

Date of Hearing: March 26, 2019
Counsel: Matthew Fleming

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Reginald Byron Jones-Sawyer, Sr., Chair

AB 680 (Chu) – As Amended March 14, 2019

As Proposed to be Amended in Committee

SUMMARY: Requires the Commission on Peace Officer Standards and Training (POST) to adopt two mental health training courses for local public safety dispatchers, a basic training course of at least four hours, and a continuing education course of at least one hour.

EXISTING LAW:

- 1) Requires POST to adopt rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers having a primary responsibility for providing dispatching services for local law enforcement agencies described in subdivision (a), which standards shall apply to those cities, counties, cities and counties, and districts receiving state aid. (Pen. Code, § 13510.)
- 2) Requires that the course of basic training for law enforcement officers include adequate instruction in specified procedures and techniques relating to the handling of persons with developmental disabilities or mental illness. (Pen. Code § 13519.2, subd. (a).)
- 3) Requires that the course of instruction relating to the handling of developmentally disabled or mentally ill persons be developed in consultation with appropriate groups and individuals having an interest and expertise in this area, and that it include information on the cause and nature of developmental disabilities and mental illness, as well as the community resources available to serve these persons. (Pen. Code § 13519.2, subd. (b).)
- 4) Requires Post to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with persons with mental disabilities. (Pen. Code, § 13515.25, subd. (a).)
- 5) Requires the POST continuing education course relating to law enforcement interaction with persons with mental disabilities to include all of 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 a person with a mental disability;

- d) Appropriate language usage when interacting with a person with a mental disability;
 - e) Alternatives to lethal force when interacting with potentially dangerous persons with mental disabilities;
 - f) Community and state resources available to serve persons with mental disabilities 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 crime. (Pen. Code, § 13515.25 subd. (b).)
- 6) Requires POST to 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. (Pen. Code, § 13515.27, subd. (a).)
- 7) Requires the instructor-led active learning course to 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:
- a) The cause and nature of mental illness, intellectual disability, and substance use disorders;
 - b) Indicators of mental illness, intellectual disability, and substance use disorders;
 - c) Appropriate responses to a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders;
 - d) Conflict resolution and deescalation techniques for potentially dangerous situations;
 - e) Appropriate language usage when interacting with potentially emotionally distressed persons;
 - f) Resources available to serve persons with mental illness or intellectual disability; and,
 - g) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders. (Pen. Code, § 13515.27, subd. (b).)
- 8) Requires POST to provide mental health training as part of its basic course for peace officers that address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:
- a) Recognizing indicators of mental illness, intellectual disability, and substance use disorders;

- b) Conflict resolution and deescalation techniques for potentially dangerous situations;
 - c) Use of force options and alternatives;
 - d) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders; and,
 - e) Mental health resources available to the first responders to events that involve mentally disabled persons. (Pen. Code, § 13515.26, subs. (a) and (c).)
- 9) Requires the basic course of instruction for peace officers relating to persons with a mental illness, intellectual disability, or substance use disorder to be at least 15 hours, and include training scenarios and facilitated learning activities relating to law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders. (Pen. Code, § 13515.26, subd. (d).)
- 10) Requires POST to 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. (Pen. Code, § 13515.27, subd. (a).)
- 11) Requires the continuing training course relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders to be at least three consecutive hours, and states that it 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:
- a) The cause and nature of mental illness, intellectual disability, and substance use disorders;
 - b) Indicators of mental illness, intellectual disability, and substance use disorders;
 - c) Appropriate responses to a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders;
 - d) Conflict resolution and deescalation techniques for potentially dangerous situations;
 - e) Appropriate language usage when interacting with potentially emotionally distressed persons;
 - f) Resources available to serve persons with mental illness or intellectual disability; and,
 - g) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders. Pen. Code, § 13515.27, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement:** According to the author, "AB 680 will provide dispatchers, who are often the first point of contact in a crisis, with valuable training to help identify a mental health crisis and inform law enforcement how to appropriately approach the situation on the ground. At least 20 percent of adults in jails and prisons have a recent history of mental illness and 70 percent of youth who are incarcerated have at least one mental health condition. We need to do better to connect people with the appropriate services. This bill will both better inform those on the ground and provide important health intervention procedure for the person in crisis."

