March 4, 2019**

  Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06
  Penal Code Sections 13515.26, 13515.27, 13515.28, 13515.29, and 13515.295;
  as added or amended by Statutes 2015, Chapter 468 (SB 11) and
  Statutes 2015, Chapter 469 (SB 29)
  Cities of Claremont and South Lake Tahoe, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 4, 2019 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/12/19

Claim Number: 17-TC-06

Matter: Peace Officer Training: Mental Health/Crisis Intervention

Claimant: Cities of Claremont and South Lake Tahoe

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Manny Alvarez Jr., Executive Director, *Commission on Peace Officer Standards and Training*
860 Stillwater Road, Suite 100, West Sacramento, CA 95605
Phone: (916) 227-3909
Manny.Alvarez@post.ca.gov

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services,LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Cindy Black, City Clerk, *City of St. Helena*
1480 Main Street, St. Helena, CA 94574
Phone: (707) 968-2742
ctzafopoulos@cityofsthelena.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*
Local Government Programs and Services, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8222
Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems,Inc.*
Claimant Representative
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinncrs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*
2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@muni1.com

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Jim Grottkau, Bureau Chief, *Commission on Peace Officer Standards and Training*
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Phone: (916) 227-3909
Jim.Grottkau@post.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648
Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Matt Jones, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
matt.jones@csm.ca.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Erika Li, Program Budget Manager, *Department of Finance*
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Debbie McIntyre, Finance Director, *City of South Lake Tahoe*
1901 Airport Road, South Lake Tahoe, CA 96150-7004
Phone: (530) 542-7402
DMcIntyre@cityofslt.us

Jane McPherson, Financial Services Director, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3055
JmcPherson@oceansideca.org

Michelle Mendoza, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Johnnie Pina, Legislative Policy Analyst, *League of Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8214
jpina@cacities.org

Adam Pirrie, Finance Director, *City of Claremont*
207 Harvard Ave, Claremont, CA 91711
Phone: (909) 399-5356
apirrie@ci.claremont.ca.us

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

Brian Rutledge, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Brian.Rutledge@dof.ca.gov

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Natalie Sidarous, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7453
nSidarous@sco.ca.gov

Michelle Skaggs Lawrence, City Manager, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3055
citymanager@oceansideca.org

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Derk.Symons@dof.ca.gov

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
Brian.Uhler@LAO.CA.GOV

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Patrick Whitnell, General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8281
pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov

Exhibit E

FIELD TRAINING OFFICER - 31725

The following presenters have been certified to present the **FIELD TRAINING OFFICER** course.

PRESENTER	COURSE DESCRIPTION
ALLAN HANCOCK COLLEGE - 3010 ONE HANCOCK DRIVE - BUILDING 5 LOMPOC, CA 93436 (805) 922-6966 x 5814	DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECUIT OFFICERS. BACKFILL APPROVED. **Plan:** IV. Travel and per diem reimbursement **Cost:** Non-Reimbursable Tuition: $115.00 **Certified Hours:** 40 **College Units:** 2.5
CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT - 5590 340 MARINA BLVD. PITTSBURG, CA 94565 (925) 427-8230	This course fulfills POST training requirements for newly assigned personnel with the responsibility... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $349.00 **Certified Hours:** 40
KERN COUNTY SHERIFF'S DEPARTMENT - 1990 1350 NORRIS ROAD BAKERSFIELD, CA 93308 (661) 391-7563	MEETS PREVAILING POST REQUIREMENTS FOR THE CORE TRAINING OF FIELD TRAINING OFFICERS (FTO). TOPICS I... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $0.00 **Certified Hours:** 40
LONG BEACH POLICE DEPARTMENT - 1780 7290 E. CARSON STREET LONG BEACH, CA 90808 (562) 570-5893	DESIGNED FOR OFFICERS ASSIGNED TO SUPERVISE AND TRAIN POLICE OFFICERS ... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $77.00 **Certified Hours:** 40
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT - 1820 11515 SO. COLIMA RD. WHITTIER, CA 90604 (562) 347-1230	The purpose of the Field Training Officer Course is to provide a standardized curriculum to guide PO... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $60.00 **Certified Hours:** 40 **College Units:** 2
LOS ANGELES POLICE DEPARTMENT - 1850 1880 NORTH ACADEMY DRIVE LOS ANGELES, CA 90012 (213) 486-0798	DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS. (BACKFILL APPROVED. ... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $100.00 **Certified Hours:** 40
MERCED COUNTY SHERIFF'S DEPARTMENT - 2260 700 W. 22ND STREET MERCED, CA 95340 (209) 726-2751	A course for the experienced peace officer recently appointed as a Field Training Officer (FTO). Inc... More **Plan:** IV. Travel and per diem reimbursement **Cost:** Non-Reimbursable Tuition: $50.00 **Certified Hours:** 40
NAPA VALLEY COLLEGE - CRIMINAL JUSTICE TRAINING CENTER - 4200 2277 NAPA-VALLEJO HIGHWAY NAPA, CA 94558 (707) 256-7700	THIS COURSE WILL PREPARE INDIVIDULAS TO WORK AS A LAW ENFORCEMENT FIELD TRAINING OFFICER. THE COURS... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $287.00 **Certified Hours:** 40

OAKLAND POLICE DEPARTMENT - 2010
455 SEVENTH STREET
OAKLAND, CA 94607
(510) 238-3552

DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS. $100.00 FEE, NON-POST REIMBURSABLE.... More
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $0.00
Certified Hours: 40

ORANGE COUNTY SHERIFF'S DEPARTMENT - 2060
1900 WEST KATELLA AVENUE
ORANGE, CA 92867
(714) 538-9668

This course is designed to train newly appointed Field Training Officers (FTO). The FTOs will receiv... More
Plan: IV. Travel and per diem reimbursement
Cost: Non-Reimbursable Tuition: $130.00
Certified Hours: 40
College Units: 1.5

RIO HONDO REGIONAL TRAINING CENTER - 4410
3600 WORKMAN MILL ROAD
WHITTIER, CA 90601
(562) 463-7738

DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS. FEE: $38.00, NON-POST REIMBURSABLE.... More
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $38.00
Certified Hours: 40
College Units: 0.5

RIVERSIDE COUNTY SHERIFF'S DEPT. - 2200
16791 DAVIS AVENUE
RIVERSIDE, CA 92518
(951) 486-2800

A course for the experienced peace officer recently appointed Field Training Officer (FTO). Includes... More
Plan: IV. Travel and per diem reimbursement
Cost: Non-Reimbursable Tuition: $209.00
Certified Hours: 40

RIVERSIDE POLICE DEPARTMENT - 3140
10540 MAGNOLIA STREET, STE B
RIVERSIDE, CA 925051897
(951) 353-7196

THIS COURSE WILL PREPARE INDIVIDULAS TO WORK AS A LAW ENFORCEMENT FIELD TRAINING OFFICER. THE COURSE... More
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $95.00
Certified Hours: 40

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT - 2310
1000 RIVER WALK WAY
CARMICHAEL, CA 95608
(916) 876-7457

The purpose of this course is to train newly appointed Field Training Officers (FTO). The FTO's wil... More
Perishable Skills: DRIVER TRAINING/AWARENESS
Plan: IV. Travel and per diem reimbursement
Cost: Non-Reimbursable Tuition: $168.00
Certified Hours: 40

SACRAMENTO REGIONAL PUBLIC SAFETY TRNG. CENTER - 2970
5146 ARNOLD AVE.
MC CLELLAN, CA 95652
(916) 570-5000

Designed for newly assigned personnel whose responsibility is to train law enforcement officers.
Plan: IV. Travel and per diem reimbursement
Cost: Non-Reimbursable Tuition: $127.00
Certified Hours: 40
College Units: 2

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT - 2330
18000 INSTITUTION RD
SAN BERNARDINO, CA 924071864
(909) 473-2695

THIS COURSE IS DESIGNED FOR THE EXPERIENCED PEACE OFFICER RECENTLY APPOINTED FIELD TRAINING OFFICER ... More
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $100.00
Certified Hours: 40

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT - 4690
10440 BLACK MOUNTAIN ROAD
SAN DIEGO, CA 92126
(858) 505-6595

Designed for Officers who supervise and train new/recruit Officers.
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $0.00
Certified Hours: 40
College Units: 1.5

SAN FRANCISCO POLICE DEPARTMENT - 2420
350 AMBER DRIVE
SAN FRANCISCO, CA 94131
(415) 401-4600

DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS. (BACKFILL APPROVED). ... More
Plan: II. Travel and per diem, backfill reimbursement
Backfill reimbursement suspended indefinitely.
Cost: Non-Reimbursable Tuition: $0.00
Certified Hours: 40

SAN JOSE POLICE DEPARTMENT - 2560
6087 GREAT OAKS PKWY
SAN JOSE, CA 95119
(408) 501-0960

DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS.
Plan: NA. No POST financial reimbursement
Cost: Non-Reimbursable Tuition: $0.00
Certified Hours: 50
College Units: 1

SANTA ROSA JR COLLEGE PUBLIC SAFETY TRAINING CTR - 2980

DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS.

