



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: June 16, 2015

Subject: SB 11 (Beall) Peace officer Training: Mental Health

RECOMMENDATION(S):

ADOPT a "Support" position on SB 11 (Beall), as amended: Peace officer Training: Mental Health, a bill that requires the Commission on Peace Officer Standards and Training to include in its basic training course an evidence-based behavioral health course training officers to recognize, deescalate, and refer persons with mental illness or intellectual disability who are in crisis, as recommended by the Mental Health Commission.

FISCAL IMPACT:

According to the Senate Appropriations Committee:

POST impact: One-time costs for course development of \$120,000 to \$350,000 (Peace Officers' Training Fund). Ongoing annual costs of \$525,000 (Peace Officers' Training Fund), increasing in future years to reflect enrollment growth.

Mandated law enforcement training: Potentially major state-reimbursable local costs in the low millions of dollars annually to backfill for missed work hours for officers to attend the continuing education training. There are currently 482 cities and 58 counties in California employing about 77,000 sworn peace officers. To the extent local agency expenditures

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/16/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 16, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: L. DeLaney,
925-335-1097

cc:

qualify as a reimbursable state mandate, agencies could claim reimbursement of

FISCAL IMPACT: (CONT'D)

those costs (General Fund). Costs to backfill for missed work hours for all officers with rank supervisor or below are estimated to cost in the range of \$10 million over a four-year period.

BACKGROUND:

A "Support" position for SB 11 was recommended by the Contra Costa County Mental Health Commission. The Sheriff's Office did not offer comments on the bill.

Introduced: 12/01/2014

Last Amend: 06/01/2015

Disposition: Pending

Location: Assembly

Senate Bill (SB) 11 requires peace officers to participate in: (1) a 20-hour evidence-based behavioral health classroom training course, as specified, in addition to the basic training course's current hour requirement; and, (2) a four hour evidence-based behavioral health training course, as specified, as part of the total hours required for perishable skills training.

ANALYSIS:

Existing law:

1) Requires every undersheriff or deputy sheriff of a county, any police officer of a city, and any police officer of a district authorized by statute to maintain a police department, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training (POST) within 18 months of his or her employment in order to continue to exercise the powers of a peace officer after the expiration of the 18- month period. (Penal Code § 832.4(a).)

2) Requires every peace officer listed in subdivision (a) of Penal Code Section 830.1, as specified, to obtain the basic certificate issued by POST upon completion of probation, but in no case later than 24 months after his or her employment, in order to continue to exercise the powers of a peace officer after the expiration of the 24-month period. (Penal Code § 832.4 (b).)

3) Requires, with limited exceptions:

- Every peace officer listed in Penal Code Section 830.1(a) to obtain the POST basic certificate in order to continue to exercise peace officer powers.
- Pursuant to Penal Code Section 832.4(c), as a condition of continued employment,

each police chief, or any other person in charge of a local law enforcement agency, who is appointed on or after January 1, 1999, to possess the POST basic certificate within two years of appointment.

- Every peace officer appointed by a department participating in the POST Program must possess the appropriate basic certificate.

(11 C.C.R. 1011 (2015).)

4) Requires applicants for the award of a basic certificate to:

- Be employed as a full-time peace officer by a POST-participating department.
- Completed the Regular Basic Course, which is the entry-level training requirement for many California peace officers, as specified in POST Regulation 1005. There are 39 POST-certified basic training academies in California. The Standard Format of the Regular Basic Course is delivered in a one-part instructional sequence with a minimum requirement of 664 hours. (<https://post.ca.gov/regular-basic-course.aspx>.)
- Complete the current employing department's probationary period of not less than 12 months.

(11 C.C.R. 1011 (2015).)

5) Requires POST to include in the basic training course for law enforcement officers, adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. The course of instruction relating to the handling of developmentally disabled or mentally ill persons must be developed by POST in consultation with appropriate groups and individuals having an interest and expertise in this area. In addition to providing instruction on the handling of these persons, the course must also include information on the cause and nature of developmental disabilities and mental illness, as well as the community resources available to serve these persons. (Penal Code § 13519.2)

6) 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. (Penal Code § 13515.25.)

7) Requires all peace officers (except reserve officers) below the middle management position and assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects are required to complete Perishable Skills and Communications training. In-lieu of completing the training, the requirement may be met by successfully passing a presenter-developed test that measures the approved training objectives. Perishable skills training consists of a minimum of 12 hours in each two-year period. Of the total 12 hours required, a minimum of four hours of each of the three following topical areas must be completed: (a) Arrest and Control; (b) Driver Training/Awareness or Driving Simulator; and, (c) Tactical Firearms or Force Options Simulator. (11 C.C.R. 1005 (2015).)

