

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

2019-09-18

2. Department

Department of Parks and Recreation

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

Park Operations/Law Enforcement and Emergency Services

4. CEA Position Title

Chief, Law Enforcement and Emergency Services

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

The Department of Parks and Recreation requests to establish a CEA, Level A. Under the general direction of the Deputy Director, Park Operations (DD,PO), the CEA A, Chief, Law Enforcement and Emergency Services (LEES) Division will be responsible for development, implementation, and evaluation of the Department's policies, procedures, and program direction involving the Department's statewide LEES programs. The Chief, LEES will develop and implement department wide policies regarding cannabis enforcement program. This position will also develop and implement statewide policies in recreational boating safety and enforcement; serves as the state's expert in recreational-boating safety matters, maintains statewide focus on recreational boating safety and enforcement.

6. Reports to: (Class Title/Level)

Deputy Director, Park Operations, CEA Level B

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):

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.

Under the general direction of the Deputy Director, Park Operations (DD, PO), the Chief, Law Enforcement and Emergency Services (LEES) will be responsible for developing and implementing policies related to the Department's statewide law enforcement and emergency programs, cannabis enforcement program, and recreational boating safety and enforcement. LEES programs include: Firearms Armory and Inspection, Canine Handler Program, SCUBA Dive Team, Drug and Alcohol Testing, Parking Citation, Peace Officer identification cards, retired peace officer identification cards and CCWs, peace officer files and registration with POST, EMT Registry, First Aid and Emergency Medical Responder programs and Communicable Disease Programs and the Department's Medical Director; Emergency Management, Continuity of Operations/Continuity of Government, Emergency Medical Services Authority, Program Improvement Team and Tsunami Ready programs, National Incident Management System/Standardized Emergency Management System/Incident Command System compliance, credentialing and annual exercises; Internal Affairs Investigations and Citizen's Complaint programs, Adverse Action Investigations, background investigation program, Department's pull-notice and arrest notifications; telecommunications between two regional radio telecommunications centers providing law enforcement dispatch service to State Parks and Department of Fish and Wildlife.

The Chief, LEES will serve as the Chief Executive Law Enforcement Officer. This includes developing and implementing policies related to the Department's statewide LEES programs: law enforcement and criminal investigations, internal affairs investigations, background investigations, emergency medical services, aquatic activities, public safety, visitor safety, public safety telecommunications and dispatch services, and standardized emergency management systems. The Chief, LEES will be the principle policy maker in all LEES programs. This position will be responsible for constantly updating and creating new policies in the Department Law Enforcement Policy (Lexipol) Handbook.

In accordance with Revenue and Taxation Code 34019 (f)(2), the Chief, LEES will work with the State agencies and federal land management agencies, i.e. California Department of Fish and Wildlife, to develop Cannabis projects and programs to address environmental impacts of cannabis cultivation and coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts. In addition, stewardship and operation of state park units that discourages and prevents illegal cultivation, production, sale, and use of cannabis and cannabis products on public lands, and to facilitate the investigation, enforcement, and prosecution of illegal cultivation, production, sale, and use of cannabis or cannabis products on public lands. Testify before government bodies. Participate with other state agencies, county government officials and stakeholders in order to plan, develop and anticipate the needs of various collaborative programs.

The Chief, LEES will oversee the Recreational Boating Safety and Grant Compliance Unit which includes Boating Safety, Marine Patrol, and First Responders statewide training, Boating Accident Reporting, Licensing of Yacht and Ship Brokers and Salespersons and For-Hire Operators, and Regulations Development and Review. The position will develop and implement new policies pertaining to recreational boating safety; make presentations pertaining to recreational boating safety and enforcement to stakeholders such as control agencies, legislative staff, Boating and Waterways Commission, and boating community. Testify before government bodies pertaining to boating safety and enforcement.

**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: LEES is a section in PO which is responsible for policy development, technical assistance and coordination with field units related to public safety, law enforcement, aquatics, emergency preparedness, telecommunications, emergency medical response, cannabis enforcement, and recreational boating safety and enforcement. The LEESD provides law enforcement, education and outreach of state and federal laws and regulations protecting all California's heritage including history, natural and cultural heritage, and ideas.

The LEES Division is critical in fulfilling the department's mission "to provide for the health, inspiration and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation."

