

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

01/28/2026

2. Department

California Highway Patrol

3. Organizational Placement (Division/Branch/Office Name)

Office of Legal Affairs

4. CEA Position Title

General Counsel

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

This position supports the mission of the California Highway Patrol (CHP) by drafting and implementing policy, providing sound legal advice to Executive and top management, serving as point of contact and collaborating with Attorney General's Office concerning defense strategy; and overall responsibility for CHP's legal program whose services ensure the enforcement operations as well as administrative operations performed the CHP are not impeded and are constitutionally compliant.

6. Reports to: (Class Title/Level)

Deputy Commissioner

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): Not a member of the Executive Management team but has near daily interaction with the Commissioner and Deputy Commissioner, and frequent communication with rest of the Executive Management team. The General Counsel provides near daily consultation to the Chiefs, Assistant Chiefs, and Commanders for the CHP. This consultation is crucial to ensure appropriate responses to the ever-evolving complexities of law enforcement operations.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

This position is the highest legal position within the California Highway Patrol (CHP), with a working title of General Counsel (GC), whose responsibilities include but are not limited to policy establishment, policy implementation, policy revision, policy interpretation, review of all CHP policy being established or revised ensuring constitutional and statute compliance and appropriateness. The GC is responsible for the overall effectiveness of CHP's legal program, ensures fiscal responsibility and stewardship for Office of Legal Affairs (OLA) 21.7-million-dollar operating budget, and all-encompassing personnel management obligations therein. The GC is responsible for the sustainability and forecast personnel planning for the OLA by reviewing staffing levels and adjusting classifications to meet the operational demands of OLA. This includes establishing the vision and strategic operating goals for OLA. Providing administrative direction and oversight for the recruitment of top legal minds as vacancies arise through developing, coaching, training, and administering performance management techniques for new and existing OLA personnel. This position serves as the most senior advisor on legal policy to the Commissioner of the CHP. Directly advises Commissioner and Deputy Commissioner regarding legal matters having broad impact on the policy and operations of the Department. Functions as high-level advisor and subject matter expert concerning matters where state and federal law intersect. Provides legal advice to Commissioner team and Top Management. Independently provides the highest level of technical expertise and consultation based on precedented legal research by drafting sound legal opinions and thoroughly developed analysis as requested by the Commissioner and Commissioner team regarding the most complex and intricate legal scenarios impacting Department operations. Curates legal advice, independently performs legal reviews and formulates legal strategies to support the deliberation and policy decisions of the department's executive staff. Provides guidance on the most complex and highly sensitive policy considerations and develop sustainable long-term legal strategies to support the Department's mission.

The GC is responsible for the real-time expedited review of the most sensitive, highly complex risk/liability matters, including but not limited to critical/threshold incidents functioning as the department's top legal expert on all federal legal matters including, but not limited to, Fourth Amendment areas of law. Drafts memoranda, correspondence, opinions, and other documents as needed addressing department programs and operations including development and implementation of strategy and training on these matters for consideration by Executive Management. Prepares oral presentations, provides briefings, or formulates persuasive arguments regarding legal strategies or arguments as necessary concerning mission critical departmental matters. The GC serves as primary liaison on legal matters with the Office of the Attorney General (OAG) in developing strategies in litigation involving CHP. The GC researches and prepares written pleadings and briefs, assists OAG in discovery petitions, prepares responses to subpoenas and other legal documents serves on CHP and its staff, and directs the work of private counsel retained for various matters. Additionally, the GC fosters and maintains an engaging and collaborative relationship serving as CHP's primary interface with other state agency legal offices; the California State Transportation Agency, Governor's Office, the California Association of Highway Patrolmen; opposing counsel, legal office of other public agencies; allied agency legal offices, police advisor legal groups, and various other stakeholders with which the CHP regularly acts. The GC provides expedited, thorough, and appropriately precedented legal guidance during critical incidents and/or emergencies to the Department's Commissioner team and respective personnel. Identifies, evaluates, and provides risk management strategies including resolutions to commissioner team regarding the most complex, difficult, or sensitive aspects of critical incident and or emergency scenario ramifications. Independently drafts or reviews official documents (e.g., intergovernmental agreements for assistance) and performs encompassing legal duties as required by the critical incident and/or emergency circumstances. Serves as a high-level liaison between various stakeholders during times of emergencies including but not limited to Governor's Office, California Governor's Office of Emergency Services, and the Office of the Attorney General.

