

December 15, 2021

Pedro Nava, Chairman

Little Hoover Commission

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**RE: Law Enforcement Training Study**

Dear Chairman Nava, Vice-Chair Varner, and Commissioners,

The Arc and United Cerebral Palsy California Collaboration is among the largest and oldest advocacy organizations providing services, supports, and advocacy with and for people with intellectual and developmental disabilities (IDD) and their families. The Arc/UCP CA Collaboration has a combined 36 chapters and affiliates throughout the state that provide direct services and supports to thousands of individuals with IDD and their families. We write to thank you for conducting the in-depth study on law enforcement training and highlighting the importance of examining the role of the Commission of Peace Officer Standards and Training (POST) in shaping training standards for California’s law enforcement officers. Your findings and recommendations, as set forth in Report #265 Law Enforcement Training: Identifying What Works for Officers and Communities, are critical to understanding the need to assess current training mandates so gaps and barriers to effective policies and practices can be identified. As the report points out, at least some of the existing training mandates are a result of high profile, or tragic, incidents. Among the concerns raised in the report is that ***“without more rigorous evaluation of the impacts of law enforcement training on officer behavior, California risks inadvertently prolongating use of training techniques that are useless or, even worse, erode community trust and result in other unintended consequences.”***  We share, and add emphasis to, that concern as the IDD community know all too well the consequences of training techniques that are useless, and in fact harmful. Research shows that individuals with disabilities are more likely to come into contact with law enforcement personnel than members of the general public, and an alarming number of those law enforcement interaction turn deadly as it has been reported that one third to one half of people killed by law enforcement officers have some type of disability.1[[1]](#footnote-1)

We would like to take the opportunity to share our thoughts about how we believe the LHC recommendations could be used to improve law enforcement interactions and build trust with the IDD community.

***Recommendation 1:***

***Lawmakers should temporarily refrain from amending or adding new law enforcement training requirements and instead provide POST funding to partner with academic researchers to evaluate the effectiveness of current training.***

As noted in Report #265 approximately 65 bills related to peace officer training have been introduced over the last decade, over half of which have become law, and very few (if any) have required an after-the-fact assessment of the training or provided POST the resources to do so. For example, in 2015, Senate Bills 11 and 29 were passed and became law. SB 11 amended Penal Code §§ 13515.26 and 13515.27 to required POST to review training modules in basic courses pertaining to mental illness, intellectual disability, or substance abuse and develop a 15-hour training that includes, among other things, how to recognize indicators that someone may have a disability, de-escalation techniques, and use of force options and alternatives. SB 29 amended Penal Code §§ 13515.28, 13515.29, & 13515.295 to require, among other things, field training officers to have at least eight hours of crisis intervention, behavioral health training on how to effectively interact with persons with mental illness, or intellectual disability. Both of these pieces of legislation were, and remain, a priority for the IDD community yet we have no idea of whether the training requirement is effective or not because it lacks evaluation. In addition, it is important to understand that de-escalation techniques for a person in crisis are different depending on whether the person has an IDD, mental illness, or substance use disorder, all three of which should be taught and evaluated separately. However, without evaluation, it is nearly impossible to assess whether officers are knowledgeable about the differences between disabilities and appropriate de-escalation techniques.

***Recommendation 2:***

***POST should revise its process for evaluating law enforcement training to include additional course certification criteria that incorporates training outcomes.***

The current process used for evaluating law enforcement training is centered on a quantitative approach but falls short when it comes to evaluating qualitative responses of students and instructors. Questions posed for consideration in Report #265 (pg. 7) have the potential to fundamentally change outcomes related to training and interacting with people with IDD. The first two questions posed should be the basis for every current training assessed, and/or developed moving forward, as it relates to interacting with the IDD community. The first question - “Was the training developed based on or informed by academic research and does it align with research evidence?” - is critical because we know that there are efforts and research being done at all levels to address police violence (much of which is the result of escalation of behavioral crisis) within the IDD community. The second question – “Will the training teach skills that will prevent and reduce policing harm in marginalized groups?” ­– we believe speaks for itself. There are countless examples of why this question should drive law enforcement training in the IDD community, as well as other marginalized groups, with the most recent being Isaias Cervantes. Isais Cervantes, a young man who is hard of hearing and has autism, was shot, and critically wounded by officers who were called because Isaias was experiencing a behavioral crisis. Equipping all officers, not just mental health unit officers, with the skills and techniques required to deescalate a behavioral crisis is an absolute must to prevent and reduce policing harm. Had the officers who responded to Isaias been provided training, driven by that question, perhaps the command and control approach would have fallen by the way side and Isaias would not have to live the rest of his life paralyzed with bullet fragments in his back.

