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VIA EMAIL

June 18, 2021

Ms. Jeri Weinstein
Executive Director
Employee Relations Commission
Kenneth Hahn Hall of Administration
500 West Temple St. Ste 374
Los Angeles, CA 90012
(by email)

Dear Ms. Weinstein:

With the following supplemental information, ALADS accepts the recommendations of Factfinder Bob Bergeson in this matter.

The Explosive Breacher program in the Los Angeles County Sheriff's Department provides a critical safety measure for citizens of unincorporated Los Angeles County and the residents of cities with which LASD contracts for law enforcement services. The mission of the Breacher program is to provide LASD's Special Enforcement Bureau with an expedient, experienced, and safe method of breaching structures in high-risk INCIDENTS. Explosive breaching is most often used in hostage situations where other approaches would result in the very real possibility of loss of life. LASD does not often use explosive breaching as other tactics are useful in lower-risk operations, but when explosive breaching is needed, it is critical to have Breachers immediately available on a 24/7 basis.

LASD's Breachers routinely receive hundreds of hours of training in how to analyze and understand breaching targets, predicting the possibility of collateral damage, understanding high-explosive charge capabilities, and performing the complex mathematical explosive calculations necessary to minimize risks when an explosive charge is used on a door, window, or wall. Being a member of the Explosive Detail on the SEB's full time tactical team is demanding and time consuming, and members are entrusted by LASD to perform at the highest level with no room for error. LASD's Breachers provide valuable training in breaching to law enforcement agencies both in California and in other states, and LASD's breaching program is widely recognized as highly proficient and capable.

The Factfinder's Report balanced the County's pandemic-related financial difficulties against the important role played by Breachers. The Report makes frequent reference to LASD's Dive Team, another cadre of deputies in the SEB. The 12 full-time members of the Dive Team receive Bonus Pay of 5.6468%, roughly half of the 11.6125% Bonus Pay received by Breachers.

Reducing the Breacher complement from 18 to 12 and reducing the Bonus Pay to Dive Team Levels would reduce the total Bonus Pay received by Breachers by almost 70% but would allow LASD to maintain a 24/7 Breacher cadre. Under this structure, the total annual cost of the Bonus Pay received by Breachers would be reduced from \$203,537 to \$63,893 and would be a minute percentage of the LASD's \$3.4 billion budget. This is particularly so as pressures on the County's budget due to the passage of "Measure J," which set aside 10% of the County's general fund budget for non-law enforcement purposes, have now been relieved, as on June 17, 2021, the Superior Court declared Measure J to be in violation of state law and unenforceable.

Additionally, through UFC 002-21, ALADS has challenged the Department's actions as retaliation for ALADS and the Breachers seeking the 11.6125% Bonus pay through filing a writ of mandate in Superior Court. Though a hearing in the UFC will occur in July 2021, the facts were submitted to the Factfinder and are well known to the parties. Those facts are: (1) That even though the County's pandemic-related fiscal problems had existed for several months, the Department made no proposal to cut the Breacher program until three weeks after the Court's issuance of a judgment in favor of ALADS in the writ of mandate; (2) Though the Department initially cited a financial motivation for its decision, when asked in the meet-and-confer process how much it would save by cutting the Breacher program from 18 to one full-time member, the Department admitted it had not calculated any savings; (3) Though the County is no longer facing pandemic-related fiscal problems, and though the projections are for record economic growth in the County (and corresponding growth in the County budget), the Department has persisted in its efforts to slash the Breacher program; and (4) There was no evidence submitted by the County that the Department had even discussed with its "contract cities" its proposed cuts in the Breacher program.

The purpose of the Breacher program is to save lives. Under the Factfinder's recommendations, LASD's Breachers would cut their Bonus Pay in half. ALADS is willing to accept that result in order to preserve the 24/7 Breacher presence that would be provided by a 12-member Breacher cadre.

Finally, ALADS submits one correction to the Factfinder's Report. On Page 4 of the Report, the Factfinder wrote "On December 23, Mediator Adams informed the Department that ALADS had declined his offer of participation in the process and had requested that the parties proceed to factfinding." In fact, it was the County, not ALADS, that refused to continue the mediation process and requested factfinding.

Sincerely,

/s/ Will Aitchison
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