



Tri-Counties Chapter Meeting

Location: The Harbor Restaurant
Date: Monday September 17, 2018
Time: 1830-2030

Agenda

<u>ITEM</u>	<u>PERSON RESPONSIBLE</u>	<u>TIME</u>
I. Call to Order	Mary-Linda Arroyo	1 min
The meeting was called to order at 1842 hours.		
II. Approval of Minutes	Mary-Linda Arroyo	1 min
Correction of last meetings expenses from the Treasurer's Report... the correct amount was \$373.96, not \$333.63.		
<i>Motion to approve the minutes of July's meeting was made by Scott Peterson, and seconded by Javier Antunez. With no further discussion, the motion passed by unanimous vote of all members present.</i>		
III. Treasurer's Report	Roger Garcia	5 min
Current balance is \$3785.30; pending 3rd quarter reimbursement, but includes recent 2nd quarter reimbursement of \$1,939.45 Last meeting's costs were \$596.92, plus \$100 to Region III to assist with those meeting costs. Balance also includes service charges for accts.		
<i>Motion to approve the Treasurer's Report was made by Javier Antunez, and seconded by Scott Peterson. With no further discussion, the motion passes by unanimous vote of all members present.</i>		

IV. PORAC Officer's Report

Tony Sanders

5 min

AB748 Body Worn Cameras (Ting)

The California Public Records Act requires, subject to some exceptions, that public records be available to the public for inspection. This bill would, commencing July 1, 2019, allow a video or audio recording that relates to a critical incident, as defined, to be withheld for 45 calendar days if disclosure would substantially interfere with an active investigation, subject to extensions, as specified. On governor's desk.

AB1421 Peace Officer Release of records (Skinner)

Would require, notwithstanding any other law, certain peace officer or custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers and custodial officers to be made available for public inspection pursuant to the California Public Records Act. The bill would define the scope of disclosable records. Amendments suggested by PORAC are still not incorporated into the bill's language. The bill is currently on the governor's desk also, but it looks like he will not support it.

PORAC 8/10/18 Meeting

H.R. 6290 (Devin Nunes) Federal Bill: Public Employee Pension Transparency Act: Bill will amend the IRS code of '86 to provide for reporting and disclosure by state and local public employee retirement pension plans. PORAC is opposed to this bill.

AB 931 (Weber):

The bill has gone to suspense and is waiting for another hearing scheduled for August 16, 2018. On August 11, 2018, PORAC has paid for radio spots that went out in the San Diego and the Bay area to speak of the bad effects of AB-931 if passed.

Prop 6: Voter approval for future gas and vehicle taxes of 2017- tax repeal initiative.

This Prop would repeal the gas and diesel tax increases and vehicle fees that were enacted in 2017 and require voters' approval for fuel tax and vehicle fee increases.

- A yes vote would support a repeal of the gas tax.
- A no vote will keep the tax in place.

PORAC has taken a no position.

The ACLU of California Center for Advocacy and Policy (CAP) have stated 172 civilians were killed by law enforcement in CA during the 2017 calendar year. The number of persons killed during encounters with law enforcement are constantly cited to support implementation of AB 931. The CA DOJ just released their final Use of Force Report for 2017. They have revised numbers and the ACLU is correct, 172 civilians were killed last year.

What they do not discuss are the circumstances which led to the civilians being killed, and this information can typically be obtained from a database maintained by the Washington Post. Unfortunately, this database only provides details on approximately 160 out of the 172 persons listed in the CA DOJ Use of Force Report.

