

COMMISSION MEETING AGENDA
November 3, 1988
10:00 a.m.
Holiday Inn - Capitol Plaza
300 J Street
Sacramento, CA 95814
(916) 446-0100

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS

APPROVAL OF MINUTES

- A. Approval of the minutes of the July 21, 1988 regular Commission meeting at the Holiday Inn Embarcadero in San Diego.

CONSENT CALENDAR

B.1 Receiving Course Certification Report

Since the July meeting, there have been 42 new certifications, 20 decertifications, and 34 modifications. In approving the Consent Calendar, your Honorable Commission receives the report.

B.2 Receiving Financial Report - First Quarter FY 1988/89

The first quarter financial report will be provided at the meeting for information purposes. In approving the Consent Calendar, your Honorable Commission receives the report.

B.3 Receiving Information on New Entry Into POST Regular (Reimbursement) Program

The Biggs Police Department has been re-established after some years of contract law enforcement services by Butte County. The City has met the requirements and has been accepted into the POST Regular (Reimbursement) Program. In approving the Consent Calendar, your Honorable Commission receives the report.

B.4 Adopting a Resolution Commending Management Fellow Gary Sorg

In approving the Consent Calendar, your honorable Commission adopts a resolution commending Sergeant Gary Sorg of the Merced County Sheriff's Department for his service as a POST Management Fellow. Sergeant Sorg successfully developed the Guidelines and Curriculum for Handling Missing Person and Runaway Cases Document for California law enforcement. His POST Management Fellowship will also result in a training video to accompany the course.

B.5 Adopting a Resolution Commending Former Assistant Executive Director Donald C. Beauchamp

In approving the Consent Calendar, your Honorable Commission adopts a Resolution commending Don Beauchamp for his service to POST. Don began service to the Commission in 1972, having previously served at the CHP, the State Department of Parks and Recreation and at the Stanislaus County Sheriff's Department. During his tenure at POST, Don provided many important services. His ability in working with the Legislature was very beneficial to the Commission. Don concluded his service with the Commission as Assistant Executive Director.

APPEALS

C. Request from Victor Theen, Chief of Police, City of Rio Dell, for Change of Policy on Equivalencies for Supervisory, Management and Executive Courses

Chief Victor Theen has made application for award of the Supervisory, Management and Executive Certificates. Award of these certificates has been denied because the Chief has not completed the Supervisory, Management and Executive Courses. His application is based upon claim of equivalent training, largely through completion of college courses.

Commission policy is to disallow equivalency or alternatives for these courses for persons appointed to supervisory and higher positions after January 1, 1980. The Chief has been advised of this policy and the reasons behind the policy. He has requested and been granted opportunity to appeal this matter to the Commission.

Current regulations, policy, and a reassessment of the feasibility of equivalency is described in the report under this tab.

Subject to further input to be provided by Chief Theen at the meeting, appropriate action would appear to be a MOTION to deny the appeal and maintain current policy.

COMPLIANCE AND CERTIFICATES

D. Request to Schedule a Public Hearing for the January 19, 1989 Meeting Relating to POST Certificate Requirements for Constables and Deputy Constables

Penal Code Section 832.4 was amended effective January 1, 1988 to require that appointed Constables and Deputy Constables obtain the POST Basic Certificate within 24 months of hire as a condition for retention of peace officer powers. Constables do not now participate in the POST regular or specialized program. The Commission has therefore not addressed selection and training standards for Constables.

There is now need for the Commission to specify Constable selection and training requirements that must be met for purposes of certificate awards. The report under this tab describes and evaluates alternatives. Recommended action is to award specialized certificates if the minimum requirements of current law are met (Government Code requirements for selection, P.C. 832 course for training). Regular Basic Certificates could be awarded if Constables voluntarily complete the Regular Basic Course.

If the Commission concurs, appropriate action would be a MOTION to schedule a public hearing on the issues in conjunction with the January 1989 meeting.

TRAINING PROGRAM SERVICES

E. Recommendation for Approval of Wiretap Training Course and Augmentation of DOJ Advanced Training Center Contract

Effective January 1, 1989, Senate Bill 1499 establishes authority for law enforcement to intercept private wire communications for evidence of specified narcotic offenses. Under this legislation, law enforcement officers making application for court authorization must be certified and periodically recertified by the Attorney General. POST is required, in consultation with the Attorney General, to establish a course of training in the legal, practical, and technical aspects of intercepting private wire communications and related investigative techniques. Representatives of the Attorney General's Office have indicated the Course will be a requirement for peace officer certification under this legislation.

The proposed Wiretap Investigations Course was developed with the input of an ad hoc advisory committee consisting of representatives from local law enforcement and the Attorney General's Office. The 24-hour course is consistent with legislative direction, the course content focusing on the legal, practical, and technical aspects of wiretap investigations.

In order to meet the anticipated demand (500 peace officers for the calendar year 1989) for wiretap investigations training, it is proposed that the existing POST contract of \$735,040 with the Department of Justice Training Center be augmented to include an amount of \$30,950 to provide seven presentations of the Wiretap Investigations Course during the remainder of this fiscal year (concluding June 30, 1989). The cost of future presentations of this course will be considered for subsequent annual DOJ Training Center budgets.

The initial presentation of this course, if approved, is set for November 29, 30, and December 1, 1988.

If the Commission concurs, the recommended action is a MOTION to: (1) approve curriculum for the Wiretap Investigations Course developed pursuant to Penal Code Sections 629 et seq (Senate Bill 1499), and also the amendment of Commission Procedure D-7 to include the course, and (2) authorize the Executive Director to augment the Department of Justice Advanced Training Center's existing contract in the amount of \$30,950 to assume the cost of delivery of this training (seven presentations) for the remainder of this fiscal year. (ROLL CALL VOTE)

F. Recommendation to Approve Basic Course Curriculum Modifications - Radio Procedures

POST staff and Basic Course presenters have recognized for some time that curriculum regarding law enforcement radio procedures should be formalized and placed into POST's minimum curriculum standards for the Basic Course. Heretofore, radio procedures have been taught in all Basic Course presentations, but have not been included in the POST minimum curriculum.

Three performance objectives and curriculum to fill this void have been prepared. The proposed curriculum would require the student to: (1) demonstrate the mechanical operation of a radio; (2) know proper procedures and techniques of radio communications; and (3) demonstrate proficiency in completing a crime broadcast during a scenario or field exercise.

As a result of many years of on-going instruction in this subject, these curriculum recommendations have been endorsed by the Basic Course presenters and will pose a nominal, if any, impact regarding the two hours of instruction and testing to present the curriculum. The change does, however, serve to shift instruction from the optional to the required category. Staff plans to initiate with academy directors a complete future review of the course with a view towards achieving greater economies and productivity.

If the Commission concurs, the appropriate MOTION would be to approve the Basic Course curriculum additions relating to Law Enforcement Radio Procedures, effective January 1, 1989.

G. Request for Scheduling a Public Hearing to Consider Increase in Length of the Basic Course and Course Modifications Relating to Administration and Success Criteria

POST and basic academy directors for some time been reviewing the content, length and various policy issues relating to the Basic Course. This work has resulted in a proposal for a public hearing for the purpose of amending Commission Procedure D-1 (effective July 1, 1989).

The proposed modifications would, if approved, have the following effects:

1. Increase the length of the District Attorney Investigators, Marshals, and Regular Basic Courses by 40 hours each.
2. Establish standardized testing methodology for these Basic Course performance objectives (i.e., specify which performance objectives require skill demonstration and which require only paper/pencil testing), including requiring an additional 20 hours of Practical Exercise/Scenario Testing as part of above 40 hours.
3. Require that the POST-developed physical conditioning program be followed in the Regular Basic Course and that students must pass a physical abilities test at the conclusion of the conditioning program.
4. Make various technical changes to Procedure D-1 and Regulation 1013.

Data on curriculum and hours allocated by academies suggest the need for a 40-hour increase. Twenty hours would accommodate increases of curriculum requirements during the past three years, and 20 hours would be required to accommodate proposed required use of practical exercise/scenario testing. Thirty-two of the 34 Basic Academies currently exceed the proposed 560 hours, and the two exceptions have indicated the proposed 40-hour increase would be accommodated. The proposed standardized testing methodology should improve the quality of Basic Course graduates.

The Commission's Long Range Planning Committee has recommended review of alternative means of reimbursing for Basic Course training prior to scheduling a public hearing on these issues. If the Commission concurs, the review could be reported on at the January 1989 meeting. Then, if the Commission desires to proceed with the recommended changes, a public hearing could be scheduled for the April meeting with any results becoming effective July 1, 1989, or shortly thereafter.

H. Report and Demonstration of P.C. 832 Interactive Videodisc Training Program - Recommendation to Approve Contract Amendments and Field Pilot Testing

In April 1985, the Commission authorized staff to prepare a Request for Proposal to develop a computer-assisted, interactive videodisc (IVD) program for training peace officers as required by Section 832 of the California Penal Code. The contractor (Comsell, Inc.) began work on the project in March 1986.

Before the Commission for review is the completed courseware for Introduction to Law Enforcement: POST's three-part interactive videodisc course that fully meets training requirements mandated by P.C. 832 and for Level III reserve officers. In 44 lessons the interactive course covers subject matter relating to certain performance objectives in the Basic Course.

The courseware comes in three forms: (1) three illustrated study booklets; (2) three 12-inch laser videodiscs (eight sides); and (3) computer discs containing the system's operating instructions and testing programs. A separate program for testing trainee progress in the course was also developed by the contractor.

Hardware delivered to POST as part of the contract are four complete IBM InfoWindow systems, each comprised of a computer, a color monitor, a keyboard and a laser videodisc player. The new training system will be on display and available for demonstration under this agenda item.

POST, along with subject matter experts and legal authorities, have reviewed this program and have offered numerous suggestions for improvement which have been incorporated by the contractor. These reviews also resulted in some script changes and corresponding video reshooting that are considered POST's responsibility according to the current \$312,000 contract. Therefore, it is recommended the contract be augmented by \$8,000 to pay for the POST-requested changes.

The training program is now ready to undergo pilot testing, both immediate to affirm the system's workability and then longer range. Pilot testing will be for the sole propose of assessing the program and whether its goals are achieved. The program goals are to improve training quality, standardization, deliverability, and effectiveness of learning.

Following pilot testing, master videodiscs and copies will be made for distribution free to California law enforcement training presenters who choose to invest in interactive videodisc equipment for presenting the course.

Mastering the discs, storing the master discs, making 100 copies of the courseware, and packaging the program is POST's responsibility and is estimated to cost \$25,000. It is recommended the Commission authorize the Executive Director to enter into contracts to accomplish these objectives.

Once copies of the courseware are available for training purposes, a more extensive evaluation of the program is planned through field testing.

If the Commission concurs, the appropriate MOTION (ROLL CALL VOTE) would be to:

1. Authorize the Executive Director to approve final contract payment.
2. Approve payment of \$8,000 beyond the current contract for POST-initiated additions to the contract work plan.
3. Authorize the Executive Director to contract for an amount not to exceed \$25,000 for mastering videodiscs, copying and packaging 100 sets of courseware.

4. Authorize staff to proceed with thorough field testing and then distribution of Introduction to Law Enforcement Course.