The GC practices sound fiscal management through stewardship and governance of OLA's 21.7-million-dollar operating budget. Reviews, approves, and/or denies expenditure requests and through administrative staff coordinates with Fiscal Management Section and or Business Services Section to ensure compliance with all SAM manual and DOT procurement, contract, and other miscellaneous requirements. Personally, reviews monthly expenses and calculates anticipated expenses to ensure OLA remains within approved spending plan. Conducts discussions with Assistant Chief Counsels to relay budget health and if or where cuts must be made of funds must be shifted to maintain OLA operations. Collaborates with Executive management and forecasts future budget needs by providing trend analysis of historical expenses and incorporating estimations of future monies needed. Conducts audits and identifies errors and provides course of action to delegated staff to correct errors. The GC formulates legal responses to the most sensitive or most complex communication inquiries from the media, the public, or other external stakeholders in collaboration with the Director of Communications. Provides Commissioner and team real-time updates concerning critical incidents.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The CHP's law enforcement services and/or operations impact millions of people statewide. As CHP exists to save lives through its mission of providing the highest level of safety, service, and security; the operations carried out by CHP personnel incur heavy public scrutiny, claims against CHP as an entity, and sometimes specific CHP employees. Such claims can result in significant monetary and even personal freedom consequences. These and other associated risks result in major concerns for CHP and have the potential to impede the life sustaining operations CHP is entrusted to carry out. The GC functions as a paramount role in the continuation of CHP's operations by establishing, implementing, and revising commensurate policy so personnel know the parameters they must function within while perform the duties occurring within the course and scope of their employment to reduce where possible consequences resulting from legal actions. The guidance and support the GC provides to CHP Commissioners, Chiefs and Commanders who carry out daily operations statewide for the public ensures the spirit of the law is observed and ensures law enforcement actions are justified under law and defensible. The GC provides mission critical real time advice to the Commissioner of the CHP, advice during critical incidents, Federal and State statute interpretation, recommendations of defense courses of action, settlement recommendations based on sound legal research and precedent, and overall legal counsel as needed. The GC's oversight for policy and the effectiveness of the CHP's legal program supports and contributes to the mission of the CHP daily.

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Attorney series had a consolidation in 2023, resulting in footnote 24 being added to the Chief Counsel I, CEA (5872) classification. Footnote 24 reads “classes to be abolished when class becomes vacant. No appointment documents effective on or after the date of State Personnel Board action are to be processed for the class.” The CHP has a single Chief Counsel I, C.E.A. position that has been recently vacated as of 01/01/2026; thus leaving CHP's top legal position nonrefillable. As this position's contributions are paramount to CHP, and without an option to refill, an expedited review and consideration has been given to the most appropriate replacement of the abolished classification. The CHP's legal program continues to evolve bringing new challenges associated with law enforcement operations and internal operational needs, which have outgrown the scope, pay, and demands of the presently utilized Chief Counsel I, C.E.A. classification.

This request incorporates the increased policy oversight, operational responsibility, heightened consequence of error, complexity and extreme legal prowess needed to serve effectively in this role. The GC must be familiar with multiple areas of law to ensure strong and competent leadership and operational effectiveness of CHP's legal program. Those areas of law include civil litigation, labor and employment, contracts, immigration, criminal, worker's compensation, and government. As such CHP is submitting a CEA action request to align with the required policy governance, current operational needs, and footnote 24, reclassifying the Chief Counsel I, C.E.A. into a Career Executive Assignment, Level B, with a working title of General Counsel (GC). The GC proposal includes commensurate pay request to utilize the restricted zone available to Attorneys, Engineers, and Physicians. This request aligns with CHP's classification plan ensuring appropriately allocated positions are used to perform the duties required of the position to support the mission of the CHP.

### **C. ROLE IN POLICY INFLUENCE**

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CHP is a statewide law enforcement agency with over 11,000 employees. The GC has principal policy oversight, interpretative, advisory, and fiduciary stewardship over the policies listed below. These policies encompass major functions of CHP's operations and include provisions for operations with potential to be legally questioned and/or charged to be negligent during the course of operations. Both the CHP as an entity and employees of CHP may be alleged wrongdoing and subject to civil and/or criminal allegations. The policies below are utilized statewide and have direct impact on CHP operations and personnel. These policies are designed to keep operations continuous, provide parameters to operation within, and guidance to statewide CHP personnel on appropriate actions while they work through the scope of their employment with CHP.

Internal Investigations- These policies encompass progressive discipline, procedures of conducting investigations, documentation required, additional considerations for Peace Officers Bill of Rights.

Equal Employment Opportunity- These policies include protected characteristics, accommodation services, program responsibilities, discrimination, harassment and retaliation complaint process and investigations.