This bill:

- 1) Requires POST to include in its basic training course a promising or evidencebased behavioral health classroom training course to train law enforcement officers to recognize, deescalate, and refer persons with mental illness or intellectual disability who are in crisis. Requires that this evidence-based behavioral health classroom training course be 20 hours long and be in addition to the basic training course's current hour requirement.
- 2) Requires POST to establish and keep updated an evidence-based behavioral health continuing training course.
- 3) Requires that this evidence-based behavioral health training course be a minimum of four consecutive hours every four years.

Background

Currently, law enforcement officers receive six hours of POST approved training on how to interact with persons with mental illnesses and developmental disabilities during their Regular Basic Training course, as required by Penal Code Section 13519.2. While there is no mandatory continuing education requirement, POST offers a variety of courses relating to mental health. According to information provided by POST, there are currently 38 mental health certified courses available to California law enforcement. These courses range from four to 40 hours. This bill increases the amount of behavioral health training that officers receive during regular basic training and mandates four consecutive hours of behavioral health training every four years.

ARGUMENTS IN SUPPORT:

According to County Behavioral Health Directors Association:

There is a growing recognition among law enforcement nationwide of the need for more behavioral health training for officers. The existing California Peace Officer Standards

and Training (POST) curriculum includes only 6 hours of mental health training out of a total of 664 hours of mandated training for peace officers, which is clearly not sufficient. SB 11 would require POST to include in its basic training course an evidence-based behavioral health classroom training course to train law enforcement officers to recognize, deescalate, and refer persons with mental illness or intellectual disability who are in crisis. The bill would require that this evidence-based behavioral health classroom training course be 20 hours long and be in addition to the basic training course's current hour requirement. The bill would also require POST to establish an evidence-based behavioral health training course as part of its perishable skills training under its continuing professional education requirement.

ARGUMENTS IN OPPOSITION:

According to the California State Sheriffs' Association:

On behalf of the California State Sheriffs' Association (CSSA), we must respectfully oppose Senate Bill 11, which would mandate increased training for law enforcement officers on mental health issues.

To be clear, CSSA recognizes the importance of appropriate training of law enforcement officers. We also acknowledge that mental health issues have grown in significance in recent years. California peace officers are among the best trained in the nation because of the rigorous and comprehensive education and training regimen overseen by the Commission on Peace Officer Standards and Training (POST). Proper training prepares officers for the daily dangers of their jobs, builds trust with the community members protected by law enforcement, and provides appropriate standards for peace officer behavior.

Currently, significant training on mental health issues is required of prospective and employed peace officers. The basic POST academy includes mandatory training on mental health issues and includes a scenario-based test that must be passed in order to graduate from an academy. Additionally, law enforcement agencies around the state offer ongoing POST-certified crisis intervention training on mental health and require their officers to complete additional mental health training in addition to the state-mandated minimums.

SB 11 would require 20 additional hours of training as part of basic peace officer education and four additional hours of perishable skills training on mental health issues. While CSSA does not necessarily oppose alterations to training requirements, this bill simply adds a time-based requirement without the benefit of knowing where gaps and deficiencies in existing training mandates may exist. More training for the sake of more training may not be beneficial and may come at the expense of other, more necessary training.

POST, in conjunction with law enforcement, is in the process of examining mental health

training courses and requirements to ascertain if there are issues that need to be addressed. Although we appreciate the desire to improve interactions between law enforcement and persons with mental health issues, SB 11 represents a premature, unfunded mandate that offers no guarantee of providing the appropriate training to the right officers.

SUPPORT:

United Domestic Workers of America (source)
American Association for Marriage and Family Therapy, California Division
American Civil Liberties Union of California
American Federation of State, County and Municipal Employees
Association for Los Angeles Deputy Sheriffs
Association of Regional Center Agencies
California Association of Code Enforcement Officers
California Association of Highway Patrolmen
California Attorneys for Criminal Justice
California Child Care Health Program
California Coalition for Mental Health
California College and University Police Chiefs Association
California Correctional Supervisors Organization
California Council of Community Mental Health Agencies
California Crisis Intervention Training Association
California Long-Term Care Ombudsman Association
California Medical Association
California Narcotics Officers Association
California Public Defenders Association
California State Lodge, Fraternal Order of Police
City of San Jose
County Behavioral Health Directors Association
County of Santa Clara
Disability Action Coalition
Disability Rights California
Donald Rocha, San Jose City Councilmember
Jeffrey F. Rosen, District Attorney of Santa Clara County
Long Beach Police Officers Association
Los Angeles County Professional Peace Officers Association
Los Angeles Deputy Sheriffs
Los Angeles Police Protective League
Mental Health America of California
National Alliance on Mental Illness
National Association of Social Workers
North Los Angeles County Regional Center
Riverside Sheriffs Association
Sacramento County Deputy Sheriffs' Association

Santa Ana Police Officers Association
Steinberg Institute
The Arc and United Cerebral Palsy California Collaboration

OPPOSITION:

California State Sheriffs' Association

CONSEQUENCE OF NEGATIVE ACTION:

Contra Costa County would not have a position on the bill.

ATTACHMENTS

Attachment A - Bill Text