STANDARDS AND EVALUATIONS

I. Report and Demonstration of the Automated Test Item Data Banking System for the Basic Course

At its meeting of October 24, 1985, the Commission awarded a contract to Brain Designs, Inc. for the development of an automated test item banking system for the basic training academies. The system automates test generation, scoring and record keeping. The computer system is available on demand for access and use by basic academies via telephone modem. A pilot test conducted for two years at three academies has produced encouraging results. A demonstration of the system will be provided at this point on the agenda. Though no specific approvals are required stemming from this demonstration, it is a unique milestone in basic course testing statewide and it relates under the next agenda item.

J. Report and Recommendation to Extend and Expand Pilot Testing of "Knowledge Domain" Testing in the Basic Course

At its meeting of October 24, 1985, the Commission approved pilot testing a new method for evaluating basic course students. The new method, called "knowledge domain testing", organizes test of basic course performance objectives in groups or "domains". The method is believed to be easier to use and promising of more effective results.

A pilot test of the knowledge domain method of evaluating Basic Course students was conducted in conjunction with a test of the automated item banking system described in the previous item. Testing at three academies over the last two years has shown that the new method is practical and suitable for both agency-based and college-based academies. Moreover, student scores on a comprehensive test of the academy curriculum have increased at the academies where the knowledge domain method was introduced and tested. The matter is discussed in greater detail in the report under this tab.

It is recommended that the Commission extend the period for pilot testing the "knowledge domain" method to January 1990, and allow those additional academies which have expressed an interest in using the method to participate in the pilot test.

If the Commission concurs, the appropriate action would be a MOTION to extend and expand the pilot project as recommended.

K. In-service Physical Fitness Program - Report on Results of Survey of Administrators

As directed by the Commission, a survey was conducted of chief law enforcement executives to determine extent of interest in a POST-sponsored program to identify and formally recognize officers who exhibit exemplary levels of physical fitness.

Overall response rate for the survey was slightly over fifty percent. Survey findings were mixed, with 53% of those responding favoring some form of POST program, 41% preferring that POST serve as a general information source only to those agencies that wish to implement their own program, and 6% indicating a preference that POST play no role with respect to in-service fitness programs. Results of the survey are described in greater detail in the full agenda report.

The Long Range Planning Committee reviewed the survey results at its meeting on October 12, 1988, and recommends that the Commission take no action to implement this type program at this time.

EXECUTIVE OFFICE

L. CPOA Broadcast Contract

The California Peace Officers' Association for the last five years has provided legislative update training to remote areas in northern California by means of a teleconferencing system. Costs for this training have been borne by POST through a contract with CPOA. This has proven to be a cost effective approach for training in this subject.

For 1989, POST has an opportunity to extend teleconference legal update training in the southern part of the State. This training will originate at California State University-San Diego and will be broadcast to three "outreach" locations, including the southern desert (Calexico).

The Northern California program originates at California State University-Chico and is broadcast to 12 "outreach" locations. The addition of the one year cost for the southern California broadcast is \$3,111 through a contract with CPOA. The total contract for the northern and southern California teleconference training would be \$13,445.

Approximately 220 persons would be trained at the southern locations and 250 persons at the Northern locations.

If the Commission concurs, the recommended action is a MOTION to authorize the Executive Director to sign a contract with CPOA for the described purpose in an amount not to exceed \$13,445.

COMMITTEE REPORTS

M. Accreditation Committee

Commissioner Wasserman, Chairman of the ad hoc Accreditation Committee, will report on the results of the Committee meeting held August 18, 1988 in Ontario.

N. Long Range Planning Committee

Chairman Pantaleoni, who also chairs the Long Range Planning Committee, will report on results of the Committee meeting held October 12, 1988 in San Bernardino.

O. Advisory Liaison Committee

Commissioner Maghakian, Chairman of the Advisory Liaison Committee, or his designee, will report on results of the Committee meeting held on September 28, 1988.

P. Legislative Review Committee

Commissioner Block, Chairman of the Commission's Legislative Review Committee, will report on the Committee meeting held November 3, 1988 in Sacramento.

Q. Advisory Committee

Bill Shinn, Chairman of the POST Advisory Committee, will report on the Committee meeting held November 2, 1988 in Sacramento.

CORRESPONDENCE

- R. Letter from South Bay Regional Public Communications Authority Board of Directors and the User Group recommending legislative change that would allow the Authority to fully participate in the public safety dispatcher program.

OLD/NEW BUSINESS

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

January 19, 1989 - Bahia Hotel - San Diego
April 20, 1989 - Hilton Inn - Sacramento
July 20, 1989 - Holiday Inn Embarcadero - San Diego
November 2, 1989 - Sacramento

ADJOURNMENT

COMMISSION MEETING MINUTES
July 21, 1988
Holiday Inn Embarcadero
San Diego, CA 92101

The meeting was called to order at 10:00 a.m. by Chairman Pantaleoni.

Advisory Committee Chairman William Shinn led the flag salute.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

Alex Pantaleoni, Chairman
Carm Grande
Edward Maghakian
Raquel Montenegro
Leslie Sourisseau
Floyd Tidwell
Robert Vernon
Robert Wasserman
Nelson Kempsey,
 Representing John Van de Kamp, Attorney General

Commissioners Absent:

Sherman Block, Vice Chairman
Cecil Hicks

POST Advisory Committee Members Present:

William Shinn, Chairman
Gary L. Wiley, Vice Chairman
Don Brown
Cois Byrd
John Clements
Don Forkus
Derald D. Hunt
Ronald Lowenberg
Joseph P. McKeown
Michael T. Sadlier
J. Winston Silva

Staff Present:

Norman C. Boehm	- Executive Director
Glen Fine	- Deputy Executive Director
Don Beauchamp	- Assistant Executive Director
Ron Allen	- Bureau Chief, Training Delivery
John Berner	- Bureau Chief, Standards and Evaluation
Ted Morton	- Bureau Chief, Center for Executive Development
Otto Saltenberger	- Bureau Chief, Administrative Services
Gary Sorg	- POST Management Fellow
Darrell Stewart	- Bureau Chief, Compliance & Certificate Services
George Williams	- Bureau Chief, Information Services
Vera Roff	- Executive Secretary

VISITOR'S ROSTER

Mildred R. Bruno, Stockton Police Department
Lt. John Boyd, Riverside County Sheriff's Department
Lt. Terry Cunningham, Los Angeles Police Department
Pat Coulter, Riverside County Sheriff's Department
Mike S. Gobec, Cerritos College Police Department
Joel Healy, Santa Clara County
Lt. Jim Holts, Los Angeles Sheriff's Department
Ruby Hush, Riverside County Sheriff's Department
Kathie M. Jones, Santa Ana Police Department
Dennis P. Koback, Pomona Communications
Katrina Lamb, Petaluma Police Department
Lt. Bill McClurg, El Cajon Police Department
Gene McRiley, Rapid Transit District Police
Lt. C. R. Munro, San Diego Police Department
Bill Murphy, El Cajon Police Department
Linda Nicolai, San Diego State University,
Department of Public Safety
Suzanne Olivas, San Bernardino County Personnel
I. F. Patino, Golden West College and CADA
Leona Patterson, San Diego State University,
Department of Public Safety
Randy A. Perry, PORAC
Vicki Raab, San Bernardino County Personnel
Kathie Schkwanke, Petaluma Police Department
Sheila Tarvin, Carlsbad Police Department

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J. Winston Silva

SPECIAL PRESENTATIONS

Chairman Pantaleoni presented a gavel to former Chairman Wasserman commemorating his service as Commission Chairman from April 1987 to April 1988.

Chairman Pantaleoni thanked Commissioner Grande for representing the Commission at the presentation of a Commissioner's plaque to former Commissioner B. Gale Wilson, who retired effective July 1, 1988.

A. Approval of the minutes of the January 21, 1988 Commission Meeting

MOTION - Maghakian, second - Montenegro, carried to approve the minutes of the January 21, 1988 Commission meeting held at the Hyatt Regency in Sacramento.

B. Approval of Consent Calendar

MOTION - Wasserman, second - Tidwell, carried unanimously to approve the following Consent Calendar.

B.1 Course Certification Report

Since the April meeting, there have been 37 new certifications, 28 decertifications, and 70 modifications.

B.2 Financial Report - Fourth Quarter FY 1987/88

This report provided financial information relative to the local assistance budget through June 30, 1988. The report was presented and accepted and is on file at POST headquarters.

B.3 Information on New Entry Into Regular POST (Reimbursement) Program

The Santa Barbara County Marshal (Lompoc Judicial District) has met the Commission's requirements and has been accepted into the Regular POST Program.

B.4 Information on New Entries Into the Specialized POST (Non-Reimbursable) Program

The California Controller's Office and the Department of Health Services, Toxic Substances Control Division, have met the requirements and have been accepted into

the Specialized POST Program. The three separate divisions of the Department of Health Services are now combined into one participating entity.

B.5 Information on Withdrawal of Fort Jones Police Department from the Regular POST Program

The Fort Jones Police Department was disbanded effective February 1, 1988. The policing of the city is to be performed by the Siskiyou County Sheriff's Department under contract. The Commission took official note of the city's withdrawal from the POST program.

B.6 Resolution Commending POST Management Fellow Jim Holts

A resolution commending Lieutenant Jim Holts of the Los Angeles County Sheriff's Department for his service as a POST Management Fellow in directing the Driver Training Research Project was approved.

B.7 Resolution Commending POST Management Fellow Terry Cunningham

A resolution commending Lieutenant Terry Cunningham of the Los Angeles Police Department for his service as a POST Management Fellow in developing the POST Supervisory Leadership Institute was approved.

B.8 Resolution Commending Advisory Committee Member Gary Wiley

A resolution recognizing the service of Gary Wiley as a member of the POST Advisory Committee from 1985 to 1988, representing the California Association of Police Training Officers, was approved.

B.9 Resolution Commending Advisory Committee Member Barbara Gardner

A resolution recognizing the service of Barbara Gardner as a member of the POST Advisory Committee from 1984 to 1988, representing the Women Peace Officers' Association of California, was approved.

PRESENTATIONS

Chairman Pantaleoni presented resolutions to former POST Management Fellows Jim Holts and Terry Cunningham.

Commissioner Maghakian, Chairman of the Advisory Liaison Committee, and Chairman Pantaleoni jointly presented a resolution to Advisory Committee Member Gary Wiley, whose term expires in September 1988.

PUBLIC HEARING

C. Proposal to Adopt and Amend POST Regulations and Procedures for the Selection and Training of Public Safety Dispatchers

The purpose of the public hearing was to receive testimony on the proposal to adopt or amend Commission regulations 1001, 1003, 1006, 1010, 1015, 1018 and Procedures D-1 and E-1. The public hearing was held in compliance with the requirements as set forth in the Administrative Procedures Act to provide public input on the proposed regulatory actions.