The Chief, LEES will be responsible for the evaluation, development, and implementation of policy for all LEES programs, cannabis enforcement program, and recreational boating safety and enforcement. The Chief, LEES will give policy guidance and direction to Investigations, Emergency Services, Telecommunications, Cannabis Response Unit, and Recreational Boating Safety and Enforcement Units. The Chief, LEES will stay abreast of new changes to laws, rules, and regulations and update and implement new policies.

**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.

Most recently (08/19/19), Governor Gavin Newsom signed AB 392, Use-of-force Bill. AB 392 modernizes standards for use of deadly force by officers. Specifically, this bill updates the existing deadly force standards to provide that deadly force may only be used when necessary. AB 392 also requires officers to use other techniques to address threats instead of using deadly force when safe to do so, encouraging law enforcement to train on and use de-escalation techniques like verbal persuasion and other crisis intervention methods. The Chief, LEES will be responsible for establishment of department/statewide policies which are critical to the department's primary mission and subject to intense legislative and/or media interest. This requires the Chief, LEES to evaluate current policies, update and implement policies to coincide with recent changes.

In 2017, DPR began a restructuring process where the Division of Boating and Waterways was split between several divisions to be able to focus on enhancing the services. It was determined that one position cannot oversee all the functions of the Division of Boating and Waterways. DPR wanted to leverage expertise from this division by moving staff to the new Communications and Marketing Division, Interpretation and Education Program, Natural Resources Program and move the Boating Accident/Enforcement activities program to the LEESD. This is to ensure these important programs are not relegated to one division but instead embraced by the department as a whole. A CEA is necessary to ensure the development and implementation of statewide policies promoting safe, enjoyable, and environmentally sound recreational boating. The Chief, LEES will be responsible for the Recreational Boating Safety and Operations Unit programs: Boating Safety and Marine Patrol and First Responders statewide training, Boating Accident Reporting and Licensing of Yacht and Ship brokers and salespersons and For-Hire Operators; and Regulations Development and Review.

On November 8, 2016 California voters passed Proposition 64, which legalizes nonmedical use of cannabis by adults 21 and over. Revenues collected from the new state retail excise tax and state tax on cultivation will be deposited in a new state account, the California Marijuana Tax Fund. A portion shall be deposited in the Environmental Restoration and Protection Account. According to the Revenue and Taxation Code 34019 (f)(2), the DPR has responsibility for the cleanup, remediation and restoration of environmental damage in watersheds affected by cannabis cultivation and related activities, including, but not limited to, damage that occurred prior to enactment of this part, and to support local partnerships for this purpose. In addition, DPR is responsible for the stewardship and operation of state-owned wildlife habitat areas and state park units in a manner that discourages and prevents the illegal cultivation, production, sale, and use of cannabis and cannabis products on public lands, and to facilitate the investigation, enforcement, and prosecution of illegal cultivation, production, sale, and use of cannabis or cannabis products on public lands. DPR needs a position responsible for planning, developing, coordinating, and implementing the environmental impacts of cannabis cultivation and coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts.

### **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.

Headquarters Administration and Operations: The Chief, LEES will manage the Superintendents over Investigations, Emergency Services, and Telecommunications. This includes law enforcement and criminal investigations, internal affairs investigations, background investigations, emergency medical services, aquatic activities, visitor safety, public safety telecommunications and dispatch services, and standardized emergency management systems. The Chief, LEES will be working with the Superintendents on the executive level oversight and policy development and implementation of these statewide programs.

Department Law Enforcement Policy (Lexipol) Handbook: The Lexipol Handbook will provide statewide administrative and operational direction to Parks and Recreation Officers. The Chief, LEES will be the principle policy maker. The Chief, LEES will coordinate Lexipol policy input from LEES managers, appropriate DPR executive staff, stakeholders and Unions in the process of development and implementation of new and amended Lexipol policies. The policies are constantly being reviewed and scrutinized for accuracy and consistency with new case laws, change policy based on trends in enforcement, and overall enforcement operations. The Chief, LEES will be responsible for implementation of these policies to LEES and Park Operations managers for consistent statewide training and use by LEES and Park Operations staff. The Chief, LEES will be the principle policy maker and reviewer of this manual impacting administrative and field operations.