2) **Public Safety Dispatcher Training:** A public safety dispatcher receives and dispatches emergency calls from the public. A dispatcher may work for local, state or federal government agencies, hospitals or independent emergency centers. The dispatcher is the first point of contact whose primary responsibility is to initiate the appropriate response.

The Public Safety Dispatchers' Basic Course is the entry-level training requirement for dispatchers employed by agencies participating in POST's public safety dispatcher program. The Public Safety Dispatchers' Basic Course has a minimum hourly requirement of 120 hours, which is divided into 14 individual topics, called Learning Domains. The Learning Domains contain the minimum required foundational information for given subjects, which are detailed in the publication entitled Training Specifications for the Public Safety Dispatchers' Basic Course. A copy of the publication is available on POST's website. (<http://lib.post.ca.gov/Publications/DispatcherTrainingSpecsOnlineformat.pdf>.)

The publication indicates that public safety dispatchers currently receive training in "Techniques to effectively communicate with a person who is ... mentally incapacitated" (*Id.* at 104-2.), and also they receive training in dispatcher responsibilities and requirements of gathering "Information needed to assist initial response action," which includes "Mental, emotional, medical, or physical condition." (*Id.* at 105-2.)

3) **Implementation of this Bill:** This bill would require POST to adopt two mental health courses specific to public safety dispatchers. It would be additional to that training which is currently being provided to dispatchers. The first course would be part of the existing 120-hour basic public safety dispatcher training course and would need to be at least four hours. The second would be a continuing education course of at least one hour.

There is some reason to wonder whether a public safety dispatcher should spend time trying to ascertain whether a mental health issue is part of the reason for an emergency call, rather than simply relaying the information that is provided by the caller to the appropriate responder. Public safety dispatchers are not typically mental health professionals, and in many instances they are communicating with a person who is distressed and unfamiliar with the subject of the call. Assessing a mental health problem by telephone is likely to prove very challenging in such circumstances.

Nevertheless, there seems to be merit in providing training to public safety dispatchers in the

recognition of certain circumstances that may signal a mental health crisis as opposed to another kind of emergency, such as an armed person with specific, violent intentions. There have been a number of emergency-response situations in which a misunderstanding about mental illness has apparently led to an unnecessary loss of life. (See e.g., Fuchs, *City of Long Beach Settles Lawsuit Filed by Family of Man Fatally Shot by Police*, NBC News, April 6, 2018, available at: <https://www.nbcnews.com/news/asian-america/city-long-beach-settles-lawsuit-filed-family-man-fatally-shot-n863341>, [as of March 20, 2019].) According to materials provided by the author, the cities of Chicago, Illinois and Madison, Wisconsin have already begun to implement mental health training for the dispatchers in their jurisdictions.

Under existing law, peace officers receive a mental health training course of at least 15 hours during basic training and their continuing training course must be at least three hours. As originally drafted, this bill would have required mental health training for public safety dispatchers that meets the minimum requirements of the peace officer trainings. However, the duties performed by a peace officer are very different than those of a public safety dispatcher. Peace officers come face-to-face with the subject of an emergency call and require an entirely different set of skills and experience than the dispatchers who are the telephonic point of contact. Therefore, this committee is recommending amendments specifying that the mental health training for public safety dispatchers should cover the same topics as the peace officer training courses, but only to the extent that they are relevant to the duties of public safety dispatchers.

- 4) **Prior Legislation:** SB 11 (Beall), Chapter 468, Statutes of 2015 required POST to establish a 15-hour training course on law enforcement interaction with persons with mental illness as part of its basic training course; SB 11 also required POST to have a three hour continuing education course on the same subject matter.

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union of California
Bay Area Community Services
Boldly Me
California Attorneys For Criminal Justice
California Hospital Association
California Public Defenders Association
City of Santa Clara
Disability Rights California
East Bay Legislative Coalition
Los Angeles County Sheriffs's Department
Mental Health Association of Alameda County
National Alliance on Mental Illness-California
Riverside Sheriffs' Association
Santa Clara County Sheriff's Office
Steinberg Institute
The Arc and United Cerebral Palsy California Collaboration

Opposition

None

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