A report was presented by the Executive Director which included a summarization of written commentary received from the following:

O. T. Shipley, Chief of Police, City of Eureka
S. L. Knee, Captain, City of Garden Grove
James W. Lee, Chief of Police, City of Corning
James G. Marshall, City Manager, City of Ceres
Kenneth Frank, City Manager, City of Laguna Beach
Ray R. Benevedes, Sheriff-Coroner, County of Lake
Daniel R. Monez, Chief of Police/Executive Board
Chairman, Napa Central Dispatch
Gregory A. Kast, Sergeant of Communications Division,
Oakland Police Department
Grover G. Trask, II, District Attorney, County of
Riverside
William J. Noonan, President, Police Chiefs'
Association of San Mateo County
Richard K. Rainey, Sheriff-Coroner, Contra Costa County
Dennis T. Hoerth, Captain, City of Manteca
Steve Keil, Personnel Director, County of San Luis
Obispo

In the correspondence from the parties listed above, certain questions or other matters were expressed which were responded to by the Executive Director as follows:

Response to S. L. Knee's recommendation that department's develop field training programs for new dispatchers. It is staff's understanding that this recommendation was not intended to be acted on at this time. Therefore, the Commission may in the future consider including field training as a part of the public safety dispatcher program.

Response to James W. Lee's recommendation that the training be mandatory for all police/sheriff dispatchers. The Legislature has not mandated that all police/sheriff dispatchers be trained and staff believes the Commission does not have the authority to adopt such a broad mandate. Police and sheriff's departments that participate in the POST public safety dispatcher program by so doing will obligate themselves to training their dispatchers. Staff suggests the Commission should not consider mandating training for all police/sheriff dispatchers.

Response to recommendations of Ray R. Benevedes, Daniel R. Monez, Gregory A. Kast, William J. Noonan, and Dennis T. Hoerth that psychological screening be included as part of the selection process. The Commission's budget for Fiscal Year 1988/89 contains funds to employ staff to conduct research on dispatcher standards. Staff estimates 18 to 24 months will be required to conduct a statewide job analysis and specific indepth standards research, of which psychological screening for the selection and training of public safety dispatchers will be a part. Staff, therefore, suggests the Commission should not adopt a psychological screening standard for the selection of public safety dispatchers at this time. It should also be noted that Penal Code Section 13510(d) states local officials may adopt selection and training standards exceeding those established by the Commission. Therefore, departments can continue or initiate psychological screening as part of their selection process.

Response to Kenneth Frank's recommendations that the course is too long and should be presented in a one-week, intensive format, and to extend the attendance of training requirement from one to two years. The 80-hour complaint/dispatcher course is considered to be the minimum entry level basic training course by subject matter experts. The length of time devoted to the instruction for each topic was determined to ensure adequate understanding and learning by the students, and the course was field tested over a two-year period. Therefore, staff suggests at this time, the Commission should not consider shortening the course.

The requirement for training before or within one year of the date of employment has been determined based upon a wide range of local practices. Heretofore, it has been the opinion of the Commission and law enforcement officials in large and small agencies that basic training should precede assignment to a job.

On-the-job training before the employee has completed probation should build upon what was learned in basic training and familiarize the employee with the agency's procedures and equipment. Staff believes reasonable latitude is provided to employers who confront different conditions and, therefore, the one year requirement to complete the dispatcher training need not be extended.

Response to Gregory A. Kast's recommendations that departments administer a pre-employment written and/or performance examinations to determine appropriate reading comprehension, vocabulary, and short term recall abilities and typing or keyboard skills. The proposal before the Commission addresses initial standards only and local officials may adopt higher standards and other requirements. The Commission's plan is to defer adoption of additional standards until a statewide job analysis and indepth standards research is completed.

Response to Grover C. Trask's recommendation that dispatchers employed by district attorney offices be covered in the Commission's regulations and be eligible for reimbursement. The proposed regulatory actions cover dispatchers employed by district attorney offices.

Response to Steve Keil's recommendation that the Commission modify the 12-month probationary period by either reducing the requirement or providing exceptions for agencies faced with legal prohibitions to implementation of a 12-month probationary period. The Commission is aware that in some jurisdictions existing practices establish probationary periods of less than 12 months. The proposed regulation is written to allow jurisdictions reasonable time within which to extend established probationary periods to 12 months.

(Copies of the above correspondence and responses from POST available upon request.)

Following the staff report, oral testimony in support of the proposal was received from the following:

Joel Healy, Chief Dispatcher, Santa Clara County
Sheila Tarvin, Communications Supervisor, Carlsbad
Police Department
Walter Wilson, County of Orange, Communications
Division

Lt. Bill McClurg, Communications Division Commander, El
Cajon Police Department
Bill Crater, Investigator, San Diego District
Attorney's Office

The Chairman invited oral testimony from those in opposition to the recommendation. No one present indicated the desire to be heard.

In response to a question from Lt. Bill McClurg, El Cajon Police Department, concerning reimbursement for part time dispatchers, the Executive Director stated Penal Code Section 13524 only permits the Commission to reimburse training expenses of full time employees. It would require a legislative change to do otherwise.

There being no further testimony, the hearing was closed. Discussion ensued, centering around the importance of including psychological screening in the selection of public safety dispatchers. It is envisioned that 18 to 24 months will be required to conduct specific indepth standards research in this regard.

MOTION - Maghakian, second - Grande, carried unanimously to adopt and amend POST Regulations and Procedures, (see attachment) as proposed in the staff report, for the selection and training of public safety dispatchers effective January 1, 1989.

APPEALS

D. Decertification of the SWAT Munitions Course Presented by Resource and Referral, Inc.

Staff provided background information regarding an eight-hour course titled "SWAT Munitions" presented by Resource and Referral, Inc. which was certified in July 1986. The course was certified as a low lethality munitions familiarization course only. The central purpose of this course was to provide the trainees with enough knowledge skill to use low lethality munitions in conjunction with the tactics taught in other Special Weapons and Tactics (SWAT) courses.

At one of the SWAT Munitions course offerings held on December 12, 1987 in Clearlake, California, some of the course trainees were injured by a munitions device.

A POST staff inquiry was conducted and significant deviation from the approved curriculum was determined. As a result, the SWAT Munitions course was decertified by the Executive Director on April 13, 1988.

Mr. Brian Brady, the presenter of the SWAT Munitions course, appeared before the Commission to appeal the decertification action. Following Mr. Brady's presentation, there was lengthy discussion of the content and conduct of the course.

MOTION - Grande, second - Maghakian, carried unanimously to deny the appeal and sustain the decertification of the SWAT Munitions Course.

TRAINING PROGRAM SERVICES

E. Update of Domestic Violence Guidelines

In 1984, legislation was passed which required POST to develop guidelines and training standards for law enforcement response to domestic violence. At the July 1985 meeting, the Commission approved these guidelines and training standards. Two laws passed in 1987 (AB 416 and AB 1599) created the need for revisions to these guidelines and training standards. A group of subject matter experts and POST staff identified specific recommended changes for the Commission's consideration. One change included a proposed guideline which would specify procedures for obtaining telephonic temporary restraining orders under certain emergency circumstances involving domestic disputes. A second guideline would authorize peace officers to seize and take temporary custody of firearms in plain sight or obtained pursuant to a consent search when there is a threat of violence or physical assault at the scene of a domestic violence incident.

MOTION - Vernon, second - Kempsey, carried unanimously to approve the updated "Guidelines and Curriculum for Law Enforcement Response to Domestic Violence" and authorize its distribution.

F. Scheduling a Public Hearing on POST Program for Approval of Field Training

Penal Code Section 832.3 requires that certain peace officers complete the Basic Course before exercising peace officer powers. An exception is provided for an officer participating in a supervised POST approved field training program. The Commission in 1974 began approving pre-and during-academy field training programs.

Changes since 1974 have served to virtually eliminate assignment to peace officer duties before basic training. There remains, however, a need for POST approval of field training occurring during and after basic training.

POST has approved during-academy field training programs and two academies currently schedule breaks for trainees to participate in field training programs.

There is also interest on the part of some local agencies for POST approval of their after-academy field training programs. Many law enforcement agencies currently have such programs. Adoption of regulations to provide for such approval would meet local needs and also provide the basis for approval of reserve officer field training as required by Penal Code Section 832.6 (a)(2).

MOTION - Vernon, second - Montenegro, carried unanimously to approve scheduling a public hearing for the January 1989 meeting to consider changes to the POST program for agencies voluntary requests for approval of their law enforcement field training programs, as follows: (1) discontinuing pre-academy program approval; (2) adding separate approval for during and after-academy programs; and (3) revising some of the requirements for approval.

G. Approval of POST Career Ethics/Integrity Training Guide

At the October 1986 meeting, the Commission directed staff to review all training mandates to determine the feasibility of adding curriculum on Principles, Values and Ethics. With the input of the Standards and Ethics Committee of the California Peace Officers' Association, an eight-hour optional training program has been developed. The program is designed for a high level of participation by students in small groups led by trained facilitators. There is every reason to anticipate this program will be highly successful and consistent with Commission interests in providing training on principles, values, and ethics.

MOTION - Grande, second - Montenegro, carried unanimously to approve the POST Career Ethics/Integrity Training Guide and authorize its distribution.

H. Approval of Missing Person Guidelines and Curriculum

Guidelines and training curriculum for law enforcement's handling of missing person and runaway cases have been developed in response to Penal Code Section 13519.1 (Statutes of 1987, Chapter 705). The essential requirements of the law are that:

(1) POST develop guidelines for use of law enforcement agencies in responding to missing person and runaway cases; (2) that instruction consistent with the guidelines be incorporated in the basic training courses for law enforcement officers and dispatchers; and (3) that law enforcement officers and dispatchers whose basic training was completed prior to January 1, 1989 receive in-service training on the subject by January 1, 1991.

POST Management Fellow Gary Sorg worked with subject matter experts in developing 15 guidelines for the formulation and updating of law enforcement agency policies and practices. The guidelines and explanatory information, including definitions, are closely referenced with existing related laws.

Proposed curriculum developed pursuant to the training mandate includes revision of three existing and five new performance objectives for the Basic Course. The proposed curriculum will require approximately two hours of instruction and testing, when presented in the Basic Course, in-service officer training, or dispatcher training.

MOTION - Montenegro, second - Kempsey, carried unanimously to approve the Law Enforcement Guidelines and Curriculum for Handling Missing Persons and Runaway Cases and authorize distribution.

I. Supervisory Course Curriculum Changes

At the July 1987 meeting, the Commission approved changes to POST's curriculum for the Supervisory Course including: (1) adding testing and the subjects of Liability Issues, Testing, and Values/Principles/Ethics; (2) increasing minimum course hours from 72 to 80; and (3) deleting reference to hours for individual subjects in PAM Procedure D-3.

The Commission directed staff to report on the effectiveness of these changes at the July 1988 Commission meeting. The staff report indicates that the Supervisory Course presenters have successfully implemented the above curriculum changes without difficulty. The addition of the requirement to test trainees has generated some challenges for POST and presenters. A mutual development and sharing of testing methodologies effort is underway that should continue until testing is fully implemented in every Supervisory Course.

MOTION - Maghakian, second - Grande, carried unanimously to approve the staff report on the effectiveness of changes for Supervisory Course curriculum as approved at the July 1987 Commission meeting. Staff will continue to monitor the course and work closely with presenters on testing and instructional methods.

EXECUTIVE OFFICE

J. Recruitment - Progress Report

Staff summarized the results of studies on the recruitment issue as requested by the Commission. Based upon current information, both staff and the Advisory Committee recommended that the Commission may want to consider the establishment of a formal law enforcement recruitment function within POST.