5743 SKYLANE BLVD WINDSOR, CA 95492 (707) 836-2912	**Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $0.00 **Certified Hours:** 40 **College Units:** 1
SOUTH BAY REGIONAL TRAINING CONSORTIUM - 2540 560 BAILEY AVE SAN JOSE, CA 95141 (408) 229-4299	DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT AND LATERAL OFFICERS USING THE SAN JOSE MODEL ... More **Plan:** IV. Travel and per diem reimbursement **Cost:** Non-Reimbursable Tuition: $140.00 **Certified Hours:** 40
STANISLAUS COUNTY SHERIFF OFFICE REGIONAL TRAINING CENTER - 2740 3805 CORNUCOPIA WAY MODESTO, CA 95358 (209) 567-4408	THIS COURSE IS DESIGNED TO PREPARE PEACE OFFICERS FOR THE ROLE OF THE FIELD TRAINING OFFICER (FTO). ... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $243.00 **Certified Hours:** 40
STATE CENTER REG TRNG FACILITY FRESNO CITY COLLEGE - 3550 1101 EAST UNIVERSITY AVENUE FRESNO, CA 93741 (559) 442-8277	DESIGNED FOR OFFICERS WHO TRAIN AND SUPERVISE RECRUIT OFFICERS. FEES: Go to www.fccpoliceacademy.com... More **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $0.00 **Certified Hours:** 40 **College Units:** 1
STOCKTON POLICE DEPARTMENT - 2730 22 EAST MARKET STREET STOCKTON, CA 95202 (209) 937-7232	This course is designed to train newly appointed Field Training Officers (FTO). The FTOs will receiv... More **Plan:** IV. Travel and per diem reimbursement **Cost:** Non-Reimbursable Tuition: $0.00 **Certified Hours:** 40
VENTURA COUNTY CRIMINAL JUSTICE TRAINING CENTER - 2940 106 DURLEY AVENUE CAMARILLO, CA 93010 (805) 388-4296	DESIGNED FOR OFFICERS WHO SUPERVISE AND TRAIN RECRUIT OFFICERS **Plan:** II. Travel and per diem, backfill reimbursement **Backfill reimbursement suspended indefinitely.** **Cost:** Non-Reimbursable Tuition: $0.00 **Certified Hours:** 40

Crisis Intervention Behavioral Health Training

Senate Bill 11
Impact on Law Enforcement

On October 3, 2015, Governor Brown, signed into law Senate Bill 11. The resulting law mandates POST to create, maintain, and make available a three hour mental health course. This information is intended to facilitate an understanding of the new law and how it will be implemented. Please refer to the California Penal Code (PC) for a full description of the law.

POST shall develop and make available three hours of training to law enforcement personnel as it relates to behavioral health.

PC 13515.27(a)

Police Response to People with Mental Illness, Intellectual Disabilities, and Substance Use Disorders course is available for download (docx). Agencies or training centers may utilize the ECO to deliver a course by certifying it through their POST Regional Consultant. Law enforcement personnel attending this course will meet their Communications perishable skills requirement for Continuing Professional Training. The course is **not mandatory** for law enforcement.

Mental Health Training and Resources

The following mental health training resources have been provided for your convenience. The resources are not intended to be comprehensive.

Mental Health Training Courses

Course Catalog

Visit the California POST Course Catalog for POST certified mental health training courses and crisis intervention courses.

Crisis Intervention Behavioral Health Training Senate Bill 11

"Police Response to People with Mental Illness, Intellectual Disabilities, and Substance Use Disorders" (docx)

The Commission on POST is pleased to present this training curriculum on law enforcement response to people with mental illness, intellectual disability, or substance use disorders. This course was developed pursuant to legislative mandate Senate Bill 11 (Beale) as codified in Penal Code Section 13515.27(a). Agencies may utilize the Hourly Distribution and Expanded Course Outline provided in the Instructor

Guidelines (docx) to certify this course with their Regional Consultant. Law enforcement officers are not mandated to take this course.

Crisis Intervention Behavioral Health Training Senate Bill 29

Expanded Course Outline and Hourly Distribution

Senate Bill 29 (SB29) requires Field Training Officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training. Agencies may certify this expanded course outline (ECO) (pdf) and hourly distribution (pdf) through their Regional Consultant to present an 8 hour behavioral health course that satisfies the 8 hour training requirement for FTOs.

POST Training Videos

POST training videos provide easily accessible training on modern police practices. Content is driven by collaboration with stakeholders and subject matter experts and is designed with consideration toward adult learning methodologies.

The videos include discussions from subject matter experts and police practitioners, scenarios, learning activities, and more.

The POST Mental Health Update video is a 2-hour training program containing updated mental health information, scenarios, and briefing room discussions. An instructor and student facilitation guide is downloadable from the DVD. POST CPT credit is available.

Other POST videos related to the topic of mental health include:

- Homelessness and Policing: A Collaborative Approach
- Post-Traumatic Stress Disorder and Traumatic Brain Injury
- Autism Recognition and Response
- Supporting Returning Military Law Enforcement Personnel
- Tactical Communications
- Elder and Dependent Adult Abuse
- Mental Health Update
- Investigations within Mental Health Institutions

Order Training Videos

Upcoming Conferences

Attending a conference on Mental Health topics can provide opportunities for networking, education, identifying training resources, and getting recognized as a contemporary participant on the subject of law

enforcement training in mental health.

Upcoming Conferences:

CACITA Conference

CIT International

NAMI California Annual Conference

The 42nd Annual FMHAC Conference

Quick Links

Crisis Intervention Team

Crisis Intervention Training via POST Course Catalog

Mental Health Training in Law Enforcement

SB29 Impact

Contact Us

Mike Radford
(916) 227-3925

Crisis Intervention Behavioral Health Training

Senate Bill 29
Impact on Law Enforcement

On October 3, 2015, Governor Brown, signed into law Senate Bill 29. In brief, the resulting laws mandate mental health training for Field Training Officers (FTO) and an increase in hours in Learning Domain 37 of the Regular Basic Course. This information is intended to facilitate an understanding of the new laws and how they will be implemented. Please refer to the California Penal Code (PC) for a full description of each law.

Field Training Officers shall have 8 hours of crisis intervention behavioral health training

PC 13515.28(a) (1)

Field Training Officers (FTO) will complete 8 hours of crisis intervention behavioral health training (CIT) as follows;

FTOs assigned or appointed on or before January 1, 2017 shall complete the training by June 30, 2017

FTOs assigned or appointed after January 1, 2017 shall complete the training within 180 days of assignment or appointment

FTOs are exempted if they have attended;

a 40 hour CIT course or

an 8 hour or more CIT course since October 3, 2013, that meets the criteria enumerated in PC13515.28(a)(1)

To assist agencies with PC 13515.28(a)(1), POST is offering the following resources and services;

An expanded course outline (ECO) (pdf) and hourly distribution (pdf) for a Mental Health Course that satisfies the 8 hour training requirement for FTOs. Agencies or training centers may utilize the ECO to deliver a course by certifying it through their Regional Consultant.

Mental health training course providers may request their course outline be reviewed by POST to ensure it meets the required criteria of PC 13515.28(a)(1). Please initiate this review through the appropriate POST Regional Consultant. If the course does not meet the criteria of SB 29, providers will be advised what to include in the course to satisfy the requirements.

Field Training Officers shall have 4 hours of crisis intervention behavioral health training as part of the Field Training Officer Course

PC 13515.29(a)

FTOs are required to have 4 hours of crisis intervention behavioral health training (**in addition to** the mandated **8 hours** of training required by PC 13515(a)(1)) as part of the Field Training Officer Course. POST has utilized subject matter experts to incorporate the 4 hours of CIT training into the FTO course. The FTO course will remain at 40 hours.

Law Enforcement Agencies shall provide additional training in the Field Training Programs (FTP) or Police Training Programs (PTP) to better prepare law enforcement officers to effectively address incidents involving persons with a mental illness or intellectual disability.

PC 13515.295

In response to PC 13515.295, POST has reviewed existing programs and developed an additional competency 12.7.09 (Address Issues Related to Stigma) that must be added to all Field Training Programs and Police Training Program.

Competency 12.7.09 (Address Issues Related to Stigma);

Must be added to all existing Field Training Programs (docx) or Police Training Programs (pdf), as an addendum, to include an attestation (doc)

Incorporated into any new program submitted to POST for approval.

Quick Links

Crisis Intervention Team

Crisis Intervention Training via POST Course Catalog

Mental Health Training in Law Enforcement

Mental Health Training and Resources

SB29 Impact

Contact Us

Janna Munk
(916) 227-0473

Search POST Regulations: submit

Section D - Training Procedures
Commission Procedure D-1

Basic Training

D-1-1 Basic Training

D-1-2 General Requirements for All Basic Training

D-1-3 Regular Basic Course Terminology and Requirements

D-1-4 Specialized Investigators' Basic Course Terminology and Requirements

D-1-5 Public Safety Dispatchers' Basic Course Terminology and Requirements

D-1-6 Coroners' Death Investigation Course

D-1-7 PC 832 Arrest and Firearms Course Terminology and Requirements

Purpose

1-1. Basic Training

This Commission procedure implements the training and testing requirements which relate to basic training as required in Regulations 1005(a), 1007(a), and 1018(d). Basic training includes the Regular Basic Course, Specialized Investigators' Basic Course, Public Safety Dispatchers' Basic Course, Coroners' Death Investigation Course, and PC 832 Arrest and Firearms Course.

Training Requirements

1-2. General Requirements for All Basic Training

The minimum standards for basic training are described in Sections D-1-3 to D-1-7. Requirements for certification and presentation of courses are specified in Regulations 1052 through 1056. Instructional methodology is at the discretion of individual course presenters unless otherwise specified in the Training and Testing Specifications for Peace Officer Basic Courses or the Training Specifications for the Public Safety Dispatchers' Basic Course. Requirements for reporting successful course completion are specified in Regulation 1055(j)(4).

Regular Basic Course (RBC)

1-3. Regular Basic Course Terminology and Requirements

The terms related to the Regular Basic Course formats and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-3(a). Requirements for the delivery formats are specified in Section D-1-3(d), standard format; and Section D-1-3(e), modular format.

(a) **Regular Basic Course Terminology**

(1) **Learning Domain**

An instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include instructional activities and testing requirements.