<https://www.washingtonpost.com/graphics/national/police-shootings-2017/>

In the following fatal encounters, citizens in CA were found to be in possession of deadly weapons or engaged in criminal activity, which jeopardized the lives of others:

1. 81 persons were armed with a firearm (47%)
2. 37 were armed with a knife (22%)
3. 7 had toy weapons (4%)
4. 22 had other weapons, to include: an ax, pitchfork, hammer, bottle, stun guns, pipes, baseball bats, vehicles, and other blunt objects (13%)
5. In 12 cases the circumstances were not fully known (7%)
6. In 13 cases (7%) - persons were unarmed. The circumstances are briefly listed below:
 - a) Unarmed carjacking suspect fleeing from vehicle (San Francisco)
 - b) Fleeing from vehicle after a pursuit (Stanislaus Co.)
 - c) Known gang member wanted for armed robbery and evading police. Shot after disregarding orders and reaching into waistband (San Jose)
 - d) Suspect simulated having a weapon at a government building in LA; concealed hands in bag and ordered everyone to the ground before moving into a shooting stance (CHP)
 - e) Documented gang member shot fleeing from officer; wanted on outstanding violations, history of being armed and made claims of wanting to kill an officer on social media before fatal encounter (Vista)
 - f) Shot by deputies firing at attacking pit bull, round bounced off pavement into 17 year old's chest (Palmdale).
 - g) Teenage homicide suspect fled from police and disregarded orders before he was shot (Fresno)
 - h) Robbery suspect fled from police and weapons thrown from vehicle. Another fake weapon found in vehicle (Bakersfield)
 - i) Female teenager shot in stolen vehicle fleeing a stop and collided with other vehicles (Hayward)
 - j) Suspect assaulted a store clerk and repeatedly punched officer in head... nearly knocking him unconscious, before he was shot (Fremont)
 - k) Suspect shot during a foot pursuit by gang officer (Santa Ana)
 - l) Suspect took a teacher hostage, barricaded (Riverside)
 - m) Suspect shot and killed following a vehicle pursuit (Torrance)

V. President's Report

Mary-Linda Arroyo 5 min

Recruitment concerns are affecting all agencies. Record low unemployment may be a factor.

Will be attending a Girls, Inc. luncheon this Thursday Several area politicians will be present.

VI. Committees

A. Insurance and Benefits

Roger Garcia

5 min

Nothing new. Thanked the chapter for their support in his election as an I&B Trustee.

B. Legal Defense Fund

Chris Coulter

5 min

47 States 4 US Territories

126,238 members

1279 associations

\$29M in assets as of July

80 active criminal cases; 8 murder/manslaughter

JPX Pepper Spray Case (2012)

Pepper Spray gun resulting in eye injuries.

1st trial mistrial.

2nd trial resulted in dismissal

3rd trial set for Aug 22, but DA offered plea to misdemeanor PC149.

(including no gun restriction, and no jail time)

Recently retired PD Sgt charged with 149PC.(20:00)

Control hold usage is basis for excessive force?

Trial continued to Oct. 22.

LDF is covering, despite subsequent retirement.

C. Political Action

5 min

Salud Carbajal (24th Congressional district)

Attended the meeting to thank PORAC for recent their recent endorsement to his campaign for re-election. According to Salud, an overwhelming number of bills endorsed by PORAC have been supported by Salud, Including the "Blue Line Act"; expanding sentences for aggravated attacks on LEO's. As well as the "DHS Authorization Act" - Including expanded funding, the "Criminal Alien Gang-Member Removal Act" - Including MS13 members. Also has co-sponsored a number of first responder bills, such as the "School Training and Equipment Protection Act - for LE".

Tony Sanders thanked Salud for taking the time to meet with him and other PORAC directors whenever they are in Washington D.C.

VII. Directors' Reports

A. Tri-County Director

Javier Antunez

5 min

Supplied the chapter with the following information from Aaron Read and Randy Perry regarding recent legislation PORAC has been involved in (Sponsor or Active Oppose):

ENROLLED TO GOVERNOR

There are 9 bills enrolled to the governor. Note that 6 out of 9 are active oppose. Eight are on the governor's desk and he has already signed one – SB 10.