After discussion, the Commission decided to conduct a law enforcement symposium for reviewing the state of recruiting now and in the future. The symposium may serve to identify possible appropriate future support roles for POST.

MOTION - Vernon, second - Tidwell, carried unanimously for POST to sponsor a symposium on recruitment for all interested law enforcement agencies.

K. Contract Request for Pilot Testing of Supervisory Leadership Institute

Development of the POST Supervisory Leadership Institute has progressed to the point that the program is ready for pilot testing. In addition to providing an evaluation of the concept, curriculum and methodology, pilot testing will provide an opportunity to familiarize future instructors with the program. One pilot presentation is tentatively planned, but early experience with this training may suggest the need for some adjustments in instructional techniques. Because of the Institute's extended format (eight 24-hour sessions presented over a period of approximately 10 months), contract payment of presentation costs is proposed to eliminate any hardship that delayed reimbursement for regular course tuition might cause to departments.

A contract on a cost reimbursement basis with the Center for Criminal Justice Research and Training, California State University at Long Beach was proposed to pay instructors and coordinators, purchase supplies, provide clerical support, and include some additional planning activities. The

pilot presentations would be certified under Reimbursement Plan IV for travel and per diem only. It is anticipated that planning activities would begin in August with first pilot presentation to begin in October 1988.

MOTION - Vernon, second - Maghakian, carried unanimously, by ROLL CALL VOTE, to authorize the Executive Director to sign a contract with the Center for Criminal Justice Research and Training, California State University at Long Beach for the provision of support services to enable staff to conduct up to two pilot presentations of the POST Supervisory Leadership Institute at a cost not to exceed \$98,000.

COMMITTEE REPORTS

L. Accreditation Committee

Commissioner Wasserman, Chairman of the ad hoc Accreditation Committee, reported that the Committee met on June 22, 1988 in Ontario.

The consensus of the Committee was that there is a lack of support for a nationally based program of accreditation for California agencies and that a state level program should be considered. Staff was requested by the Committee to develop a document that describes what accreditation is and that provides a thorough assessment of the presumed benefits of accreditation. The Committee will further explore this issue at its next meeting on August 18, 1988.

The Chairman accepted the report as presented.

M. Long Range Planning Committee

Chairman Pantaleoni, who also chairs the Long Range Planning Committee, reported that the Committee met on June 23, 1988 in Ontario. In addition to the recruitment issue discussed earlier, the Committee took the following actions:

1. Capital Improvements

The Committee recommended that the Commission: (1) keep the momentum going to obtain needed training enhancements; (2) continue the examination of funding alternatives; and (3) continue to gain support for capital improvements.

2. Team Building Workshop Program

In order to determine the effectiveness of changes made to the TBW program in April, 1988, the Committee recommended that a progress report be presented to the Committee next year.

3. Review of Executive Director's Vacation Allotment

The Committee recommended that the Commission continue the current vacation allotment of 33 days per year with a cumulative cap of 60 days for the Executive Director, pursuant to Commission Regulation Section 1017.

4. Issues Regarding Lengthening the Basic Course

The Committee discussed a number of complex issues relating to increasing the length of the Basic Course. The Committee requested that staff identify additional statistics regarding the percentage of total reimbursement monies allocated to basic training as the course has expanded over the years. The Committee will review the issue further at its next meeting.

The Commission took the following action:

MOTION - Wasserman, second - Maghakian, carried unanimously that the Commission adopt the recommendations of the Long Range Planning Committee.

N. Instructional Technology and Institutes Committee

Commissioner Grande, Chairman of the Instructional Technology and Institutes Committee, reported on results of the Committee meeting held June 30, 1988 at POST headquarters in Sacramento.

1. Interactive Videodisc Training

The Committee reviewed a demonstration of an interactive videodisc training program developed by Sony, and a demonstration of the PC 832 course prepared by Comsell under contract to POST. The Committee was pleased with the quality and comparison of the two systems.

2. Command College

California State University - Chico has expressed an interest in offering a Master of Science in Executive Leadership for the Command College program. There was

Committee consensus that the degree would be very beneficial to Command College graduates and recommended support for this effort.

3. Institute of Criminal Investigation

Plans are underway for the pilot presentation of the core course for the Institute of Criminal Investigation to be conducted at San Diego Regional Training Center in the Spring of 1989.

4. Supervisory Leadership Institute

The Committee recommended that the Commission approve a proposed contract with California State University, Long Beach for \$98,000 for up to two pilot test presentations of the Supervisory Leadership Institute.

It was the consensus of the Commission to accept the report of the Instructional Technology and Institutes Committee.

0. Finance Committee

Commissioner Tidwell, Chairman of the Finance Committee, reported on results of the Committee meeting held July 6, 1988 in Ontario.

1. Carryover of End of Year Balance

The Committee recommended that the estimated \$4.7 million dollar end of year balance be applied to FY 87/88 reimbursement claims to be paid in FY 88/89.

2. Increase in Trainee Per Diem Reimbursement

The Committee recommended that the Commission increase the trainee per diem reimbursement rate from \$70.00 to \$78.00 per day effective August 1, 1988.

The Commission took the following action:

MOTION - Tidwell, second - Vernon, carried unanimously by ROLL CALL VOTE that the Commission adopt the recommendations of the Finance Committee.

3. Beginning Salary Reimbursement Rates for FY 88/89

The Committee recommended that the Commission set beginning rates for FY 88/89 at 40% for the basic course and 50% for other salary reimbursable courses.

The Commission took the following action:

MOTION - Tidwell, second - Kempsey, carried unanimously by ROLL CALL Vote that the Commission adopt the recommendations of the Finance Committee.

4. Budget Change Proposals for FY 89/90

The Committee recommended approval of the following Budget Change Proposals for FY 89/90:

	<u>Positions</u>	<u>Annual Cost</u>
Video Training Program	2	\$ 129,000
Supervisory Leadership Institute	2	103,000
Test Item Bank	.5	15,000
Basic Academy Testing Program	1	84,000
TOTALS	5.5	\$ 331,000

It was the consensus of the Commission that Budget Change Proposals as recommended by the Finance Committee be approved and submitted in the FY 89/90 budget.

5. Potential SB 90 Impacts

Test claims have been filed with the Commission on State Mandates for recovery of local costs incurred in compliance with Commission regulations requiring psychological screening for peace officer applicants. Should these claims be approved, there could be a significant impact on the Peace Officer Training Fund. The matter was reported for information purposes only.

P. Legislative Review Committee

Commissioner Tidwell reported that the Legislative Review Committee met just prior to the Commission meeting. New legislation was discussed and the following positions were recommended:

- o AB 3434 - Allows college degree to satisfy high school requirements in peace officer selection standards - "Support"
- o SB 2282 - Requires POST to provide training regarding missing persons and handling victims of violent crimes - "Support"

MOTION - Tidwell, second - Maghakian, carried unanimously that the Commission adopt the recommendations of the Legislative Committee.

Q. Advisory Committee

Bill Shinn, Chairman of the POST Advisory Committee, reported that the Committee met on July 20, 1988 in San Diego and reviewed the agenda for the Commission meeting.

OLD/NEW BUSINESS

Chairman Pantaleoni thanked Commissioner Vernon for representing the Commission at the reception hosted by the Latino Police Officers' Association honoring Commissioner Montenegro and her husband, Dr. Salvador Montenegro, for their dedication and support in the field of law enforcement.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

November 3, 1988 - Capitol Plaza Holiday Inn - Sacramento
January 19, 1989 - Bahia Hotel - San Diego
April 20, 1989 - Hilton Inn - Sacramento
July 20, 1989 - Holiday Embarcadero - San Diego

MOTION - Maghakian, second - Grande, carried unanimously to adjourn.

ADJOURNMENT - 12:40 p.m.

PROPOSED NEW REGULATION

1018. Public Safety Dispatcher Programs

(a) The Commission shall establish a Public Safety Dispatcher Program for the purpose of raising the level of competence of public safety dispatchers having primary responsibility for providing dispatching services for local law enforcement agencies listed in subsection (a) of Penal Code Section 13510.

(b) Specialized Public Safety Dispatcher Program

Any public jurisdiction or agency, other than those described in Penal Code Section 13510(a), which employs public safety dispatchers whose primary responsibility is providing dispatch services for law enforcement personnel, may participate in the Specialized Public Safety Dispatcher Program. Such participants shall not be eligible for reimbursement. All rules and procedures, except reimbursement provisions, that apply to the Public Safety Dispatcher Program shall also apply to the Specialized Public Safety Dispatcher Program.

(c) Minimum Selection Standards for Public Safety Dispatchers

(1) Every public safety dispatcher shall be subject to the following requirements:

1018. Public Safety Dispatcher Program (continued)

- a) Background Investigation: A thorough background investigation shall be conducted before hire to verify the absence of past behavior indicative of unsuitability to perform public safety dispatcher duties. The background investigation shall include a check of Department of Motor Vehicle records, and a search of local, state, and national fingerprint files to disclose any criminal record. Results of the background investigation shall be reduced to writing and retained by the department.
- b) Medical Examination: A medical examination shall be conducted before hire to verify the absence of any medical condition which would preclude the safe and efficient performance of dispatcher duties. Signed written verification of the medical examination having been conducted in accordance with this requirement, by a licensed physician and surgeon, shall be retained by the department.
- c) Oral Communications: Oral communication skills shall be evaluated before hire to assure the presence of skill levels commensurate with the performance of dispatcher duties.

1018. Public Safety Dispatcher Program (continued)

(d) Minimum training standards for public safety dispatchers

- (1) Every public safety dispatcher shall satisfactorily complete the POST-certified Basic Complaint/Dispatcher Course as set forth in PAM, Section D-1-7 before or within 12 months after the date of appointment, promotion, reclassification, or transfer to a public safety dispatcher position.

(e) Probation Period

- (1) Every public safety dispatcher after hire shall demonstrate competence in the performance of the duties of a public safety dispatcher by satisfactory completion of a probationary period of at least 12 months. Upon entry into the program, departments with a probation period of less than 12 months, when established by ordinance, charter, or memorandum of understanding, shall be granted a waiver of this requirement until a 12-month probation period can be established.

PAM Section D-1-7 adopted effective * is herein incorporated
by reference.

*This date is to be filled in by OAL.

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Attachment

OTHER REGULATION CHANGES

1001. Definitions

- (h) "Department" in the Regular Program is a city police department, a county sheriff's department, a regional park district, a district authorized by statute to maintain a police department, the California Highway Patrol, the University of California Police, the California State University and Colleges Police, marshals departments, district attorney offices employing investigators, and Community College District Police; in the Specialized Program "department" is a specialized agency, department, division, branch, bureau, unit, section, office or district that provides investigative or general law enforcement services; and in the Public Safety Dispatcher Program and Specialized Public Safety Dispatcher Program, "department" is the governmental entity which provides the dispatch services.
- (i) "Full-time Employment" as defined by local charter or ordinance; and, the employee normally works in excess of 20 hours weekly or 87 hours monthly; and, the employee is tenured or has a right to due process in personnel matters; and, the employee is entitled to ~~public safety~~ workmans compensation and retirement provisions as are other full-time ~~peace officer employees of the~~ same personnel classification in the department.