(2) **Learning Need**

A general statement justifying the training for a specific learning domain.

(3) **Learning Objective**

A statement that describes an expected training outcome related to a learning need.

(4) **Learning Activity**

A learning activity is a facilitated, performance-based component of instruction. Learning activities are student-focused and require the learner to be actively involved in structured work designed to enhance the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics, or to enhance student retention necessary to achieve competence as a peace officer. Students participating in a learning activity may be coached or provided feedback. Unlike tests, learning activities are not graded.

(5) **Competency**

A cluster of related knowledge, skills, abilities, and other characteristics that underlie successful performance of multiple learning objectives.

(6) **Academy**

A state or local government agency that is capable of presenting **all** components of the POST-certified Regular Basic Course.

(7) **Delivery Formats**

The formats for delivering the Regular Basic Course include the standard format and the modular format.

(A) **Standard Format**

The Regular Basic Course - standard format is delivered in a one-part instructional sequence. Testing and training requirements are prescribed in Section D-1-3(d). Except as provided for in Section D-1-3(b), the course shall be delivered by a single academy.

(B) **Modular Format**

The Regular Basic Course - modular format is composed of three modules: III, II, and I. Completion of all three modules satisfy the Regular Basic Course training requirement. Training and testing requirements are prescribed in Section D-1-3(e). Module I shall be delivered by an academy. Except as provided for in Section D-1-3(b), all modules do not have to be delivered by the same presenter or academy.

(8) **Test**

An evaluation of the extent to which students have achieved one or more learning objectives. The required tests are specified in the Training and Testing Specifications for Peace Officer Basic Courses. Any practice/preparation for exercise and scenario tests must be conducted using the same conditions as required for testing. These tests are:

(A) **POST-Constructed Comprehensive Test**

A POST-constructed test that measures acquisition of knowledge on multiple learning objectives.

(B) **Scenario Test**

A job-simulation test that measures acquisition of the competencies required to achieve one or more learning objectives.

(C) **Work Sample Test Battery (WSTB)**

A POST-developed test of physical abilities as specified in the Work Sample Test Battery Proctor Manual .

(D) **Exercise Test**

Any test other than a POST-constructed comprehensive test, scenario test, or work sample test battery that measures the acquisition of knowledge, skills and/or the competencies required to achieve one or more learning objectives.

(E) **Report Writing Test**

A test that requires demonstration of the knowledge and skills and/or competencies necessary when preparing an investigative report.

(F) **Pilot Tests**

In cooperation with academies, POST conducts pilot testing of proposed or modified exercise tests and evaluation instruments for research purposes. This may include comprehensive tests, exercise tests for arrest and control, firearms, chemical agents, or vehicle operations, the Work Sample Test Battery, pre-academy physical fitness, or other physical skills.

(9) **Test-Use and Security Agreement**

An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed comprehensive,

scenario, and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

(10) **Test Administration and Security Policy**

Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

(11) **Remedial Training**

A period of time in which the presenter provides specific instruction to reinforce the required concepts and/or skills after a student has failed an initial test.

(12) **Scenario Demonstration**

An academy-developed task-simulation activity designed to provide students the opportunity to practice and improve the competencies that underlie the Basic Course Scenario Tests.

(b) **Single Presenter**

Each course presentation shall be completed under the sponsorship of one presenter unless POST has approved a contractual agreement for multiple presenters to deliver the training (e.g., EVOC). In the Modular Format, each module is a separate course presentation. Students do not have to take all modules through the same presenter.

(c) **Exceeding Minimum Standards**

POST has established minimum, statewide training standards for the Regular Basic Course in its two delivery formats. Academies and presenters are permitted to exceed those minimum standards where local conditions may justify additional training requirements or higher performance standards than those established by POST. This may include, but is not limited to, the use of higher minimum passing scores on POST-constructed tests.

Regular Basic Course - Standard Format

(d) **RBC-Standard Format-Training, Testing, and Hourly Requirements**

The training, testing, and hourly requirements in this section apply to the RBC-standard format [defined in Section D-1-3(a)(7)(A)].

(1) **Training Requirements**

Academies shall provide instruction for the RBC-standard format as follows:

(A) **Learning Objectives**

Academies shall provide instruction on all learning objectives specified for the Regular Basic Course (RBC) in the Training and Testing Specifications for Peace Officer Basic Courses.

(B) **Learning Activities**

Where a learning activity is required by the Training and Testing Specifications for Peace Officer Basic Courses, academies shall require each student to participate in that activity. A student who does not participate in a learning activity when given the opportunity fails the course unless the academy determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstances shall be given a second opportunity to participate in the same or comparable activity. If a student fails to participate in a learning activity after being given a second opportunity, the student fails the course.

(C) **Physical Conditioning Program**

Academies shall require each student to complete the POST Basic Academy Physical Conditioning Program as specified in the Training and Testing Specifications for Peace Officer Basic Courses.

(D) **Remedial Training**

Specific instruction provided to reinforce the required concepts and/or skills after a student has failed an initial test. Each presenter will determine the content and the amount of time required for remedial training. Remedial training shall be provided independent of the retest.

(E) **Scenario Demonstration**

Academies shall provide academy-developed task-simulation activities designed to provide students the opportunity to practice and improve the competencies that underlie the Basic Course Scenario Tests.

(2) **Testing Requirements**

The tests listed below are graded on a pass/fail basis unless specified otherwise. Academies presenting the RBC-standard format shall test all students as specified in the Training and Testing Specifications for Peace Officer Basic Courses. For the learning domain(s) being assessed in a particular test, refer to the "Minimum Content and Hourly Requirements" page for the RBC-standard format in the Training and Testing Specifications for Peace Officer Basic Courses. The RBC-standard format includes the following tests:

(A) **POST-Constructed Comprehensive Tests**

The minimum passing scores are established by POST.

1. POST-Constructed Comprehensive RBC Test 1
2. POST-Constructed Comprehensive RBC Test 2
3. POST-Constructed Comprehensive RBC Test 3
4. POST-Constructed Comprehensive Domain #34 Test

Following the administration of a comprehensive test, presenters shall provide each student with a report that outlines the learning objectives failed by that student.

Only individuals who have completed POST-developed online proctor training may administer these tests.

(B) **Exercise, Scenario, and Report Writing Tests**

1. **Proficiency**

Academies shall require each student to demonstrate proficiency in the competencies required by each scenario test, report writing test, and/or exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

(C) **Work Sample Test Battery**

1. **Test Administration**

At the conclusion of the POST Basic Academy Physical Conditioning Program, academies shall require each student to complete the POST-developed WSTB **or** a POST-approved alternative physical ability test, as described in the Work Sample Test Battery Proctor Manual.

2. **Alternative Physical Ability Tests**

The use of alternative tests to the POST-developed Work Sample Test Battery is subject to approval by POST. Academies seeking POST approval to use alternative tests shall present evidence that the alternative tests were developed in accordance with recognized professional standards and that the alternative tests are equivalent to the POST-developed tests with respect to validity and reliability. A description of the method(s) used to establish the proposed alternative test's minimum passing score is also required.

(D) **Retests**

Academies shall provide each student who fails a required initial test an opportunity to retest.

1. **Comprehensive, Scenario, and Report Writing Tests**

a. Students shall be retested using an alternate form of the test.

b. If the student fails the retest, the student fails the course.

2. **Exercise Tests and WSTB**

a. Students shall be retested on the failed test.

b. If the student fails the retest, the student fails the course.

(E) **Pilot Testing**

Academies may administer POST-developed tests for research purposes, as necessary.

(3) **Hourly Requirements**

Academies shall deliver the minimum number of hours of instruction specified for each learning domain in the Training and Testing Specifications for Peace Officer Basic Courses. The total

minimum hourly requirement for the Regular Basic Course is 664 hours.

Regular Basic Course - Modular Format

(e) **RBC-Modular Format - Prerequisites, Training, Testing, and Hourly Requirements**

The prerequisites, training, testing, and hourly requirements in this section apply to the RBC-modular format [as defined in Section D-1-3(a)(7)(B)].

(1) **Prerequisites**

Academies/presenters of Modules III, II, or I shall require proof, to the training presenter's satisfaction, that the prerequisites for the pertinent module have been satisfied prior to admitting an individual to the module.

(A) **Module II**

The prerequisites for the Module II are the following:

1. Successful completion of Module III.

2. Current (within the last 3 years) in PC 832 Arrest and Firearms training requirements. Training must be current in conformance with the requirements of Regulation 1080.

3. Passage of the POST-Constructed Comprehensive Module III Test within the preceding 12 months.

(B) **Module I** Prerequisites for Module I are the following:

1. Successful completion of Modules III and II.

2. Current (within the last 3 years) in PC 832 Arrest and Firearms training requirements. Training must be current in conformance with the requirements of Regulation 1080.

3. Passage of the POST-Constructed Comprehensive Module II Test within the preceding 12 months.

(2) **Training Requirements**

Academies/presenters shall provide instruction for Modules III, II, and I as follows:

(A) **Learning Objectives**

Academies/presenters shall provide instruction on all learning objectives specified for the RBC - modular format in the Training and Testing Specifications for Peace Officer Basic Courses.

(B) **Learning Activities**

Where a learning activity is required by the Training and Testing Specifications for Peace Officer Basic Courses, academies/presenters shall require each student to participate in that activity. A student who does not participate in a learning activity when given the opportunity fails the course unless the academy/presenter determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstances shall

be given a second opportunity to participate in the same or comparable activity. If a student fails to participate in a learning activity after being given a second opportunity, the student fails the course.

(C) **Physical Conditioning Program**

Academies presenting Module I shall require each student to complete the POST Basic Academy Physical Conditioning Program as specified in the Training and Testing Specifications for Peace Officer Basic Courses.