***Recommendation 3:***

***To encourage more rigorous analysis of officer training programs, POST should establish a process to collect and secure data for research purposes in order to improve training.***

There is a serious lack of data related to law enforcement interactions and the IDD community and of the data that is collected it tends to be aggregated with mental illness and other disabilities. There are a startling number of unreported injuries and deaths inflicted by law enforcement and even those that are reported are unclear. The data on violence [injury and death] against people with intellectual and developmental disabilities (IDD) is scarce and almost non- existent even though people with disabilities make up one-third to one-half of people injured or killed by law enforcement. The last reported data on crimes against people with disabilities was gathered in 2015 by the Bureau of Justice Statistics, leaving a six-year gap in information. Additionally, there is inconsistency in the data reported and a lack of awareness of people with autism, IDD, mental health conditions, and people with other disabilities who are injured or killed by law enforcement.2[[2]](#footnote-2)

***Recommendation 4:***

***To foster collaboration with academic researchers, POST should establish a permanent academic review board to ensure training standards are aligned with the latest scientific research and advise POST on how to incorporate research findings into new and existing standards.***

Collaboration is an important way for communities to build trust and work toward improving interactions and outcomes. There are several academic institutions in California that are part of the network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service. In addition, there are several other public and private universities that have programs dedicated to advancing social justice, community living, civil rights, and criminal justice issues for people with IDD. We welcome the opportunity to connect POST with any academic resources that would be helpful in conducting an evaluation of existing training or developing future training.

***Recommendation 5:***

***Lawmakers should provide funding for POST to compare and evaluate California’s 41 basic training academies and identify best practices. POST should report its findings to the Legislature in a report no later than one year after funding is appropriated for this purpose.***

The Arc/UCP CA Collaboration does not have expertise in evaluating or identifying best practices of the basic training academies, however, we do support the need to evaluate best practices and report to the legislature.

***Recommendation 6:***

***POST should review and evaluate the current basic academy training curriculum to, among other things, review the effectiveness and relevancy of courses for today’s community needs and identify gaps in foundational training necessary to prepare new officers. POST should redesign the regular basic course based on its findings.***

The Arc/UCP CA Collaboration does not have expertise outside of the IDD community as it relates to foundational training for new officers. However, we do believe that training specific to interactions with IDD community should be part of the foundational training new officers receive.

***Recommendation 7:***

***POST should assess and evaluate the content and structure of the field training program to determine how it could be more complimentary to the basic academy program. POST should consider expanding the field training program as well as segmenting supervised field work with academy curriculum.***

Expanding the content and field training program to include face-to-face interactions with the individuals from the IDD community could greatly improve future interactions by providing students the opportunity to develop an understanding of the community, and the differences between individuals with IDD and individuals with mental illness, or substance use disorders. There are many community-based programs and individuals with IDD that would welcome the opportunity to share information about how to improve outcomes. CA has a strong self-advocacy network, and they have an interest in working with state officials to ensure safe interactions. The Arc/UCP CA Collaboration would welcome the opportunity to work with POST to expand the field training program to include community-based organizations that support individuals with IDD and their families.

***Recommendation 8:***

***POST should establish a new advanced academy experience, required for officers with between two to five years of experience. This advanced academy should be designed to reinforce entry level training and incorporate the more advanced concepts currently embedded in the basic academy.***

The concept of an advanced academy coupled with a path to establish lifelong learning pathways offers significant promise for improving outcomes of law enforcement interaction with individuals from the IDD community. There are many models throughout the US that have demonstrated success at improving interactions between officers and individuals with IDD. However, it is important to note that this is highly dependent on providing the right training at the right time. For example, a new officer who is still in the apprentice phase of their career is more likely to benefit form a basic course that prepares them to understand and recognize certain characteristics that are associated with certain disabilities. An officer who has been on the job longer, and perhaps assisted or responded to an individual with IDD experiencing a behavioral crisis, may benefit more from a training that allows them to develop competencies based on lived experiences and knowledge of their own community. One of the questions asked on the California Law Enforcement Survey (Report #263) was “are there any training subjects that are not adequately covered by existing curriculum?” and over half of those surveyed responded yes. Mental health was one of the most common topics identified and it is noteworthy that at least one respondent stated that “Most of de-escalation training is theory and adequate simulator training. Let’s get hands on training taught by mental health specialists or therapists.” This is the type of on-going training that would build confidence and trust between the communities by providing officers hands on experience so they can decipher whether the person is a credible threat or simply and individual with IDD who may be in the midst of a behavioral crisis.

***Recommendation 9:***

***POST should assess the existing continuing professional training requirements to determine whether curricula remain relevant and necessary and make adjustments as needed.***

***Recommendation 10:***

***POST should identify and implement ways to improve officer access to continuing education.***

We do not have specific comments for recommendations 8 and 9 other than peace officers have a very difficult and stressful job and anything that can be done to respect and maximize their time should be a priority.

***Recommendation 11:***

***Lawmakers should modify the POST Commission to add additional public members to ensure broad representation that includes members of vulnerable communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research.***

Section five of the report makes clear that “While maintaining a majority of law enforcement members will be important to ensure this body is representative of the profession it must also reflect community voices”. The voices of people with IDD need to be heard and included in the discussion of meaningful police reform and training. We strongly encourage POST to include a family member and an individual with IDD as members of the IDD community on the Commission and to provide adequate support to the individual with a disability to ensure active and engaged participation.

As an advocacy organization that represents individuals with IDD, their families, friends, and service providers, we would be remiss not to take this opportunity to urge POST, all law enforcement agencies, and the legislature to include the IDD community, in a meaningful way, in the discussion of police reform and training. We are grateful to the LHC for undertaking this critically important issue.

Respectfully,



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1. https://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability\_final-final.pdf [↑](#footnote-ref-1)
2. https://disabilitypolicyseminar.org/wp-content/uploads/2021/04/Criminal-Justice-Fact-Sheet.pdf [↑](#footnote-ref-2)