1001. Definitions (continued)

- (t) "Public Safety Dispatcher" is a non-peace officer who is employed full time or part time to perform duties which include receiving emergency calls for law enforcement service and/or dispatching law enforcement personnel.

NOTE: Present (t) through (z) and (aa) will be relettered.

1003. Notice of ~~Peace Officer~~ Appointment/Termination

Whenever a regular, specialized, limited function, or reserve peace officer is newly appointed, enters a department laterally, terminates, or changes peace officer status within the same agency, the department shall notify the Commission within 30 days of such action on the Notice of Appointment/Termination Form 2-114 (Rev), ~~a form approved by the Commission~~ as prescribed in PAM, Section C-4, "Notice of ~~Peace Officer~~ Appointment/Termination." For departments in the Public Safety Dispatcher Programs, the form shall be submitted whenever a person is appointed, promoted, reclassified, or transferred to a public safety dispatcher position, or whenever the person is terminated from a public safety dispatcher position.

1006. Extension of Time Limit for Course Completion

- (a) The Commission will ~~may~~ grant an extension of time limit for completion of any course required by Section 1005 or 1018 of the Regulations upon presentation of satisfactory evidence by a

1006. Extension of Time Limit for Course Completion (continued)

department that a peace officer or dispatcher is unable to complete the required course within the time limit prescribed because of illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction; or upon presentation of evidence by a department that a peace officer or dispatcher is unable to complete the required course within the time prescribed. Time extensions granted under this sub-section shall not exceed that which is reasonable, bearing in mind each individual circumstance.

1010. Eligibility for Participation

- (a) To be eligible for participation in the POST Program, a jurisdiction ~~or agency~~ department must adhere to the minimum standards for selection and training as defined in Regulations 1002, 1005, and 1009, for every peace officer, and for every ~~peace officer~~ dispatcher employed by a ~~the~~ jurisdiction or ~~agency~~ department the minimum standards for selection and training as defined in Regulation 1018. The minimum standards for selection and training of peace officers and/or public safety dispatchers shall apply only to jurisdictions or departments that have pledged to adhere to these standards.
- (b) A jurisdiction or agency shall be ineligible to participate if it:
- (1) Employs one or more peace officers or dispatchers who do not meet the minimum standards for employment; or

1010. Eligibility for Participation (continued)

- (2) Does not require that every peace officer or dispatcher satisfactorily completes the required training as prescribed in these Regulations; or
- (3) Has in its employ any Regular Program peace officer hired after January 1, 1971, who has not acquired the Basic Certificate within six months after date of completion of 12 months of satisfactory service from the date first hired as a peace officer, or as otherwise determined by the Commission in PAM, Section F-1-5-a; or
- (4) Effective upon entry into the Specialized Law Enforcement Certification Program, has in its employ any specialized peace officer hired thereafter who has not acquired the Basic Certificate within six months after date of completion of 12 months of satisfactory service from the date first hired as a peace officer; or
- (5) Fails to permit the Commission to make such inquiries and inspection of records as may be necessary to verify claims for reimbursement or to determine whether the jurisdiction or ~~agency~~ department is, in fact, adhering to the Commission's Regulations.

(c)

1015. Reimbursements

(a) Proportionate Reimbursement

~~In the Regular Program,~~ Reimbursements to cities, counties, and districts shall be granted by the Commission in accordance with Section 13523 Penal Code.

- (1) Marshals' and district attorneys' departments are included in the Regular Program for reimbursement even though individual officers employed by the agencies have retained specialized peace officer classification.
- (2) A jurisdiction that employs limited function peace officers may be reimbursed for allowable expenses related to attendance of POST-certified courses.

(b)

(c) Training Expenses May Be Claimed Only Once

When a ~~Regular Program~~ trainee has attended a course certified by the Commission for which reimbursement has been legally requested and paid, an employing jurisdiction may not receive reimbursement for ~~subsequent attendance by the same trainee of the same course except~~ where attendance of the course is authorized to be repeated periodically, such as for Seminars, Advanced Officer Courses, and selected Technical Courses which deal with laws, court decisions, procedures,

1015. Reimbursements (continued)

techniques and equipment which are subject to rapid development or change. Exceptions or special circumstances must be approved by the Executive Director prior to beginning the training course.

(d)

(e)

(f) Reimbursement may be made to a jurisdiction which terminates a ~~Regular-Program~~ Basic Course trainee, allows a trainee to resign prior to completion of a certified basic course, or if the trainee is unable to complete a certified basic course due to illness, injury, or other physical or academic deficiency, provided the background investigation requirements ~~of Regulation 1002(a)~~ have been completed prior to the trainee's appointment date and the date the course began. The remaining reimbursement entitlement ~~(up to 400 hours maximum)~~ for those trainees eligible to be re-enrolled, may be applied to any certified basic course which is subsequently attended.

(g) Reimbursement may be paid to a jurisdiction when a ~~Regular-Program~~ trainee fails a certified basic course only because of not passing a locally required training subject(s), but the trainee otherwise ~~satisfactorily~~ completes the course.

1015. Reimbursements (continued)

(h) When a ~~Regular Program~~ peace officer trainee has attended a POST-certified basic course for which reimbursement has been provided, an employing jurisdiction may receive reimbursement for subsequent attendance of a POST-certified basic training course by the same trainee who has a three-year or longer break in service as a peace officer and must be retrained (Section 1008(b)).

(i)

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Attachment

Proposed Procedure Changes

Commission Procedure E-1

1-4. General Requirements: General requirements relating to reimbursement are as follows:

6. Non-sworn persons performing police tasks who are to be assigned or are assigned to the following job classes are eligible, without prior approval from POST, to attend training courses, as provided by Regulation Section 1014, that are specific to their assignments. Job descriptions shall be used to determine those positions eligible:

Administrative Positions

~~Communications Technician~~

~~Complaint/Dispatcher~~

Criminalist

Community Service Officer

Evidence Technician

Fingerprint Technician

Identification Technician

Jailer and Matron

~~Parking Control Officer~~

Polygraph Examiner

Records Clerk

Commission Procedure E-1 (continued)

Records Supervisor

School Resource Officer

Traffic Director and Control Officer

7. Reimbursement for training which is not specific to one of the job classes enumerated in the above paragraph, must be approved by the Commission on an individual basis prior to the beginning of the course, providing such information as specified in Section 1014 of the Regulations.

8. A full-time public safety dispatcher, as defined in Regulation 1001(1) and (t), who is employed by a department or jurisdiction authorized to participate in the Public Safety Dispatcher Program by statute, and which is participating, may attend the POST-certified Basic Complaint/Dispatcher Course required by Regulation 1018, and the jurisdiction may be reimbursed for allowable training expenses up to the maximum hours listed in PAM E-4-3. Eligible public safety dispatchers, as specified above, without prior approval from POST may attend POST-certified seminars and technical courses which are specific to their assignments, and the jurisdiction may be reimbursed. If such seminars and courses are not specific to their assignments, reimbursement must be approved by the Commission prior to attendance of the course. Training expenses shall be reimbursed only for full-time employees as defined in Regulation 1001(1).

Commission Procedure D-1

1-7 Basic Complaint/Dispatcher Course. The Basic Complaint/Dispatcher Course contains the following Functional Areas and minimum hours. This course provides instruction regarding entry-level skills and knowledge to personnel whose duties include receiving emergency calls for services and dispatching law enforcement personnel. With prior POST approval, flexibility shall be granted to adjust hours between functional areas.

Functional Areas:

<u>1.0</u>	<u>Professional Orientation</u>	<u>(4 hours)</u>
<u>2.0</u>	<u>Administration of Justice</u>	<u>(4 Hours)</u>
<u>3.0</u>	<u>Legal Aspects</u>	<u>(16 Hours)</u>
<u>4.0</u>	<u>Telephone Procedures</u>	<u>(10 Hours)</u>
<u>5.0</u>	<u>Radio Procedures</u>	<u>(10 Hours)</u>
<u>6.0</u>	<u>Dispatch Practicals (Role-play exercise)</u>	<u>(12 Hours)</u>
<u>7.0</u>	<u>Stress Management</u>	<u>(6 Hours)</u>
<u>8.0</u>	<u>Telecommunications</u>	<u>(6 Hours)</u>

Commission Procedure D-1 (continued)

<u>9.0</u>	<u>Basic Emergency Medical Services Dispatching</u>	<u>(4 Hours)</u>
<u>10.0</u>	<u>Unusual Incidents</u>	<u>(6 Hours)</u>
	<u>Examinations</u>	<u>(2 Hours)</u>
	<u>Total Minimum Required Hours</u>	<u>(80 Hours)</u>

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
13.	Field Training Officer Update	Modesto CJTC	Technical	IV	4,320
14.	Supervision of Drug Investigation	Long Beach Police Department	Supv. Trng	IV	34,272
15.	Driver Awareness Course	Monterey Park Police Department	Technical	IV	768
16.	Team Building Workshop (TBW)	David Carey & Associates	TBW	III	19,230
17.	Team Building Workshop (TBW)	Cristano House, Inc.	TBW	III	19,230
18.	Team Building Workshop (TBW)	Industrial-Organizational Psychologist	TBW	III	19,230
19.	Team Building Workshop (TBW)	Jamieson Consulting Group	TBW	III	19,230
20.	Team Building Workshop (TBW)	InsightSystems Group	TBW	III	19,230
21.	Team Building Workshop (TBW)	Ernest M. Solano MSW-Ph.D.	TBW	III	19,230
22.	Team Building Workshop (TBW)	Management & Organizational Effectiveness	TBW	III	19,230
23.	Team Building Workshop (TBW)	Professional Success Seminar	TBW	III	19,230
24.	Advanced Officer	Alameda Co. SO. Aca. Trng Ctr.	AO	II	192,000
25.	Coroner's Course	Kern. Co. RCJTC	Technical	III	62,640
26.	Microcomputer Applic. for LE	Los Angeles Co. Sheriff's Dept.	Technical	III	66,480
27.	Driver Awareness Course	San Diego Co. SD/ Southwestern Col.	Technical	IV	1,167
28.	Skills & Knowledge Modular Training	Imperial Valley College	Technical	IV	3,024
29.	Driver Awareness Course	San Bernardino Co. Sheriff's Dept.	Technical	IV	4,330

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
30.	Complaint/ Dispatcher	Los Angeles Co. Sheriff's Dept.	Technical	II	64,000
31.	Laser Firearms	Orange Co. S.D.	Technical	III	364,800
32.	Complaint/ Dispatcher Update	Rio Hondo RTC	Technical	IV	11,520
33.	Basic Firearms Instructor	Sacramento Public Safety Center	Technical	IV	45,000
34.	Firearms Instr: Semi-Automatic	College of the Redwoods	Technical	IV	10,080
35.	Death Investi- gation	FBI, San Diego	Technical	II	35,280
36.	Reserve Training, Module C	San Francisco P.D.	Reserve	N/A	-0-
37.	Drug Influence- 11550 H&S	San Diego P.D.	Technical	IV	5,184
38.	Chemical Agent Instructor	Sacramento Public Safety Center	Technical	IV	4,800
39.	Hazardous Mate- rials Invest.	CSTI	Technical	III	16,500
40.	Skills & Knowledge Modular Training	Rancho Santiago College	Technical	IV	5,184