(D) **Remedial Training**

Specific instruction provided to reinforce the required concepts and/or skills after a student has failed an initial test. Each presenter will determine the content and the amount of time required for remedial training. Remedial training shall be provided independent of the retest.

(E) **Scenario Demonstration**

Academies shall provide academy-developed task-simulation activities designed to provide students the opportunity to practice and improve the competencies that underlie the Basic Course Scenario Tests.

(3) **Testing Requirements**

The tests listed below are graded on a pass/fail unless specified otherwise. Academies/presenters delivering Modules III, II, and I shall test all students as specified in the Training and Testing Specifications for Peace Officer Basic Courses. For the learning domain(s) being assessed in a particular test, refer to the "Minimum Content and Hourly Requirements" page for the specific module in the Training and Testing Specifications for Peace Officer Basic Courses. The RBC-modular format includes the following tests:

(A) **POST-Constructed Comprehensive Tests**

The minimum passing scores are established by POST.

Module III

1. POST-Constructed Comprehensive Module III Test
2. POST-Constructed Comprehensive Learning Domain 34 Test

Module II

1. POST-Constructed Comprehensive Module II Test

Module I

1. POST-Constructed Comprehensive Module I Test

Following the administration of a comprehensive test, presenters shall provide each student with a report that outlines the learning objectives failed by that student.

Only individuals who have completed POST-provided online proctor training may administer these tests.

(B) **Exercise Tests**

1. **Proficiency**

Academies/presenters shall require each student to demonstrate proficiency in the competencies required by each exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means that the student performed at a level acceptable to the academy/presenter.

(C) **Report Writing Test**

1. **Proficiency**

Academies presenting Module I shall require each student to demonstrate proficiency in the competencies required by each report writing test. Students must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

(D) **Scenario Tests**

1. **Proficiency**

Academies presenting Module I shall require each student to demonstrate proficiency in the competencies required by each scenario test. Students must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

(E) **Work Sample Test Battery**

1. **Test Administration**

At the conclusion of the POST Basic Academy Physical Conditioning Program, academies shall require each student to complete the POST-developed WSTB or a POST-approved alternative physical ability test, as described in the Work Sample Test Battery Proctor Manual.

2. **Alternative Physical Ability Tests**

The use of alternative tests to the POST-developed Work Sample Test Battery is subject to approval by POST. Academies seeking POST approval to use alternative tests shall present evidence that the alternative tests were developed in accordance with recognized professional standards and that the alternative tests are equivalent to the POST-developed tests with respect to validity and reliability. A description of the method(s) used to establish the proposed alternative test's minimum passing score is also required.

(F) **Pilot Testing**

Academies may administer POST-developed tests for research purposes, as necessary.

(G) **Retests**

Academies/presenters shall provide each student who fails a required initial test an opportunity to retest.

1. Comprehensive, Scenario, and Report Writing Tests

    a. Students shall be retested using an alternate form of the test.

    b. If the student fails the retest, the student fails the course.

2. Exercise Test and WSTB

    a. Students shall be retested on the failed test.

    b. If the student fails the retest, the student fails the course.

(4) **Hourly Requirements**

Academies/presenters shall deliver the minimum number of hours of -instruction specified for each learning domain in the Training and Testing Specifications for Peace Officer Basic Courses. The total minimum hourly requirement for the RBC-modular format is 727 hours. The total minimum hours for each module are as follows:

(A) Module III - 144 hours

(B) Module II - 189 hours

(C) Module I - 394 hours

Specialized Investigators' Basic Course (SIBC)

1-4. Specialized Investigators' Basic Course Terminology and Requirements

The terms related to the SIBC and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-4(d). Testing, training, and hourly requirements are described in Section D-1-4(d).

(a) **Specialized Investigators' Basic Course Terminology**

(1) **Learning Domain**

An instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include instructional activities and testing requirements.

(2) **Learning Need**

A general statement justifying the training for a specific learning domain.

(3) **Learning Objective**

A statement that describes an expected training outcome related to a learning need.

(4) **Learning Activity**

A learning activity is a facilitated, performance-based component of instruction. Learning activities are student-focused, and require the learner to be actively involved in structured work designed to enhance the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics, or to enhance student retention necessary to achieve competence as a peace officer. Students participating in a learning activity may be coached or provided feedback. Unlike tests, learning activities are not graded.

(5) **Competency**

A cluster of related knowledge, skills, abilities, and other characteristics that underlie successful performance of multiple learning objectives.

(6) **Test**

An evaluation of the extent to which students have achieved one or more learning objectives. The required tests are specified in the Training and Testing Specifications for Peace Officer Basic Courses. These tests are:

(A) **POST-Constructed Comprehensive Test**

A POST-constructed test that measures acquisition of knowledge on multiple learning objectives.

(B) **Scenario Test**

A job simulation test that measures acquisition of the competencies required to achieve one or more learning objectives.

(C) **Exercise Test**

Any test other than a POST-constructed comprehensive test or scenario test, that measures the acquisition of knowledge, skills, and/or the competencies required to achieve one or more learning objectives.

(D) **Report Writing Test**

A test that requires demonstration of the knowledge and skills and/or competencies necessary when preparing an investigative report.

(E) **Pilot Tests**

In cooperation with academies, POST conducts pilot testing of proposed or modified tests and evaluation instruments for research purposes. This may include comprehensive tests, exercise tests for arrest and control, firearms, chemical agents, or vehicle operations, the Work Sample Test Battery, pre-academy physical fitness, or other physical skills.

(7) **Test Use and Security Agreement**

An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed comprehensive, scenario, and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

(8) **Test Administration and Security Policy**

Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

(9) **Remedial Training**

A period of time in which the presenter provides specific instruction to reinforce the required concepts and/or skills after a student has failed an initial test.

(10) **Scenario Demonstration**

An academy-developed task-simulation activity designed to provide students the opportunity to practice and improve the competencies that underlie the Basic Course Scenario Tests.

(b) **Single Presenter**

Each course presentation shall be completed under the sponsorship of one presenter, unless POST has approved a contractual agreement for multiple presenters to deliver the training.

(c) **Exceeding Minimum Standards**

POST has established minimum, statewide training standards for the SIBC. Presenters are permitted to exceed those minimum standards where local conditions may justify additional training requirements or higher performance standards than those established by POST. This may include, but is not limited to, the use of higher minimum passing scores on POST-constructed tests.

(d) **Training, Testing, and Hourly Requirements**

(1) **Training Requirements**

Presenters shall provide instruction for the SIBC as follows:

(A) **Learning Objectives**

Presenters shall provide instruction on all learning objectives specified for the SIBC in the Training and Testing Specifications for Peace Officer Basic Courses.

(B) **Learning Activities**

Where a learning activity is required by the Training and Testing Specifications for Peace Officer Basic Courses, presenters shall require each student to participate in that activity. A student who does not participate in a learning activity when given the opportunity fails the course unless the training presenter determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstances shall be given a second opportunity to participate in the same or comparable activity. If a student fails to

participate in a learning activity after being given a second opportunity, the student fails the course.

(C) **Remedial Training**

Specific instruction provided to reinforce the required concepts and/or skills after a student has failed an initial test. Each presenter will determine the content and the amount of time required for remedial training. Remedial training shall be provided independent of the retest.

(D) **Scenario Demonstration**

Academies shall provide academy-developed task-simulation activities designed to provide students the opportunity to practice and improve the competencies that underlie the Basic Course Scenario Tests.

(2) **Testing Requirements**

The tests listed below are graded on a pass/fail basis unless specified otherwise. Presenters shall test all students as specified in the Training and Testing Specifications for Peace Officer Basic Courses. For the learning domain(s) being assessed in a particular test, refer to the "Minimum Content and Hourly Requirements" page for the SIBC in the Training and Testing Specifications for Peace Officer Basic Courses. The SIBC includes the following tests:

(A) **POST-Constructed Comprehensive Tests**

The minimum passing scores are established by POST.

1. POST-Constructed Comprehensive SIBC Test 1
2. POST-Constructed Comprehensive SIBC Test 2
3. POST-Constructed Comprehensive SIBC Test 3
4. POST-Constructed Comprehensive Learning Domain 34 Test

Following the administration of a comprehensive test, presenters shall provide each student with a report that outlines the learning objectives failed by that student.

Only individual who have completed POST-provided online proctor training may administer these tests.

(B) **Exercise, Scenario, and Report Writing Tests**

1. **Proficiency**

Presenters shall require each student to demonstrate proficiency in the competencies required by each scenario test, report writing test, and/or exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level acceptable to the presenter.

(C) **Pilot Test**

Academies may administer POST-developed tests for research purposes, as necessary.

(D) **Retests**

Presenters shall provide each student who fails a required initial test an opportunity to retest.

1. **Comprehensive, Scenario, and Report Writing Tests**

    a. Students shall be retested using an alternate form of the test.

    b. If the student fails the retest, the student fails the course.

2. **Exercise Tests**

    a. Students shall be retested on the failed test.

    b. If the student fails the retest, the student fails the course.

(3) Hourly Requirements

Presenters shall deliver the minimum number of hours of instruction specified in the Training and Testing Specifications for Peace Officer Basic Courses. The total minimum hourly requirement for the Specialized Investigators' Basic Course is 591 hours.

Public Safety Dispatchers' Basic Course

1-5. Public Safety Dispatchers' Basic Course Definitions and Requirements

The terms used to describe testing and training requirements are defined in Section D-1-5(a). Testing and training requirements are described in Section D-1-5(b). Testing, training, content, and hourly requirements are provided in detail in Training Specifications for the Public Safety Dispatchers' Basic Course. Requirements for reporting successful course completion are contained in Commission Regulation 1055(j)(4).

