



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.

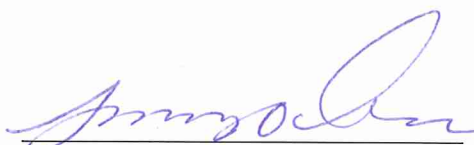
On October 26, 2018, I served the:

- **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
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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.)

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