DECERTIFIED

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>
1. Disabled in Disasters	CSTI	Technical	III
2. Traffic Accident Investigation	Ventura College	Technical	IV
3. Card Room Invest.	DOJ Training Ctr.	Technical	IV
4. Skills & Knowledge Modular Training	Los Angeles Co. S.D.	Technical	IV
5. Hazardous Material Scene Management	Los Angeles Co. S.D.	Technical	IV
6. Complaint/Dispatcher	San Mateo College	Technical	II
7. Arson Invest.	Rio Hondo RTC	Technical	IV
8. Reserve Training, Module B	Rio Hondo RTC	Reserve Training	N/A
9. Narcotics Inv., Adv.	U.S. DEA, SF	Technical	IV
10. Homicide Inv.	Santa Rosa Center	Technical	II
11. Traffic Enforcement, PTL Aspect	Santa Rosa Center	Technical	IV
12. Traffic Control Supervision	Santa Rosa Center	Technical	IV
13. Women in L.E.: Mgt. & Organiz.	Chapman College	Mgmt. Trng.	III
14. Supervisory Seminar	San Diego Co. S.D. Southwestern Col.	Supv. Trng.	IV
15. Driver Training	Kern Co. RCJTC	Technical	IV
16. Arrest and Control Tactics	Koga Institute	Technical	III
17. Law Enforcement Mgmt. Seminar	POST	Mgmt. Trng.	IV
18. Managing Innovation	PMW Associates, Inc.	Mgmt. Trng.	III
19. Vehicle Occupant Protection	Office of Traffic Safety	Technical	IV

DECERTIFIED - Continued

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>
20. Supervisory Course	San Diego LETC	Supv. Trng.	II

TOTAL CERTIFIED 40

TOTAL DECERTIFIED 20

TOTAL MODIFICATIONS 32

882 courses certified as of 09/30/88
153 presenters certified as of 09/30/88

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Biggs Police Department		Meeting Date October 20, 1988
Bureau Compliance and Certificate Services	Reviewed By Darrell Stewart <i>DS</i>	Researched By Tom Farnsworth <i>TF</i>
Executive Director Approval <i>Howard C. Bachm</i>	Date of Approval 8/18/88	Date of Report July 18, 1988
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

ISSUE

Acceptance of Biggs Police Department into the POST Regular reimbursement program.

BACKGROUND

The Biggs City Council re-established their own Police Department effective July 1, 1988. City Ordinance #280 commits the City to adhere to POST selection and training standards in return for State aid.

ANALYSIS

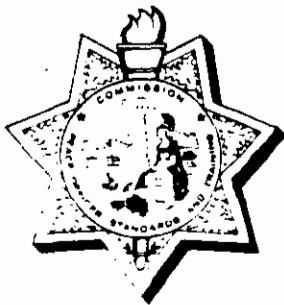
The department presently employs two sworn officers who possess or will be able to possess POST certificates. The department also employs adequate selection standards.

FISCAL IMPACT

The projected fiscal impact at full compliment should approximate \$1200 annually.

RECOMMENDATION

The Commission be advised that Biggs Police Department has been admitted to the POST program consistant with Commission policy.



Resolution OF THE
Commission on Peace Officer Standards and Training
STATE OF CALIFORNIA

WHEREAS, Gary Sorg is a Sergeant with the Merced Sheriff's Department with impressive service in law enforcement; and

WHEREAS, He served the Commission on Peace Officer Standards and Training in the capacity of a POST Management Fellow, full time from March 1 through October 31, 1988; and

WHEREAS, He was the Project Director for the development of Guidelines and Curriculum for Law Enforcement Handling of Missing Persons and Runaway cases; and

WHEREAS, His work on this difficult project was exemplary in every respect; and

WHEREAS, The results of his work will be of benefit to California law enforcement for many years to come, now therefore be it

RESOLVED, That the members of the Commission on Peace Officer Standards and Training commend Gary Sorg for a job well done; and be it

FURTHER RESOLVED, That the Commission extends its best wishes for continued service to California law enforcement.

Chairman

Executive Director

November 3, 1988

Date



Resolution OF THE
Commission on Peace Officer Standards and Training
STATE OF CALIFORNIA

WHEREAS, Donald C. Beauchamp served the Commission on Peace Officer Standards and Training with distinction for 16 years; and

WHEREAS, Donald C. Beauchamp has represented the Commission on Peace Officer Standards and Training on matters before the California State Legislature for many years; and

WHEREAS, Donald C. Beauchamp in his legislative and other work has established a well-earned reputation for honesty, integrity and effectiveness; and

WHEREAS, Donald C. Beauchamp has attained the ranks of Law Enforcement Consultant, Bureau Chief, and Assistant Executive Director; and

WHEREAS, Donald Beauchamp has also served law enforcement as a member of the California Highway Patrol, California Department of Parks and Recreation and the Stanislaus County Sheriff's Department; now

THEREFORE, BE IT RESOLVED, that the members of the Commission on Peace Officer Standards and Training do hereby commend Donald C. Beauchamp for his dedicated and effective service and offer their personal and best wishes upon this occasion of his retirement.

Chairman

Executive Director

November 3, 1988
Date

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Equivalencies of Supervisory, Management, and Executive Courses		Meeting Date November 3, 1988
Bureau Comp. & Cert. Serv.	Reviewed By	Researched By Darrell Stewart <i>[Signature]</i>
Executive Director Approval <i>[Signature]</i>	Date of Approval 10/17/88	Date of Report October 17, 1988
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

Issue

Should the Commission change policy and consider equivalencies for the Supervisory, Management and Executive Development Courses?

Background

Police Chief Victor J. Theen, Rio Dell Police Department, submitted a letter and certificate application on April 1, 1988, for Supervisory, Management and Executive certificates. In his cover letter, Chief Theen states that Commission Procedure F-1, Certificates, requires that the applicant must satisfactorily meet the training requirements of the courses prescribed, but does not specifically require that the applicant must attend the POST certified courses. Attached to the chief's application were sections of course outlines from the PAM Manual and typed information to indicate that similar courses were completed by Chief Theen at the College of Notre Dame in Belmont, California (see attachment A).

Chief Theen's application was returned to him with an explanation that the Commission eliminated equivalencies for the courses he identified for anyone promoted into a supervisory, management, or executive rank after January 1, 1980.

Chief Theen has requested an opportunity to appeal to the Commission and ask for award of Supervisory, Management, and Executive certificates based upon equivalent training.

Analysis

Specifications for the mandated Supervisory and Management Courses are included in Regulation 1005 (see Attachment B).

Alternative means of satisfying the mandatory courses are not provided for in the Regulations. Thus, newly appointed supervisors and middle managers must complete the POST certified Supervisory and Management Courses.

Specifications for the optional Executive Development Course are also included in Regulation 1005.

Prior to January 1, 1980 the Commission formally accepted "equivalent" training as a means of satisfying the supervisory and management training mandates. In some cases the courses presented by colleges and agencies were superficially reviewed for equivalency, and other courses such as the FBI National Academy were accepted as alternatives. The Commission, at its April 19-20, 1979 meeting, decided to eliminate "equivalents" for the Supervisory and Management courses for those individuals appointed to supervisory or management positions after January 1, 1980. The primary reason for the change was conversion of the POST Supervisory and Management courses into performance objective format, and the realization that a collection of training/education courses could not be equivalent.

Criteria for award of Supervisory, Management and Executive Certificates are described in Commission Procedure F-1 (see Attachment C). None of these certificates are required. Award of each certificate is based in part on a showing of completion of the requisite Supervisory, Management or Executive Development Course. The language relative to these training requirements for purposes of certificate awards is that the applicant must have "satisfactorily met the requirements of" the requisite courses. It is thus possible for the Commission, within its Regulations, to award Supervisory and Management Certificates based upon equivalent training. This could be done even though equivalency is not allowable in meeting the training mandates. The reason for this is that when the Commission acted in 1979 to eliminate equivalencies it did so for persons appointed to the affected ranks after January 1, 1980. There was intent, still reflected in Procedure F, to continue to honor equivalent training for persons appointed to those ranks before January 1, 1980.

Though not reflected in the minutes of the Commission's 1979 action regarding the Supervisory and Management Courses, the Commission also acted to eliminate equivalency for the optional Executive Development Course. Persons appointed to Executive positions since January 1, 1980 have not been allowed to substitute equivalent training for the Executive Certificate. Certain equivalencies were acceptable for persons appointed prior to that date.

The basis for Chief Theen's appeal is the language in Commission Procedure F-1 indicating that an applicant must "satisfactorily meet the training requirement of" respective courses in order to be eligible for the appropriate certificate. Chief Theen is in a

position to pursue an appeal in this fashion because he is not and has not been subject to the training mandates for supervisors and managers. He was appointed to his current position of Chief of Police following prior service as a police officer.

A reassessment of equivalency considerations appears appropriate because of the passage of time and in recognition of the appeal.

Supervisory Course

The POST Supervisory Course contains eighteen (18) rather specific learning goals or outcomes directly related to the job of a first-line sworn supervisor. Such learning goals as Report Review, Investigations, Discipline (under the Peace Officer Bill of Rights) and Liability Issues simply are not found in curriculums of general supervisory courses. This content focuses on California's unique laws, case decisions, working conditions, etc. POST staff continuously monitor and update the course content to assure that it is contemporary.

The POST Supervisory Course is also different in the respect that it advocates a particular style of supervision contained in the learning goal "Assertive Leadership". This involves being proactive and aggressive as it relates to motivation, performance, accountability and leadership.

The POST Supervisory Course is a unique learning experience in the fact that all trainees are first-line, sworn supervisors. A more general supervisory course or an open college course cannot provide this environment. Having homogeneous students with common problems, experiences, and challenges facilitates the learning process. The course by design encourages continuous interchange between students where some of the most lasting and meaningful learning occurs. Through small group activities, role playing and scenarios, ideas and viewpoints are exchanged and developed on contemporary and relevant issues. This learning environment is unique and would be very difficult to duplicate and validate through a course equivalency process.

Management Course

The Management Course is arranged in learning goals of Management Roles and Responsibility; Personnel Management Skills; Leadership Styles and Decision Making; Organization and Management Development; and Legal Responsibilities. Although there are a few duplications of subject matter which are taught in some college management courses, the POST Management Course is not similar or equivalent to any other known course of instruction or training.

Like the Supervisory Course, POST control of the Management Course curricula and learning environment provides a unique learning experience.

Executive Course

The optional Executive Development Course recently has been the subject of requests for "alternative means" or equivalencies because completion of the course is required to obtain the optional Executive Certificate. The question as to whether there are equivalent courses available and whether the course should be restructured is under separate study. It is not believed that results of that study are critical to the resolution of this appeal.

Summary Conclusions

The primary reason the Commission eliminated equivalencies for the Supervisory and Management Courses was that the courses were considered unique and that true equivalents were not considered possible. Also it was indicated that the research to develop the Performance Objectives for the two courses validated that the approved curricula was what new supervisors and managers in law enforcement agencies needed to properly perform their tasks. Reassessment of these courses suggests that there remains compelling reasons to not allow "equivalent" or "alternative" courses.