(a) **Definitions of Terms Used to Describe Testing and Training Requirements**

(1) **Learning Domain**

An instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include learning activities and testing requirements.

(2) **Learning Need**

A general statement justifying the training for a specific learning domain.

(3) **Learning Objective**

A statement that describes an expected training outcome related to a learning need.

(4) **Learning Activity**

A learning activity is a facilitated, performance-based component of instruction. Learning activities are student-focused, and require the learner to be actively involved in structured work designed to enhance the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with

principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics or to enhance student retention necessary to achieve competence as a peace officer. Students participating in a learning activity may be coached or provided feedback. Unlike tests, learning activities are not graded.

(b) **Testing and Training Requirements**

(1) **Learning Objectives**

As specified in Training Specifications for the Public Safety Dispatchers' Basic Course, training presenters shall provide appropriate instruction on each required learning objective.

(2) **Hourly Requirements**

The minimum number of hours of instruction that shall be delivered for each learning domain is specified in Training Specifications for the Public Safety Dispatchers Basic Course. The total minimum hourly requirement for the Public Safety Dispatchers Basic Course is 120 hours.

(3) **Learning Activities**

As specified in Training Specifications for the Public Safety Dispatchers' Basic Course, learning activities are required in some, but not all, learning domains. Where a learning activity is required, each student must participate in that activity. A student who does not participate in a learning activity when given the opportunity fails the course unless the training presenter determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstances shall be given a second opportunity to participate in the same or a comparable learning activity. If a student fails to participate in a learning activity after being given a second opportunity, the student fails the course.

(4) **Training Presenter Requirements**

POST has established minimum, statewide training standards for the Public Safety Dispatchers' Basic Course. However, local conditions may justify additional training requirements or higher performance standards than those established by POST.

Coroners’ Death Investigation Course

1-6. Coroners' Death Investigation Course

The Coroners' Death Investigation Course contains the following Functional Areas and minimum hours. This course partially fulfills the minimum basic training required under Regulation 1005(a)(4) for peace officer members of Coroners' Offices. With prior POST approval, flexibility shall be granted to adjust hours between functional areas.

Functional Areas:

1.0 Course Overview Administrative Issues - 1 Hour

2.0 Death Investigation - 40 Hours

3.0 Introduction to Disaster Management - 2 Hours

4.0 Role of Coroner/Public Administrator - 4 Hours

5.0 Coroners' Law - 2 Hours

6.0 General Laboratory Practices - 4 Hours

7.0 Vehicle Fatalities - 2 Hours

8.0 Forensic Use of Medical Records - 2 Hours

9.0 Forensic Anthropology - 4 Hours

10.0 Forensic Pathology - 10 Hours

11.0 Death and Grief Bereaved - 2 Hours

12.0 A.I.D.S. and Other Communicable Diseases - 2 Hours

13.0 Forensic Odontology - 4 Hours

14.0 Test - 1 Hour

Total Minimum Required Hours - 80 Hours

PC 832 Arrest And Firearms Course

1-7. PC 832 Arrest and Firearms Course Terminology and Requirements

The terms related to the PC 832 Arrest and Firearms Course and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-7(a). The requirements described in this section are for separately certified PC 832 Arrest and Firearms Courses only. The PC 832 training is presented as two components and individuals may elect to complete Arrest, Firearms, or both. Training, testing, and hourly requirements are described in Section D-1-7(d).

(a) **PC 832 Arrest and Firearms Course Terminology**

(1) **Learning Domain**

An instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include instructional activities and testing requirements.

(2) **Learning Need**

A general statement justifying the training for a specific learning domain.

(3) **Learning Objective**

A statement that describes an expected training outcome related to a learning need.

(4) **Learning Activity**

A learning activity is a facilitated, performance-based component of instruction. Learning activities are student-focused, and require the learner to be actively involved in structured work designed to enhance

the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics, or to enhance student retention necessary to achieve competence as a peace officer. Students participating in a learning activity may be coached or provided feedback. Unlike tests, learning activities are not graded.

(5) **Test**

An evaluation of the extent to which students have achieved one or more learning objectives. The required tests are specified in the Training and Testing Specifications for Peace Officer Basic Courses. These tests are:

(A) **POST-Constructed Comprehensive Test**

A POST-constructed test that measures acquisition of knowledge on multiple learning objectives.

(B) **Exercise Test**

Any test other than a POST-constructed comprehensive test that measures the acquisition of knowledge and/or skills or competencies required to achieve one or more learning objectives.

(6) **Test-Use and Security Agreement**

An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed comprehensive and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

(7) **Test Administration and Security Policy**

Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

(8) **Remedial Training**

A period of time in which the presenter provides specific instruction to reinforce the required concepts and/or skills after a student has failed an initial test.

(b) **Single Presenter**

Each course presentation shall be completed under the sponsorship of one presenter unless POST has approved a contractual agreement for multiple presenters to deliver training.

(c) **Exceeding Minimum Standards**

POST has established minimum, statewide training standards for the PC 832 Arrest and Firearms Course. Presenters are permitted to exceed those minimum standards where local conditions may justify additional training requirements than those established by POST.

(d) **Training, Testing, and Hourly Requirements**

(1) **Training Requirements**

Presenters shall provide instruction for the PC 832 Arrest and Firearms Course as follows:

(A) **Learning Objectives**

Presenters shall provide instruction on all learning objectives specified for the PC 832 Arrest and Firearms Course in the Training and Testing Specifications for Peace Officer Basic Courses.

(B) **Learning Activities**

Where a learning activity is required by the Training and Testing Specifications for Peace Officer Basic Courses, presenters shall require each student to participate in that activity. A student who does not participate in a learning activity when given the opportunity fails the course unless the presenter determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstance shall be given a second opportunity to participate in the same or comparable activity. If a student fails to participate in a learning activity after being given a second opportunity, the student fails the course.

(C) **Remedial Training**

Specific instruction provided to reinforce the required concepts and/or skills after a student has failed an initial test. Each presenter will determine the content and the amount of time required for remedial training. Remedial training shall be provided independent of the retest.

(2) **Testing Requirements**

The tests listed below are graded on a pass/fail basis, unless specified otherwise. Presenters shall test all students as specified in the Training and Testing Specifications for Peace Officer Basic Courses. For the learning domain(s) being assessed in a particular test, refer to the "Minimum Content and Hourly Requirements" page for the PC 832 Arrest and Firearms Course in the Training and Testing Specifications for Peace Officer Basic Courses. Test results shall be provided in written format (e.g., letter, certificate) to each examinee by the course presenter within five working days of the test administration.

(A) **POST-Constructed Comprehensive Test**

The minimum passing score is established by POST.

1. The POST-Constructed Comprehensive PC 832 Test

Following the administration of a comprehensive test, presenters shall provide each student with a report that outlines the learning objectives failed by that student.

Only individuals who have completed POST-provided online proctor training may administer this test.

(B) **Exercise Tests**

1. **Proficiency**

Presenters shall require each student to demonstrate proficiency in the competencies required by each exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level acceptable to the presenter.

2. **Test Administration**

The Arrest and Control exercise tests must be administered and scored by an individual who has completed a defensive tactics/arrest and control instructor course and who has completed POST-provided online proctor training.

The Firearms exercise tests must be administered and scored by an individual who has completed a firearms instructor course and who has completed POST-provided online proctor training.

(C) **Retests**

Presenters shall provide each student who fails a required initial test an opportunity to retest.

1. **POST-Constructed Comprehensive Test**

a. Students shall be retested using an alternate form of the same test.

b. If the student fails the retest, the student fails the course.

c. The retest must occur within 90 days of the initial test.

2. **Exercise Tests**

a. Students shall be retested on the failed test.

b. If the student fails the retest, the student fails the course.

(3) **Hourly Requirement**

Presenters shall deliver the minimum number of hours of instruction specified for each learning domain in the Training and Testing Specifications for Peace Officer Basic Courses. The total minimum hourly requirement for each PC 832 Arrest and Firearms component is as follows:

Arrest Component - 40 hours

Firearms Component - 24 hours

Course Total - 64 hours

Subparagraph 1-1 adopted and incorporated by reference into Commission Regulation 1005 effective September 26, 1990, amended January 14, 1994, August 7, 1996, September 25, 1998, January 1, 2004, September 15, 2004, and September 21, 2005.

Subparagraph 1-1 adopted and incorporated by reference into Commission Regulation 1007 effective July 1, 1999 and amended January 1, 2001, September 15, 2004, and September 21, 2005.

Subparagraph 1-2 was adopted and incorporated by reference into Commission Regulation 1005 effective September 26, 1990, amended January 11, 1992, January 14, 1994, August 7, 1996, February 13, 1997, September 25, 1998, January 1, 2004, September 15, 2004, and August 26, 2006.

Subparagraph 1-3 adopted and incorporated by reference into Commission Regulation 1005 on April 15, 1982, and amended January 24, 1985, September 26, 1990, January 14, 1994, July 16, 1994, December 16, 1994, August 16, 1995, August 7, 1996, November 27, 1996, February 22, 1997, August 17, 1997, December 4,

1997, January 1, 2001, January 1, 2002, January 1, 2004, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2008, July 1, 2008, January 1, 2009, April 3, 2012, and July 21, 2012.

Subparagraph 1-3 adopted and incorporated by reference into Commission Regulation 1007 effective July 1, 1999 and amended January 1, 2001, April 10, 2002, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1 , 2009, April 3, 2012, and July 21, 2012.

Subparagraph 1-4 adopted and incorporated by reference into Commission Regulation 1005 on October 20, 1983, and amended September 26, 1990, October 27, 1991, January 14, 1994, May 7, 1995, July 21, 2000, January 1, 2001, July 1, 2002, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2009, and April 3, 2012.