Department policy affecting all functions related to LEES: All Department policies with a connection to LEES will be under the direction of the Chief, LEES. Examples of policies include homeland security, public safety, investigations, emergency medical services, aquatic activities, visitor safety, public safety telecommunications and dispatch services, standardized emergency management systems, cannabis enforcement, and recreational boating safety which must be coordinated between LEES, DPR branches, and districts throughout the state.

Cannabis: The Chief, LEES will be responsible for evaluating, developing, and implementing department wide policies pertaining to the cannabis enforcement program. Develop cannabis projects and programs to address environmental impacts of cannabis cultivation and related activities; coordinate when appropriate with state, federal, and local agencies in enforcement efforts. Review proposed regulations, contracts, and human resource plans for appropriateness; reviews and provides input for legislative analyses, reports, and proposed regulations from the standpoint of adherence policy on proposed legislative direction.

Recreational Boating Safety: The Chief, LEES will be responsible for developing and implementing statewide policies in recreational boating safety. This includes providing safe and convenient public access to California's waterways and leadership in promoting safe, enjoyable and environmental sound recreational boating. Serves as the state's expert in recreational-boating safety matters, makes presentations pertaining to recreational boating safety to control agencies, legislative staff, Boating and Waterways Commission, and boating community, and testify before government bodies.

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

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

The Chief, LEES will serve as a member of the Director's Executive Staff, will have regular interface with the Director, Deputy Directors, Division Chiefs, Branch Chiefs, and other program managers. The Chief, LEES is responsible for the evaluation and development of policies related to the Department's statewide LEES programs which includes law enforcement and criminal investigations, internal affairs investigations, background investigations, emergency medical services, aquatic activities, public safety, visitor safety, homeland security, public safety telecommunications and dispatch services, and standardized emergency management systems. The Chief, LEES will be responsible for ensuring the policies are implemented across the Department. This position will serve as a resource for Field and OHV Division Chiefs and Field Superintendents. The Chief, LEES will play an important role of providing policy-level guidance and direction on all LEES programs.

The Chief, LEES will represent the Department to local government officials and public groups. This includes coordinating, cooperating, and providing operations plans with other State and local law enforcement agencies such as the Department of Justice, CalFire, Department of Fish and Wildlife, Department of Water Resources, the Office of Emergency Services, State Office of Homeland Security and local police, sheriff, district attorney or related agencies. The Chief, LEES will ensure the needs of the Department are met and working harmoniously with the law enforcement and safety agencies that we partner with.

The Chief, LEES will have decision making authority over the LEES Superintendents. The Chief, LEES will advise and inform the DD, PO of issues related to law enforcement and DPR program coordination issues occurring throughout the state and ensure consistent application of statewide LEES administration, operations, and policy.

The Chief, LEES will be responsible for evaluating existing and proposed legislative and regulatory mandates and department-wide policies pertaining to public safety, homeland security, emergency management, telecommunications, and enforcement issues related to cannabis and recreational boating safety. The Chief, LEES will provide expert advice to the DD, PO and is responsible for developing and implementing LEES-directed proposals statewide to ensure consistent application of laws, regulations, policies, and procedures in concert with the Director and the State Park and Recreation Commission and the goals of interested groups.

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

As part of the Director's Executive Staff, the Chief, LEES will be responsible for the evaluation, development, and implementation of Departmental Policy in all program areas with a connection to LEES. The Chief, LEES will work with the Director, DD, PO, Division and Branch Chiefs, and other leadership staff to develop or modify existing DPR and LEES policy, as needed. The Chief, LEES will assure proper coordination with Personnel and with Unions before implementing new policies which may require prior approval.

The Chief, LEES will be responsible for providing direct input to the Director and the DD, PO on development and implementation of new DPR and LEES policies and will provide oversight and policy guidance to LEES and DPR programs and functions that impact LEES activities. The Chief, LEES will be responsible for promoting uniform application of laws, regulations, and departmental policies statewide. The Chief, LEES will be responsible for reviewing recommendations pertaining to legislative bills and providing expert consultation to the DD, PO regarding the implementation or amendment of new or current statutory and regulatory authorities and coordinates with the Director, Department's Legislative Office and Legal Office, and the State Park and Recreation Commission in the crafting and advancing of new LEES-directed legislative and regulatory proposals. The Chief, LEES will advise the DD, PO on implementation of programs and policies on a wide variety of complex, highly controversial and sensitive issues concerning enforcement activities, public safety, emergency management, recreational boating safety, and cannabis enforcement.