Should the Commission conclude otherwise, it should also be noted that Chief Theen's college courses submitted for consideration do not address the topics required in the Supervisory and Management Courses. For his appeal to be fully granted, actions required would be reinstatement of the policy allowing for equivalency or alternative courses, and a new policy allowing an acceptance of a fairly broad range of college courses in lieu of the required training. It should additionally be noted that experience requirements for the requested certificates are two years at each level for a total of six years. Chief Theen has served less than four years at the required level.

Recommendation

Subject to further input from Chief Theen at the meeting, deny the appeal and maintain the current policy.



RIO DELL POLICE DEPARTMENT



675 Wildwood Avenue
Rio Dell, California 95562
(707) 764-5642

April 1, 1988

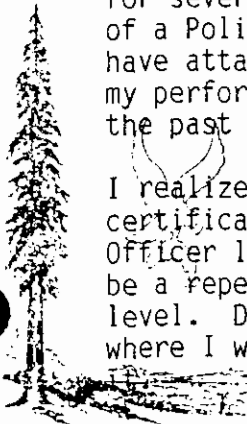
Comm. On Peace Officer Standards & Training
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Certification and Evaluation Section:

I am requesting that I be issued a Regular Supervisory Certificate, Regular Management Certificate and the Regular Executive Certificate. I meet and exceed all of the criteria set forth to be eligible for the certificates, except for actual attendance at the various designated POST courses.

In Commission Procedure F-1 it specifies that the applicant must satisfactorily meet the training requirement of the courses prescribed, but does not state that the applicant must attend the specific course. I have attached copies of the POST curriculum for each of the courses and typed my actual college courses upon the copy, to substantiate attendance at courses far in excess of the ones required. If I had attended the exact POST specified courses I would only have completed a grand total of 240 hours (80 hours for each certificate), however my graduate classes alone total 1125 classroom hours plus many hours of homework. In addition, I also completed approximately 4612 hours of classroom work for my B.S. degree and more than 65% of all these hours were related directly or indirectly to law enforcement, justice administration and management. These were all classroom hours of actual attendance and were not classes credited for work/life experience (for which I could have qualified, if I had so desired). Based upon this information, and my transcript of courses and grades, I believe it would qualify me many times over, in the area of educational equivalency.

As for related supervisory and management experience, I completed 20 years of active duty in the United States Marine Corps, which is known throughout the world as a "builder of leaders". I held every rank from Private (E-1) through First Sergeant (E-8) and therefore performed years of duty similar to a first line supervisor, middle manager and executive type leader. The duties and responsibilities of a First Sergeant in the Marine Corps are very analogous to those of a Police Chief within the structure of a large size City. I also functioned as a Watch Commander and Acting Sergeant within the Police Department for several years, and have a highly successful record of performing the duties of a Police Chief for the past three plus years, in Rio Dell, California. I have attached copies of some letters and supporting documents which attest to my performance of all duties, leadership, management and law enforcement during the past 36 years, to assist in the evaluation of my experiences.



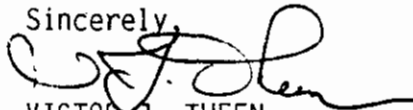
I realize that I could attend the 80 hour Management Course and qualify for the certificates, however my present duties as a Police Chief and a working patrol Officer leave me with almost no extra time, and much of the instruction would be a repeat of previous education and often at a less intensive and comprehensive level. Due to a series of "Catch 22" situations I have always been in a position where I was doing the job, but never allowed to obtain the full certification for

In spite of my intensive schedule where I also function as a street Police Officer, along with my duties as Chief of Police, I manage to attend as many seminars and training sessions as possible. I continually attend the POST mandated training for Chiefs(i.e. domestic violence, records and communications, First Aid, CPR) and street Officers. Therefore it can be easily determined that I continue to stay abreast of current trends and laws so that I remain professionally competent at all times.

In conclusion, I request your consideration in this matter since I do believe these certificates are a recognition of professional excellence and they are very important to me, even though they are not a mandatory requirement for my position. I consider it an honor to be a Law Enforcement Officer in the State of California, and especially a Chief Law Enforcement Officer. I believe that POST is responsible for establishing the high quality of Law Enforcement Officers in California and is the most professional commission on Law Enforcement in the nation. I therefore feel that it would be an honor to receive the certificates and guarantee that I will continue to uphold the ideals of law enforcement and The Commission On Peace Officer Standards and Training to the utmost of my ability.

I would like to thank you in advance for taking the time to review this request, and if you feel that it is necessary to conduct a personal interview in order to further evaluate me, I will be happy to travel to Sacramento for that purpose. I have been inspected by Senior Consultant Bobby Sadler and Senior Consultant Thomas G. Farnsworth of POST during the past three years and I am certain they can attest to the fact that the Rio Dell Police Department has reached it's highest degree of professionalism and adherence to POST standards in many years, and we are continually striving for greater improvement.

Sincerely,



VICTOR J. THEEN
Chief Of Police

POST CERTIFICATE APPLICATION

State of California Department of Justice
 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 1601 Alhambra Boulevard
 Sacramento, California 95816-7083

1. NAME (LAST) (FIRST) (MIDDLE) THEEN, Victor John		2. DATE OF BIRTH 03 01 85 MO DAY YR	3. SEX	4. RACE	5. SOCIAL SECURITY NUMBER
6. EMPLOYING AGENCY City of Rio Dell, CA. Police Dept. 675 Wildwood Ave., Rio Dell, CA.		7. DATE EMPLOYED AS A PEACE OFFICER 03 01 85 MO DAY YR		8. CERTIFICATE(S) REQUESTED Supervisory & Management Regular Executive	
9. CURRENT RANK/CLASSIFICATION Chief of Police		10. DATE PROMOTED TO CURRENT RANK 03 01 85 MO DAY YR		11. APPOINTMENT STATUS 830.1 P.C.	
12. LAW ENFORCEMENT AGENCIES WHERE PREVIOUSLY EMPLOYED AS A FULL-TIME, PAID PEACE OFFICER		13. APPOINTMENT STATUS 830.1 P.C.		14. RANK/TITLE	
City of Belmont, CA. Police Dept 1215 Ralston Ave., Belmont, CA. 94002				Police Officer	
15. DATES EMPLOYED		16. DATE STARTED		17. DATE ENDED	
FROM MO DAY YR TO MO DAY YR		12 01 71		05 31 85	
18. BASIC TRAINING SCHOOL ATTENDED S.M. Co, Sheriffs Crse, Redwood City, CA.		19. COURSE LENGTH - HOURS		20. DATE STARTED	
				1965	
21. COLLEGE, UNIVERSITY		22. DATES ATTENDED		23. DEGREE	
1		FROM		SEMESTER UNITS QUARTER UNITS	
		FROM		SEMESTER UNITS QUARTER UNITS	
		FROM TO		SEMESTER UNITS QUARTER UNITS	
		FROM TO		SEMESTER UNITS QUARTER UNITS	

I attest that I am a full-time, paid peace officer and that I have read and subscribe to the Law Enforcement Code of Ethics. I swear under penalty of perjury that all the information contained herein is true and correct.

Victor J. Theen
 24 SIGNATURE OF APPLICANT 25 DATE 02/01/88

I recommend that the certificate be awarded. I attest that the applicant has completed a period of satisfactory service of no less than 12 months and has been employed in compliance with the minimum standards set forth in Section 1002 of the Commission Regulations. The applicant in my opinion is of good moral character and worthy of the award. My opinion is based upon personal knowledge or inquiry. The personnel records of this jurisdiction/agency substantiate my recommendation.

Wayne D. Mayhall
 26 SIGNATURE OF AGENCY ADMINISTRATOR 27 RANK City Mgr 28 DATE 02-01-88 29 NAME OF PERSON PREPARING APPLICATION Victor J. Theen

ALL TRAINING MUST BE SUPPORTED BY COPIES of transcripts, degrees, diplomas, Certificates of Completion and other verifying documents attached to this application. SEND COPIES ONLY; THESE ITEMS WILL NOT BE RETURNED.
 *PLEASE SEE ATTACHED LETTER OF SUPPORT, ALONG WITH COPIES OF SUPPORTING DOCUMENTS.

FOR POST USE ONLY

NAME OF CERTIFICATE	EDUCATION UNITS	TRAINING POINTS	EDUCATION/INSTITUTION	CERTIFICATE NUMBER	DATE ISSUED	APPLICATION EVALUATED BY	
BASIC				B -		EVALUATION REVIEWED BY	
INTERMEDIATE				I -			
ADVANCED				A -			
SUPERVISORY				S -			
MANAGEMENT				M -			
EXECUTIVE				E -		CERTIFICATE(S) ISSUED	
SPEC. BASIC				SB -			<input type="checkbox"/> B <input type="checkbox"/> SB
SPEC. INTERMEDIATE				SI -			<input type="checkbox"/> I <input type="checkbox"/> SI
SPEC. ADVANCED				SA -			<input type="checkbox"/> A <input type="checkbox"/> SA
SPEC. SUPERVISORY				SS -			<input type="checkbox"/> S <input type="checkbox"/> SS
SPEC. MANAGEMENT				SM -			<input type="checkbox"/> M <input type="checkbox"/> SM
SPEC. EXECUTIVE				SE -			<input type="checkbox"/> E <input type="checkbox"/> SE

EXPERIENCE Sergeant in USMC from Dec 1953 to 1956, Staff Sergeant (E5) USMC from 1956 to 1959, Staff Sergeant (E6) from 1959 to 1966 should qualify for experience as a first line supervisor through middle management.....

SUPERVISORY COURSE

Purpose

3-1. Specifications of the Supervisory Course: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(b) of the Regulations for Supervisory Training.

Content

3-2. Supervisory Course Subjects: The Supervisory Course is a minimum of 80 hours (reimbursable up to 80 Hours) and consists of curriculum enumerated in the document "The POST Supervisory Course Curriculum, January 1986". In order to meet local needs, flexibility in curriculum may be authorized with prior POST approval. The POST Supervisory Course Curriculum is organized under the following broad topic areas:

- | | |
|--------------------------------|-------------------------|
| Introduction-Role | Employee Relations |
| Identification | Administrative Support |
| Values, Principles, Ethics | Planning and Organizing |
| Leadership Styles | Communication |
| Liability Issues | Training |
| Assertive Leadership | Report Review |
| Employee Performance Appraisal | Investigations |
| Counseling | Stress |
| Discipline | The Transition |

----- Total Minimum Required Hours 80 -----

** ALL OF THESE HOURS WERE ACTUALLY HOURS SPENT IN CLASSROOM STUDY, PLUS MANY HOURS OF HOMEWORK. NONE WERE AWARDED FOR WORK EXPERIENCE, LIFE EXPERIENCE OR OTHER EVALUATION (ALTHOUGH I WOULD HAVE BEEN ELIGIBLE FOR SAME).

Procedure D-4 was incorporated by reference into Commission Regulation 1005 on April 15, 1982. A public hearing is required prior to revision of this directive.

MANAGEMENT COURSE

Purpose

4-1. Specifications for the Management Course. This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005 (c) of the Regulations for Management Training.