Subparagraph 1-5 adopted and incorporated by reference into Commission Regulation 1018 on December 29, 1988, and amended January 18, 1995, July 1, 2002, September 15, 2004, January 1, 2006, and August 26, 2006.

Subparagraph 1-6 adopted and incorporated by reference into Commission Regulation 1005 on February 4, 1993.

Subparagraph 1-7 adopted and incorporated by reference into Regulation 1005 effective January 1, 2004, amended September 15, 2004, January 1, 2009, and April 3, 2012.

Return to Top of Page

Search POST Regulations: submit

Section D - Training Procedures
Commission Procedure D-13

Field Training

D-13-1 Purpose

D-13-2 Field Training Program Description and Approval Process

D-13-3 Field Training Program Minimum Content Requirements

D-13-4 Field Training Officer Course Minimum Requirements

D-13-5 Field Training Supervisor/Administrator/Coordinator (SAC) Course Minimum Requirements

D-13-6 Field Training Officer Update Course Minimum Requirements

Purpose

13-1. Purpose

This Commission procedure implements the process for requesting approval of Field Training Programs established by law enforcement agencies pursuant to Regulation 1004. It also establishes the minimum content and curriculum requirements for the Field Training Program, Field Training Officer Course, Field Training Supervisor/Administrator/Coordinator (SAC) Course, and Field Training Officer Update Course.

Specific Requirements

13-2. Field Training Program Description and Approval Process

Regulation 1005(a)(1) specifies the basic training requirements for peace officers as successful completion of the Regular Basic Course and a POST-Approved Field Training Program. The Field Training Program is designed to provide a training continuum which integrates the acquired knowledge and skills from the Regular Basic Course with the practical application of general law enforcement uniformed patrol services. Field Training Programs approved by POST are restricted to supervised field training provided to peace officers after they have completed the Regular Basic Course. This field training does not extend to persons serving in ride-along, observer capacities.

Any department seeking approval of their Field Training Program shall submit a Field Training Program package (described in (a) below) along with an application POST-Approved Field Training Application, POST 2-229 signed by the department head. Prior to the submission of a package and application, a

review should be made of the department's present policies, practices, and structured learning content versus POST's minimum standards/requirements for an approved Field Training Program as stated in Regulation 1004 and section 13-3 below. Where needed, the department shall make changes to comply with the POST minimum standards/requirements. All applicants shall be notified in writing within 30 working days regarding the completeness of the package and application. A decision for approval shall be reached within 45 working days from the date the completed application is received. If a department's Field Training Program is disapproved, the department shall, within 60 days, resubmit an application for approval upon correction of the deficient areas outlined in the disapproval letter.

(a) A Field Training Program package submitted for approval shall minimally include:

(1) A written description of the department's specific selection process for Field Training Officers;

(2) An outline of the training proposed for department trainees;

(3) a written description of the evaluation process for trainees and Field Training Officers;

and,

(4) Copies of supporting documents (i.e., field training guides, learning matrixes, policies and procedures, and evaluation forms).

13-3. Field Training Program Minimum Content Requirements

The POST Field Training Program Guide may be used as a model for developing a Field Training Program. In order to meet local needs, flexibility to cover additional content may be authorized with prior POST approval. A POST-Approved Field Training Program shall minimally include the following topics:

Agency Orientation (including Standards and Conduct)

Ethics

Leadership

Patrol Vehicle Operations

Officer Safety

Report Writing

California Codes and Law

Department Policies (General Orders, Local Policies, and Philosophies)

Patrol Procedures (including Domestic Violence and Pedestrian and Vehicle Stops)

Control of Persons and Prisoners (Adults and Juveniles)

Control of Mentally Ill (Adults and Juveniles). This topic shall address issues related to stigma, shall be culturally relevant and approriate, and shall include all of the following:

How to identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia

Autism spectrum disorder

Genetic disorders, including, but not limited to, Down syndrome

Conflict resolution and de-escalation techniques for potentially dangerous situations

Alternatives to the use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities

The perspective of individuals or families who have experiences with persons with mental illness, intellectually disability, and substance use disorders

Involuntary holds

Community and state resources available to serve persons with mental illness or intellectual disability, how these resources can be best utilized by law enforcement

Traffic (including DUI)

Use of Force

Search and Seizure

Radio Communications

Self Initiated Activity

Investigations/Evidence

Community Relations/Professional Demeanor (including Cultural Diversity, Community Policing, and Problem Solving)

Tactical Communications/Conflict Resolution

Additional Agency-Specific Topics (may include Community Specific Problems, Special Needs Groups, etc.)

13-4. Field Training Officer Course Minimum Requirements

Presentation of a Field Training Officer Course requires POST certification (refer to Regulations 1051-1056). The Field Training Officer Course shall be a minimum of 40 hours. In order to meet local needs, flexibility to present additional curriculum may be authorized with prior POST approval. Instructional methodology is at the discretion of individual course presenters unless specified otherwise in a training specification document developed for the course. The Field Training Officer Course curriculum shall minimally include the following topics:

Field Training Program Goals and Objectives

Keys to Successful Field Training Programs

Field Training Program Management/Roles of Program Personnel

Teaching and Training Skills Development (including Adult Learning, Problem-Based Learning, Training Demonstration, etc.)

The Professional Relationship between the FTO and the Trainee (including Cultural Diversity)

Evaluation/Documentation

Expectations and Roles of the FTO (including Leadership, Ethics, Coaching, Mentoring, Supervision, Role Modeling, etc.)

Driver Safety

Officer Safety

Intervention

Remediation/Testing/Scenarios

Trainee Termination

Legal Issues and Liabilities

Review of the Regular Basic Course Training

Competency Expectations

The field training officer course relating to competencies of the field training program and police training program shall address how to interact with persons with mental illness or intellectual disability, and shall consist of at least four hours of classroom instruction and instructor-led active learning, such as scenario-based training, shall address issues related to stigma, and shall be culturally relevant and appropriate.

13-5. Field Training Supervisor/Administrator/Coordinator (SAC) Course Minimum

Requirements

Presentation of a Field Training Supervisor/Administrator/Coordinator (SAC) Course requires POST certification (refer to Regulations 1051-1056). The Field Training Supervisor/Administrator/Coordinator (SAC) Course shall be a minimum of 24 hours. In order to meet local needs, flexibility to present additional curriculum may be authorized with prior POST approval. Instructional methodology is at the discretion of individual course presenters unless specified otherwise in a training specification document developed for the course. The Field Training Supervisor/Administrator/Coordinator (SAC) Course shall minimally include the following topics:

Field Training Program Management

Review of Regular Basic Course Training

Contemporary Learning Methods

POST Field Training Program and Objectives

Oversight of Tests/Scenarios

Development and Update System for Field Training Manual

Documentation and Evaluations

Agency Responsibilities

Review of FTO Course Training

History of Field Training Programs

Competency Evaluation

Supervisory Procedures

FTO Selection Process

FTO Training and Certification

Conduct of FTOs, Trainees, and FTO Supervisors/Administrators/Coordinators (SACs)

13-6. Field Training Officer Update Course Minimum Requirements

Presentation of a Field Training Officer Update Course requires POST certification (refer to Regulations 1051-1056). The Field Training Officer Update Course shall be a minimum of 24 hours. In order to meet local needs, flexibility to present additional curriculum may be authorized with prior POST approval. Instructional methodology is at the discretion of individual course presenters unless specified otherwise in a training specification document developed for the course. The Field Training Officer Update Course curriculum shall minimally include the following topics:

Review of Regular Basic Course Training

Legal Issues and Liabilities

Contemporary Learning Methods

Training/Teaching Skills Development

Leadership, Ethics, and Professionalism

Driver Safety

Remediation/Testing/Scenarios

Trainee Termination

Evaluation/Documentation

Teaching Skills/Demonstration Competency Expectations

Additional Agency/Presenter-specific topics (which may include: Community Oriented Policing, Challenging Traits of Today's Trainees, Report Writing for FTOs, Problem Solving for FTOs, Supervisory Skills Development, etc.)