AB 186 by Assemblymember Susan Eggman (D-Stockton)

Controlled substances: safer drug consumption program – ACTIVE
OPPOSE

This bill would, until January 1, 2022, authorize the City and County of San Francisco to approve entities to operate overdose prevention programs for adults that satisfies specified requirements, including, among other things, a hygienic space supervised by health care professionals, as defined, where people who use drugs can consume pre-obtained drugs, sterile consumption supplies, and access to referrals to substance use disorder treatment. The bill would require any entity operating a program under its provisions to provide an annual report to the city and county, as specified.

Since PORAC took an active oppose on this bill, it has been amended to apply only to the city and county of San Francisco.

AB 748 by Assembly member Philip Ting (D-San Francisco)

Disclosure of video and audio recordings: peace officers – ACTIVE
OPPOSE

This bill would require disclosure, with several tolling provisions and restrictions, of audio or video recordings when an officer discharges a firearm at a person or where the use of force by an officer results in death or great bodily injury.

This measure was amended to allow agencies up to a year before they had to release the footage. However, the agency must give reasons for the delay in the release every 45 days.

AB 1749 by Assembly member Tom Daly (D-Anaheim)

Workers' compensation: off duty peace officer – CO-SPONSOR

AB 1749 would ensure that California's Workers Compensation System covers peace officers who acted outside of state boundaries and were injured, regardless of their injuries. This legislation was sponsored as a result of the Las Vegas shooting where several California peace officers were injured.

AB 3131 by Assembly member Todd Gloria (D-San Diego)

Law enforcement agencies: military equipment – funding and acquisition –
ACTIVE OPPOSE

Originally, this bill would have required law enforcement agencies to obtain approval of the applicable governing body, by adoption of a military equipment impact statement and a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

AB 3131 was recently amended to remove the required approval process. The bill now only requires agencies to report military equipment purchased from the federal government and use policies relating to the equipment.

SB 1086 by Senator Toni Atkins (D – San Diego)

Workers' compensation: firefighters and peace officers – CO-SPONSOR

The bill removes the sunset on the extended statute of limitations provided for certain injuries for families applying for the workers compensation death benefit. This bill was a continuation of an effort by PORAC and the California Professional Firefighters (CPF) to extend the cancer presumption two years ago.

SB 1195 by Senator Anthony Portantino (D-La Cañada Flintridge)

PORAC Insurance & Benefits: health plans – SPONSOR

This bill would authorize the PORAC's Insurance and Benefits Trust to offer different health benefit plan designs with varying premiums in different areas of the state. The bill would prohibit the trustees of these health benefit plan trusts from using geographic regions that are different from the geographic regions established by the board for the regional premiums authorized for contracting agencies, except as specified.

SB 1393 by Senator Holly Mitchell (D-Los Angeles)

Judicial discretion; 5yr enhancement serious felonies – ACTIVE OPPOSE

Current law requires the court, when imposing a sentence for a serious felony, in addition and consecutive to the term imposed for that serious felony, to impose a 5-year enhancement for each prior conviction of a serious felony. Existing law generally authorizes a judge, in the interests of justice, to order an action dismissed, but precludes a judge from striking any prior serious felony conviction in connection with imposition of the 5-year enhancement. This bill would delete the restriction prohibiting a judge from striking a prior serious felony conviction in connection with imposition of the 5-year enhancement described above and would make conforming changes.

SB 1421 by Senator Nancy Skinner (D-Berkeley)

Criminal procedure and sentencing – ACTIVE OPPOSE

This bill calls for the release of certain parts of an investigation involving uses of force causing death or great bodily injury, or the discharge of a

firearm at a person. An additional section required the same disclosure for a complaint where, after final adjudication, it has been sustained against the officer for force resulting in death or GBI, dishonesty or sexual crimes by that officer.