Use of Force – Critical to CHP's law enforcement operations, specific to the peace officer positions (around 9,000 employees statewide). Policies encompass definitions, options available to personnel and when to use, notification requirements, levels of use of force.

Critical Incident Investigations - Incidents where CHP or the State has a high chance of being named in a civil lawsuit. These policies include parameters which are very time sensitive and multifaceted requiring skill and expertise.

Civil Actions, Defense of Employees - This policy encompasses Office of Legal Affairs (OLA) direction for CHP employees to follow on lawsuits against CHP and CHP personnel.

Small Claims Actions - Background on how and when this pathway may occur, how employees should navigate this process, and what OLAs ability to assist CHP personnel.

Sovereign Citizen Actions - Guidance for employees to navigate and process legal documents submitted to the CHP by an individual claiming to observe this status. Continues to be on the rise and how law enforcement must adapt to ensure appropriate due process is observed.

Release of Collision Information - The CHP's primary presence is on the highways and many accidents happen during the course of operations. Policy discusses background, legal authority, and guidance for CHP employees on how/who may receive information concerning Collisions.

Pitchess Motions – This is a multifaceted policy encompassing the roles and responsibilities of personnel, OLA's role, background on the process, CHP personnel associated roles. The CHP's Area offices and Communications Centers throughout the state obtain and create documents resulting from and help facilitating daily operations. These documents are frequently requested for allied agencies, local governments, lawsuits and public record act requests to name a few. This policy provides guidance and processes for personnel to follow to ensure appropriate care and custodianship over records are observed. A major component of this policy concerns peace officer personnel records, and which document types are releasable under which provisions. There are significant legal impacts if personnel are not ensuring proper care, confidentiality, and legal relinquishments at the appropriate times of associated documents and/or records. Additionally, such negligence can have major impacts both to active cases and liability for CHP and CHP associated personnel.

Outside of OLA – The GC additionally provides legal assessment and advice on all new and revised CHP policy not directly under the purview of the GC. This assessment includes analysis, or interpretation of constitutional law, statutes, or appellate court decisions have impact on CHP highlighting the legal consequences of proposed policy decisions. The CHP is a major state wide law enforcement agency, the operations enforce traffic laws, provide life sustaining services, connect technology and information to allied agencies and the public; all operations required and are governed by respective policy. This legal assessment encompasses policies regarding Contract and Procurement operations, Personnel operations (Family Medical Leave Act, Workers Compensation, Employee performance management and discipline, Labor Relations, Public Records Act requests, Financial operations, Facility management operations, and Information Technology operations).

**C. ROLE IN POLICY INFLUENCE (continued)**

**13. What is the CEA position's scope and nature of decision-making authority?**

The GC is CHP's top legal position responsible for the operations, vision, strategic planning, and effectiveness for CHP's legal program. The GC will serve as the principal policy maker, advisor, and implementor on legal policy relating to the formation and support of CHPs policies and programs. The GC will formulate policy on all legal processes; conduct reviews and provides legal review and advice on all policy in all law enforcement and other issues. The GC develops policy regarding all areas involving litigation including compliance with Brady, public records act and information act. The GC provides legal advice and perspective in the development of policies and procedures, including analysis, or interpretation of constitutional law, statutes, or appellate court decisions having impact on the CHP highlighting legal consequences of proposed policy decisions. Additionally, the GC plays a principal policy role by collaborating, recommending, and formulating additional policy though assistance to Executive Management and top management in the development and implementation of departmental policy. The GC serves as CHP's subject matter expert for identification of the legal consequences of proposed policy decisions regarding all state and federal law matters and provides timely and accurate legal support as needed.

**14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The GC will serve as the principal police maker, advisor, and implementor on legal policy relating to the formation and support of CHPs policies and programs. The GC will formulate policy on all legal processes; conduct reviews and provides legal review and advice on all policy in all law enforcement and other issues. Develop policy regarding all areas involving litigation including compliance with Brady, public records act and information act. Provide legal advice and perspective in the development of new policies and revisions of existing policies, including analysis, or interpretation of constitutional law, statutes, or appellate court decisions having impact on the CHP highlighting legal consequences of proposed policy decisions. Additionally, the GC plays a principal policy role by collaborating, recommending, and formulating new and/or revisions to policy though assistance to Executive Management and top management in the development and implementation of departmental policy. The GC acts as CHP's subject matter expert for identification of the legal consequences of proposed policy decisions regarding all state and federal law matters and provides timely and accurate legal opinions concerning policy as needed.