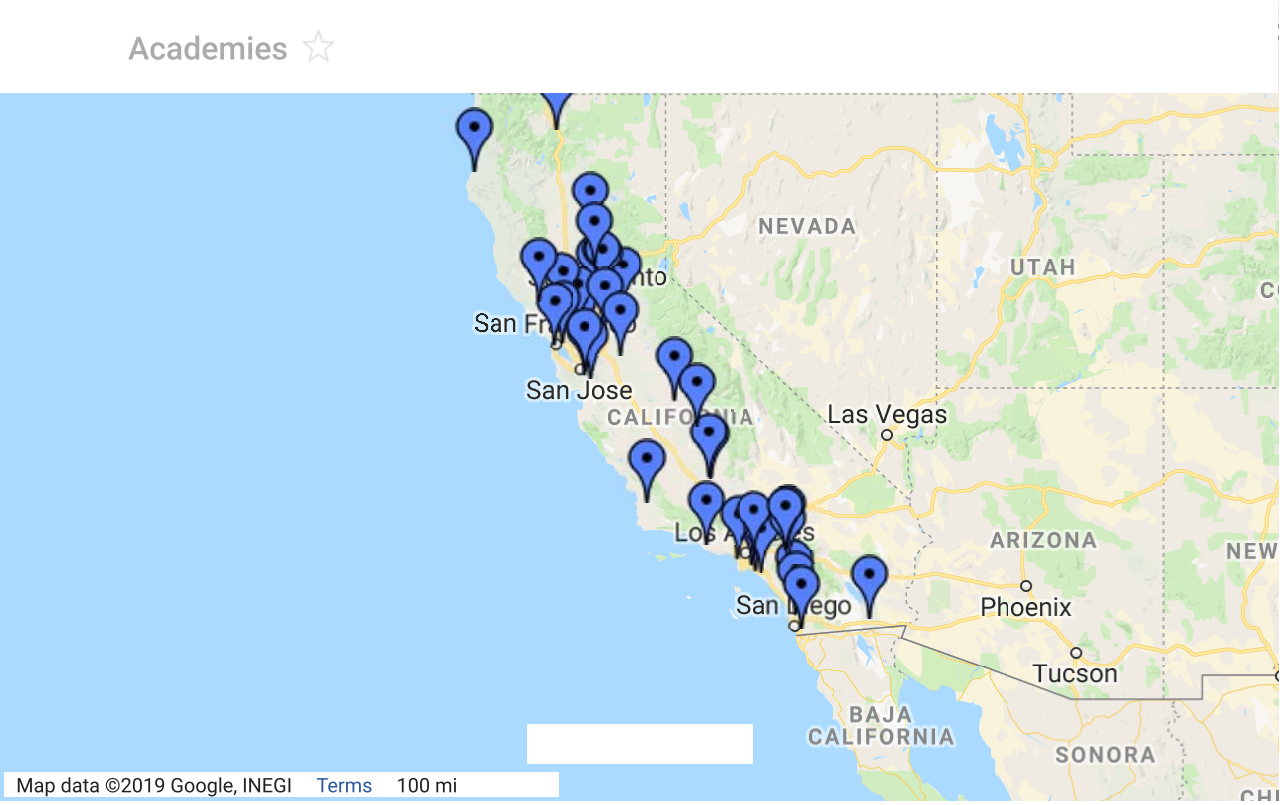
Procedure D-13 was adopted and incorporated by reference into Commission Regulation 1005 on June 15, 1990, and amended on February 22, 1996, January 1, 1999, July 1, 2004, and January 1, 2012.

Return to Top of Page

Basic Training Academies

The blue markers on the map below represent academies that present POST-certified basic law enforcement training. Click on any of the markers to see the name, address, and website of the academy and get directions to and from the location. Use the movement and zoom controls in the upper left-hand corner to navigate within the map. A list of the academies is available below the map. The provided links connect to pages outside the POST Website and POST is not responsible for the content or security of these external pages.

For information about purchasing student workbooks, please visit the Basic Course Student Workbook page.



View POST Basic Training Academies in a larger map

Alameda County Sheriff's Department Academy Training Center
6289 Madigan Road
Dublin, CA 94568
(925) 551-6970

Allan Hancock College - Lompoc Valley Campus
Public Safety Training Complex
One Hancock Drive - Building 5
Lompoc, CA 93436
(805) 922-6966 ext. 3284

Bakersfield Law Enforcement Training Academy
1601 Truxtun Avenue
Bakersfield, CA 93301
(661) 326-3980

Butte College Public Safety Training Center
3536 Butte Campus Drive
Oroville, CA 95965
(530) 895-2401

CAL-FIRE
4501 State Highway 104
Ione, CA 95640

California Department of Fish and Wildlife
1416 9th Street
Sacramento, CA 95814
(916) 651-9982

California Highway Patrol
3500 Reed Avenue
West Sacramento, CA 95605
(888) 422-4756

College of the Redwoods-Redwoods Training Center
7351 Tompkins Hill Road
Eureka, CA 95501-9302
(707) 476-4334

College of the Siskiyous
800 College Avenue
Weed, California 96094
(530) 938-5512

Contra Costa County Sheriff's Department
340 Marina Boulevard
Pittsburg, CA 94565-9302
(877) 433-7889

Golden West College Regional Criminal Justice Training Center
15744 Goldenwest Street

Huntington Beach, CA 92647
(714) 985-8368

Imperial Valley College
380 E. Aten Rd.
Imperial, CA 92251
(760) 352-8320

Kern County Sheriff's Department
1350 Norris Road
Bakersfield, CA 93308
(661) 868-1676

Long Beach Police Department
7290 East Carson Blvd.
Long Beach, CA 90808
(562) 570-5893

Los Angeles County Sheriff's Department
11515 S. Colima Road, Bldg. F-103
Whittier, CA 90604
(562) 946-7863

Los Angeles Police Department
5651 West Manchester Blvd.
Westchester, CA 90045
(866) 444-5273

Napa Valley College Criminal Justice Training Center
2277 Napa-Vallejo Highway
Napa, CA 94558
(707) 253-3255

Oakland Police Department
455 Seventh Street
Oakland, CA 94607
(888) 673-5627

Orange County Sheriff's Department
15991 Armstrong Avenue
Tustin, CA 92782
(714) 566-9200

Palomar College
182 Santar Place
San Marcos, CA 92069
(760) 744-1150

Rio Hondo Regional Training Center
3600 Workman Mill Road
Whittier, CA 90601-1699
(562) 463-7756

Riverside County Sheriff's Department
3423 Davis Avenue, Dept. A
Riverside, CA 92518
(951) 486-2800

Sacramento County Sheriff's Department
1000 River Walk Way
Carmichael, CA 95608
(916) 875-0046

Sacramento Police Department
2409 Dean Street
McClellan, CA 95662
(916) 566-2418

Sacramento Regional Public Safety Training Center
5146 Arnold Avenue
McClellan, CA 95652
(916) 570-5000

San Bernardino County Sheriff's Department
P. O. Box 1456
San Bernardino, CA 92402
(909) 473-2540

San Bernardino Valley College
701 South Mt. Vernon Avenue
San Bernardino, CA 92410
(909) 384-4431

San Diego Regional Public Safety Training Institute
10440 Black Mountain Road
San Diego, CA 92126
(858) 505-6600

San Francisco Police Department
350 Amber Drive
San Francisco, CA 94131
(415) 401-4600

San Joaquin Delta College Public Safety Training Center
5151 Pacific Avenue

Stockton, CA 95207
(209) 954-5151

San Jose Police Department
6087 Great Oaks Parkway
San Jose, CA 95119
(408) 537-9871

Santa Clara County Sheriff's Department
19050 Malaguerra Avenue
Morgan Hill, CA 95037
(408) 201-7630

Santa Rosa Junior College, Public Safety Training Center
5743 Skylane Boulevard
Windsor, CA 95492-9787
(707) 836-2908

South Bay Regional Public Safety Training Consortium
3095 Yerba Buena Road
San Jose, CA 95135-1598
(408) 270-6458

Southwestern College-Otay Mesa HEC
8100 Gigantic Street
San Diego, CA 92154
(619) 482-6462

Stanislaus County Sheriff's Office Regional Training Center
3805 Cornucopia, Suite A
Modesto, CA 95358
(209) 567-4408

State Center Regional Training Facility - Fresno City College
1101 East University Avenue
Fresno, CA 93741
(559) 442-8277

Tulare-Kings Counties Police Officer Training Academy
915 South Mooney Boulevard
Visalia, CA 93277
(559) 583-2600

Ventura County Criminal Justice Training Center
425 Durley Avenue
Camarillo, CA 93010
(805) 383-4746

Yuba College Public Safety Center
2088 N. Beale Road, Building 2100
Marysville, CA 95901
(530) 749-3879

Quick Links

- 80-Hour Cap Courses
- Basic Course Waiver Process
- Course Evaluation Instrument
- Course Catalog
- Learning Portal
- POST Regional Training Map
- POST Training Videos
- Proposed TTS Revisions
- RBC - Modular Format
- Regulatory Actions
- Training and Testing Specifications (TTS)

Contact Us

Basic Training Bureau
(916) 227-4252

Regular Basic Course Training Specifications

In July 1993, the Commission adopted training specifications as its method of specifying the minimum, mandated curriculum for the Regular Basic Course. Listed below are the individual learning domains that make up the course curriculum.

Copyright Notice

- Regular Basic Course Minimum Hourly Requirements (doc)
- LD 01 Leadership, Professionalism and Ethics (doc)
- LD 02 Criminal Justice System (doc)
- LD 03 Policing in the Community (doc)
- LD 04 Victimology/Crisis Intervention (doc)
- LD 05 Introduction to Criminal Law (doc)
- LD 06 Property Crimes (doc)
- LD 07 Crimes Against Persons (doc)
- LD 08 General Criminal Statutes (doc)
- LD 09 Crimes Against Children (doc)
- LD 10 Sex Crimes (doc)
- LD 11 Juvenile Law and Procedure (doc)
- LD 12 Controlled Substances (doc)
- LD 13 ABC Law (doc)
- LD 15 Laws of Arrest (doc)
- LD 16 Search and Seizure (doc)
- LD 17 Presentation of Evidence (doc)
- LD 18 Investigative Report Writing (doc)
- LD 19 Vehicle Operations (doc)
- LD 20 Use of Force (doc)
- LD 21 Patrol Techniques (doc)

LD 22 Vehicle Pullovers (doc)

LD 23 Crimes in Progress (doc)

LD 24 Handling Disputes/Crowd Control (doc)

LD 25 Domestic Violence (doc)

LD 26 Unusual Occurrences (doc)

LD 27 Missing Persons (doc)

LD 28 Traffic Enforcement (docx)

LD 29 Traffic Accident Investigation (doc)

LD 30 Crime Scenes, Evidence, and Forensics (doc)

LD 31 Custody (doc)

LD 32 Lifetime Fitness (doc)

LD 33 Arrest and Control (doc)

LD 34 First Aid and CPR (doc)

LD 35 Firearms/Chemical Agents (doc)

LD 36 Information Systems (doc)

LD 37 People with Disabilities (doc)

LD 38 Gang Awareness (doc)

LD 39 Crimes Against the Justice System (doc)

LD 40 Weapons Violations (doc)