SIGNED BY GOVERNOR

SB 10 by Senator Bob Hertzberg (D- Van Nuys)
Cashless Bail - ACTIVE OPPOSE

FAILED PASSAGE

AB 359 by Assembly member Reggie Jones-Sawyer (D-Los Angeles)
In-custody informants / disclosures – ACTIVE OPPOSE

AB 931 by Assemblymember Shirley Weber (D-San Diego)
“Police Accountability and Community Protection Act” – ACTIVE OPPOSE

SB 1279 by Senator Steven Bradford (D – Gardena)
Sentencing limits: double the base term – ACTIVE OPPOSE

SB 1392 by Senator Holly Mitchell (D-Los Angeles)
Removal of 1yr sentence enhancement for each prior felony – ACTIVE OPPOSE

B. Executive Board Director Tony Sanders 5 min

Report contained in PORAC Officer’s Report section.

VIII. Vice Presidents’ Reports

A. San Luis Obispo County Sonny Lopez 5 min

Pismo Beach PD is a member of FOP. Will likely not be returning to PORAC any time soon. Other area agencies have not seen any changes in membership due to recent Janus decision.

Asked about 980 (i.e. “Extra Help”) employees... Can agencies look to expanding the number of hours allowed?

B. Santa Barbara County Niel Gowing 5 min

SBSO is suffering from the same recruitment issues as everyone else. Santa Maria City is trying to fix this issue with pay increases.

C. Ventura County Scott Peterson 5 min

Winds are “blowing calm” in Ventura County at this time!

IX. Unfinished Business Mary-Linda Arroyo 5 min

None

X. New Business

Donation Requests:

1. Grover Beach POA – Breast Cancer Awareness Second Annual Golf Tournament.
Requesting \$250 for their fundraiser. Oct 27 - 9 hole course.
Motion to donate \$250 to GBPOA's golf fundraiser was made by Javier Antunez and seconded by Mary-Linda Arroyo. With no further discussion, the motion passed by unanimous vote of all members present.
2. CNOA Region VI – Annual Survivor's Memorial Fund Golf Tournament
Motion to donate \$250 to CNOA's upcoming golf fundraiser was made by Javier Antunez and seconded by Scott Peterson. With no further discussion, the motion passed by unanimous vote of all members present.
3. VCPPOA Annual Golf Tournament
Oct. 29
Motion to donate \$250 to VCPPOA's upcoming golf tournament was made by Ryan Chieruzzi and seconded by Javier Antunez. With no further discussion, the motion passed by unanimous vote of all members present.

XI. Good of the Chapter Round Table/Member Comments

Eric Swartz (Meyers-Stevns)

Simple Issue Life policy is now available. This policy is for a 10 year term with great rates. Remind members to do an annual beneficiary review/update.

Ken Yuwiler (RLS)

Re: Benching of officers involved in OIS's. Manner in which it is being done was deemed arbitrary and capricious (ex. sheer number of shootings, vs. training/tactical issues).

Rob Wexler (RLS)

Introduced Nicole Cassanova, an RLS attorney that recently relocated from their Bay Area Office. A fourth SoCal office will be opening in Sherman Oaks soon. Recently hired their 50th attorney.

Diego vs. City of Los Angeles

Benching of Latino Officers involved in OIS of black autistic male. Officers won suit against the city, but appeals court overturned, stating officers cannot sue based on racism, when the "racism" is based on the race of the victim of the shooting.

"Hipster" - Asset forfeiture case. (42:30)

Pension Forfeiture based retroactively on illegal activity while on duty.

This case is being held, and lumped in with, all the other upcoming California pension cases (Marin, etc.)

BOL for new better/smarter body cam.

Manufacturer - Utility

Based on the iPhone platform. GPS & "Geo-fences" can be set up by issuing department. May have significant impact on PRA's.

FLSA - Donning/doffing case is being handled in a LA county class action.

Tony Sanders (VCDSA)

Susan from AFLAC apologizes for not being here today.

~ Adjournment ~

Next meeting: Friday November 16, 2018 at the PORAC Annual Conference in Reno, NV..



Tri-Counties Chapter