LD 41 Hazardous Materials Awareness (doc)

LD 42 Cultural Diversity/Discrimination (doc)

LD 43 Emergency Management (doc)

Quick Links

80-Hour Cap Courses

Basic Course Waiver Process

Basic Training Academies

Course Catalog

Learning Portal

POST Regional Training Map

POST Training Videos

Regulatory Actions

Training and Testing Specifications (TTS)

Contact Us)

Basic Training Bureau
(916) 227-4252

REGULATION 1081 MINIMUM STANDARDS FOR LEGISLATIVELY MANDATED COURSES

CRISIS INTERVENTION BEHAVIORAL HEALTH TRAINING FOR FIELD TRAINING OFFICERS

Expanded Course Outline (8 hours)

COURSE GOAL

This course will provide the trainee with the minimum topics mandated by 13515.28 of the California Penal Code. Field training officers are required to have 8 hours of crisis intervention behavioral health training. ***Training must include classroom instruction and instructor led active learning, and must be taught in segments that are at least 4 hours long.*** *25 is the recommended maximum number of students for this course.*

Copyright

©2016 California Commission on Peace Officer Standards and Training (POST)

Published July, 2016

All rights reserved. This publication may not be reproduced, in whole or in part, in any form or by any means electronic or mechanical or by any information storge and retrieval system now known or hereafter invented, without prior written permission of the California Commission on Peace Office Standards and Training, with the following exception:

> California law enforcement agencies in the POST peace officer program and POST-certified training presenters are hereby given permission by POST to reproduce any or all of the contents of this manual for their internal use.

All other individuals, private businesses and corporations, public and private agencies and colleges, professional associations, and non-POST law enforcement agencies-in-state or out-of-state may print or download this information for their personal use only.

Infringement of the copyright protection law and the provisions expressed here and on the POST website under Copyright/Trademark Protection will be pursued in a court of law. Questions about copyright protection of this publication and exceptions may be directed to the Publications Manager at Publications.manager@post.ca.gov.

MINIMUM TOPICS

a. Understanding stigma
b. Strategies that contribute to stigma reduction
c. Cultural relevance
d. Perspective of individuals or families who have experience with persons who have mental illness, intellectual disabilities, and substance use disorders
e. Cause and nature of mental illness and intellectual disabilities
f. Identify indicators of mental illness, intellectual disabilities, and substance use disorders

g. Distinguish between mental illness, intellectual disabilities, and substance use disorders
h. Appropriate language usage for interacting with distressed persons
i. Community and state resources and how these resources can be utilized by law enforcement to serve persons with mental illness and intellectual disabilities
j. Appropriate responses for a variety of situations involving persons with mental illness, intellectual disabilities, and substance use disorders
k. Conflict resolution and de-escalation techniques

COURSE OBJECTIVES

1. Demonstrate knowledge of the role stigma has in society and across cultures in regards to mental illness, intellectual disabilities, and substance use disorders
2. Demonstrate knowledge of strategies that help reduce stigma associated with mental illness, intellectual disabilities, and substance use disorders, including the perspective of individuals or families
3. Demonstrate knowledge of the cause and nature of mental illness and intellectual disabilities
4. Demonstrate the ability to identify indicators of mental illness, intellectual disabilities, and substance use disorders and distinguish between them
5. Demonstrate knowledge of community and state resources and how to utilize them to serve individuals and families with mental illness and intellectual disabilities.
6. Demonstrate knowledge of the laws protecting individuals with mental illness and how to apply them to incidents involving persons with mental illness and persons having a mental health crisis
7. Demonstrate the ability to utilize de-escalation and conflict resolution to resolve a variety of situations involving individuals in crisis

EXPANDED COURSE OUTLINE

I. INTRODUCTION/ORIENTATION

A. Introduction, Registration and Orientation
B. Course Objectives/Overview/Exercises
C. Safety

II. STIGMA (a/c)

A. Provide context for stigma and the role it plays in mental illness, intellectual disabilities, and substance use disorders;

1. The meaning of stigma – a mark of disgrace or shame associated with a particular circumstance, quality, or person
2. The consequences of stigmatization – social isolation, fear, violence, mistrust, prejudice and discrimination

B. Discuss both historical and modern day stigmatization of mental illness, intellectual disabilities, and substance use disorders as it pertains to;

1. Societal views and treatment of mental illness
2. The evolution of medical treatment
3. Dramatizations by the news and entertainment industry

C. Compare and contrast the way different cultures treat mental illness, intellectual disabilities, and substance use disorders in the areas of;

1. Stigmatization
2. The social impact on families and individuals
3. Barriers to seeking help and participating in treatment

III. STIGMA REDUCTION (b/d)

A. Identify mechanisms to reduce personal bias against people with mental illness, intellectual disabilities, and substance use disorders:

1. Learn the facts
2. Get to know people who have experiences with mental illness, intellectual disabilities, and substance use disorders

B. Identify mechanisms to reduce stigmatism against people with mental illness, intellectual disabilities, and substance use disorders:

1. Speak out against the display of false beliefs and negative stereotypes
2. Speak openly of personal experiences
3. Don't discriminate, judge, or stereotype
4. Show respect, treat with dignity

C. Present the perspective of individuals and families experienced with;

1. Mental illness
2. Intellectual disabilities
3. Substance use disorders (co-occurring)

Suggestion: Utilize guest speakers and/or videos

IV. MENTAL ILLNESS/INTELLECTUAL DISABILITIES/SUBSTANCE USE DISORDERS (e/f/g/h)

Note: Information utilized for this learning objective will be derived from the Diagnostic and Statistics Manual of Mental Disorders, 4th Edition (DSM-IV). *Suggested topics; anxiety disorders (including Post-Traumatic Stress Disorder), mood disorders (depression and bi-polar disorder, including suicidal behavior and risk assessment), psychotic disorders, impulse control disorders, Autism Spectrum Disorder, Down Syndrome, dementia and Alzheimer's disease, co-occurring disorders.*

A. Mental Illness

1. Describe the cause and nature
2. Identify Indicators
3. Discuss and develop appropriate language and rapport building strategies

B. Intellectual Disabilities

1. Describe the cause and nature
2. Identify indicators
3. Discuss and develop appropriate language and rapport building strategies

C. Substance Use Disorders

1. Identify indicators
2. Discuss and develop appropriate language and rapport building strategies

Suggested Learning Activity*: This learning activity is intended to reinforce the ability to identify and differentiate between mental illness, intellectual disabilities, and substance use disorders and determine appropriate responses when coming into contact with same. Provide trainees with case studies, scenarios, or video examples of individuals that display indicators of mental illness, intellectual disabilities, and substance use disorders to the trainees. Can be done as a class or in small groups.*

In each example provided, trainees will:

- *identify the indicators of mental illness, intellectual disabilities, and substance use disorders*
- *based on indicators, distinguish between mental illness, intellectual disabilities, and substance use disorders*
- *cite or demonstrate appropriate language and rapport building strategies for the identified mental illness, intellectual disability or substance use disorder*

V. IDENTIFYING AND UTILIZING RESOURCES (i)

A. Community

1. City services and resources
2. County services and resources
3. Nonprofit organizations
4. Local government resources

B. State

1. Services and resources
2. Nonprofit organizations

Suggestion: Include the National Alliance on Mental Illness (NAMI) and Veteran's Services

VI. LAWS (this is an optional section – not mandated by the law)

1. Discuss how the following laws are applied in encounters with individuals with mental illness, how they preserve the rights of individuals with mental illness, and protect public safety
   A. Lanterman-Petris-Short (LPS) Act California Welfare and Institutions Code 5000 et seq. involuntary civil commitments
   B. Case law; The Tarasoff Decision 17 Cal. 3d 425,551 P. 2d 334, 131 Cal Rptr. 14 (Cal. 1976 Notifications
   C. California Penal Code 5150, (5150(e), 5150F) (1), and 5150.2 Involuntary psychiatric hold
   D. California Welfare and Institutions Code 5585 – Children's Civil Commitment and Mental Health Act of 1988
   E. Health Insurance Portability and Accountability Act (HIPPA)
   F. California Welfare and Institutions Code Section 8102 Confiscation of deadly weapons

2. Determine if an individual meets the criteria for a psychiatric hold and evaluation as described in 5150 of the California Penal Code and 5585 of the California Welfare and Institutions Code
   A. Mental, physical, and emotional state of the individual
   B. History
   C. Other pertinent information (including witness statements and state of physical surroundings when applicable).

VII. DE-ESCALATION AND CONFLICT RESOLUTION IN A VARIETY OF SITUATIONS (j/k)

1. Initial Response

   A. Stabilize and secure the scene

   B. Minimize factors that create unnecessary exigency or excitation

   C. Gather intelligence

   E. Establish a plan

   F. Gather resources

2. De-escalation and Conflict Resolution

   A. Assess individual's mental, physical and emotional state

   B. Apply appropriate techniques to build rapport and communication

C. Motivate individual to cooperate

3. Completion

A. Decide on appropriate disposition of the individual based on the totality of the circumstances and available resources

B. Provide resources and information to all involved parties

Suggested learning activity – This learning activity will allow trainees to practice skills learned in the earlier activity while incorporating new material for problem solving.

1) Trainees will participate in role play scenarios or use interactive videos that depict a variety of situations involving individuals in crisis. Trainees will demonstrate knowledge of the class material through;

- *Initial response and scene management*
- *Recognition of indicators of mental illness, intellectual disability, or substance abuse disorder*
- *De-escalation and conflict resolution congruent with identified mental illness, intellectual disability, or substance abuse disorder*
- *Final resolution of the incident with appropriate disposition of the individual and providing resources to involved parties.*

VIII. Student Evaluations and Conclusion