Content

4-2. Management Course: The Management Course is a minimum of 80 hours and consists of the learning goals adopted in the revision completed in October 1981. In order to meet local needs, flexibility in curriculum may be authorized with prior POST approval. The POST Management Course Learning Goals are organized under the following broad topic areas:

- Management Roles and Responsibility
- Personnel Management Skills
- Leadership Styles and Decision Making
- Organization and Manager Development
- Legal Responsibilities

**College Courses completed to compensate for the required training hours:

<u>COURSE</u>	<u>SEMESTER</u>	<u>UNITS</u>	<u>GRADE</u>	<u>HOURS</u>
---------------	-----------------	--------------	--------------	--------------

** ALL OF THESE HOURS WERE ACTUALLY HOURS SPENT IN CLASSROOM STUDY, PLUS MANY HOURS OF HOMEWORK. NONE WERE AWARDED FOR WORK EXPERIENCE, LIFE EXPERIENCE OR OTHER EVALUATION (ALTHOUGH I WOULD HAVE BEEN ELIGIBLE FOR SAME).

Plus experience from 1966 to 1968 as Gunnery Sergeant (E7) USMC (in charge of as many as 2300 men at one time) and also Acting Sergeant of Police for 3 years at Belmont California, and 14 years as full time Police Officer in City of Belmont - should qualify as needed experience in management field.

EXECUTIVE DEVELOPMENT COURSE

Purpose

5-1. Specification of the Executive Development Course: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(e) of the Regulations which relate to Executive Development.

Content and Minimum Hours

5-2. Executive Development Course Subjects and Minimum Hours: The Executive Development Course is a minimum of 80 hours and consists of the following subject areas:

- Leadership and Management
- Organization Development
- Legal Responsibilities
- Communications
- Contemporary Issues

**ALL OF THESE HOURS WERE ACTUALLY HOURS SPENT IN CLASSROOM STUDY, PLUS MANY HOURS OF HOMEWORK. NONE WERE AWARDED FOR WORK EXPERIENCE, LIFE EXPERIENCE OR OTHER EVALUATION (ALTHOUGH I WOULD HAVE BEEN ELIGIBLE FOR SAME).

COMMISSION PROCEDURE F-1

1-6. The Regular or Specialized Intermediate Certificate (continued)

Minimum Training Points Required	15	30	45		
Minimum Education Points or Degree Required	15	30	45	Associate Degree	Baccalaureate Degree
Years of Law Enforcement Experience Required	8	6	4	4	2

1-7. The Regular or Specialized Advanced Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Advanced Certificate must:

- a. Possess or be eligible to possess an Intermediate Certificate; and
- b. Satisfy the appropriate Basic Course training requirement and have acquired the training and education points and/or the college degree designated and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	30	45			
Minimum Education Points or Degree Required	30	45	Associate Degree	Baccalaureate Degree	Master Degree
Years of Law Enforcement Experience Required	12	9	9	6	4

1-8. The Regular or Specialized Supervisory Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Supervisory Certificate must:

- OK a. Possess or be eligible to possess the Intermediate Certificate; and
- OK b. Have no less than 60 college semester units awarded by an accredited college; and
- c. Satisfactorily meet the training requirement of the Supervisory Course; and
- (SEE ATTACHMENTS) d. Have served satisfactorily for a period of two years as a first-line supervisor, middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (k), (p), (d), and (i) of the Regulations.

The certificate shall include the applicant's name, official title, and name of employing jurisdiction or agency.

1-9. The Regular or Specialized Management Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Management Certificate must:

- OK a. Possess or be eligible to possess the Advanced Certificate; and
- OK b. Have no less than 60 college semester units awarded by an accredited college and;
- c. Satisfactorily meet the training requirement of the Management Course; and
- SEE ATTACHMENTS d. Have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (p), (d), and (i) of the Regulations.

The certificate shall include the applicant's name, official title and name of employing jurisdiction or agency. When a holder of a Management Certificate transfers as an assistant department head or middle manager to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM, Section F-3, displaying the name of the new jurisdiction.

1-10. The Regular or Specialized Executive Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Executive Certificate must:

- OK a. Possess or be eligible to possess the Advanced Certificate; and
- OK b. Have no less than 60 college semester units awarded by an accredited college; and
- c. Satisfactorily meet the training requirements of the Executive Development Course; and
- SEE ATTACHMENTS d. Have served satisfactorily for a period of two years as a department head as defined in Section 1001 (i) of the Regulations.

The certificate shall include the applicant's name, official title and name of employing jurisdiction. When a holder of an Executive Certificate transfers as a department head to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM Section F-3, displaying the name of the new jurisdiction.

1-4. Basis for Qualification (continued)

- f. In other law enforcement categories designated by the Commission, the acceptability of the required experience shall be determined by the Commission, not to exceed a maximum total of five years. The experience must be documented and the name of the organization(s) indicated, years of service, duties performed, and types of responsibility.
- g. The Supervisory, Management, and Executive Certificates each require two years of satisfactory experience in the capacity designated in F-1-6(d), F-1-9(d) or F-1-10(d).

Middle management experience may substitute for supervisory experience. Department head experience may substitute for middle management or supervisory experience. An aggregate of four years' experience (with at least two years of experience at the higher rank) is required to receive both the Supervisory and Management Certificates; an aggregate of six years' experience (with at least two years of experience at the higher rank) is required before all three certificates may be awarded.

Professional Certificates

1-5. The Regular or Specialized Basic Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Basic Certificate must:

- a. Have completed a period of satisfactory service in the appropriate program for which the certificate is being sought, of no less than one year, as attested to by the department head. The applicant shall acquire the Basic Certificate before the expiration of 18 months from the date employed. The Executive Director shall have the authority to determine the manner in which the 18-month period is calculated, when there is change of employers, injury, illness, or other such extraordinary circumstances over which the applicant or department may have little or no control.
- b. Have satisfactorily met the appropriate POST Basic Course training requirement.

The certificate shall include the applicant's name and experience category of the employing agency.

1-6. The Regular or Specialized Intermediate Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Intermediate Certificate must:

- a. Possess or be eligible to possess a Basic Certificate; and
- b. Satisfy the appropriate Basic Course training requirement and have acquired the training and education points and/or the college degree designated and the prescribed years of law enforcement experience in one of the following combinations:



RIO DELL POLICE DEPARTMENT

675 Wildwood Avenue
Rio Dell, California 95562
(707) 764-5642



July 15, 1988

Mr. Norman C. Boehm
Executive Director
Commission On P.O.S.T.
1601 Alhambra Boulevard
Sacramento, California 95816-7083

JUL 21 2 02 AM '88

Dear Exec. Director Boehm:

I received your reply to my request for the Supervisory, Management and Executive Certificates and wish to thank you for your time reviewing the information, and for your prompt answer. Unfortunately I have not been able to reply until now, due to other more pressing commitments.

I do not wish to belabor the issue, however I do feel very strongly about the matter and would like to appeal to the Commission. Please believe that it has nothing to do with your refusal, since I do understand the reasons for the denial. I can see that it had to be a refusal, by the very nature of the regulations.

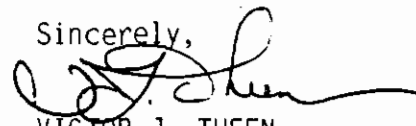
I do feel however, that the process of appeal exists for situations such as this. In all of our interactions with bureaus, committees, licenses and certificates it seems that sometimes we become so encumbered with specific guidelines and criteria that the desired end result is lost in the maze. When we do have professional equivalencies and accreditation for such highly skilled professions as Doctors and Nurses, it would only seem natural that a Police Chief should also have this available to them.

When I have a strong belief or commitment to anything, I feel that I cannot rest until I have at least addressed every possible avenue to accomplish my objective. I guess if I were to do any less, I would not be a very effective leader, Marine, Police Chief or Police Officer.

Therefore, I would greatly appreciate it if you could advise me of the proper appeal procedure, or if this letter will suffice for an appeal, please forward it to the Commission. If it is at all possible, I would like to appear in person, before the Commission and present my case.

I would appreciate any advice you can give me on this and again thank you for your time and patience in this matter.

Sincerely,


VICTOR J. THEEN
Chief of Police

NOV 3,
SACRAMENTO
Capital Plaza



DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

GENERAL INFORMATION

(916) 739-5328

EXECUTIVE OFFICE

(916) 739-3864

BUREAUS

Administrative Services

(916) 739-5354

*Center for Executive**Development*

(916) 739-2093

Compliance and Certificates

(916) 739-5377

Information Services

(916) 739-5340

Management Counseling

(916) 739-3868

Standards and Evaluation

(916) 739-3872

Training Delivery Services

(916) 739-5394

Training Program Services

(916) 739-5372

Course Control

(916) 739-5399

Professional Certificates

(916) 739-5391

Reimbursements

(916) 739-5367

Resource Library

(916) 739-5353



June 1, 1988

Victor J. Theen, Chief
Rio Dell Police Department
675 Wildwood Avenue
Rio Dell, CA 95562

Dear Chief Theen:

I have reviewed your letter and attachments regarding your previous training and education. There is no question that you have covered a considerable number of supervisory, management, and executive topics.

However, in late 1979 there were extensive discussions by the POST Commission on the value and appropriateness of awarding Supervisory, Management and Executive Certificates based on equivalencies to the POST courses. After a thorough review of the issues, the Commission eliminated all equivalencies effective January 1, 1980, for persons promoted to the various ranks after that date.

Since the effective date of the Commission action, a number of requests have been made for special handling or consideration of equivalencies for certificates. In each case, the Commission has denied the request as the Commission has no authority to provide a single equivalency. If the Commission were to issue an equivalency, the policy would have to be changed and opened to all potential equivalency requests. This is the issue the Commission thoroughly researched and discussed in 1979, and apparently does not wish to reopen again.

I know you realize the Supervisory, Management and Executive certificates are not mandatory for you to obtain. But I also realize you desire them for future endeavors. My only suggestion is that you make the time to attend the required courses if you wish to pursue the certificates.

If you wish to appeal this issue directly to the Commission you may do so. However, POST staff will be obligated to provide the Commission with their previous request denials over the past eight years. Therefore, we cannot support your position or arguments before the Commission.

Sincerely,

Norman C. Boehm
NORMAN C. BOEHM
Executive Director

1005. Minimum Standards for Training (continued)

- (3) Every regularly employed and paid as such marshal or deputy marshal of a municipal court as defined in Section 830.1 P.C., except those participating in a POST-approved field training program, shall satisfactorily meet the training standards of the Marshals Basic Course, PAM, Section D-1-5. The standards may be satisfactorily met by successfully completing the training requirements of the Basic Course, PAM, Section D-1-3, before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Bailiff and Civil Process Course or a Bailiff and Court Security Course and a Civil Process Course, PAM, Section D-1-5, is also required within 12 months from the date of appointment as a regularly employed and paid as such marshal or deputy marshal of a municipal court.
 - (4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid as such inspectors or investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1-3, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not satisfactorily completed the Basic Course, the chief law enforcement administrator may elect to substitute the satisfactory completion of the training requirements of the Specialized Basic Investigators Course, PAM, Section D-1-6.
 - (5) Every limited function peace officer shall satisfactorily meet the training requirements of the Arrest and Firearms (P.C. 832) Course; training in the carrying and use of firearms shall not be required when an employing agency prohibits limited function peace officers the use of firearms.
 - (6) Every peace officer listed in paragraphs (1) - (5) shall complete the training requirements of Penal Code Section 832 prior to the exercise of peace officer powers.
- (b) Supervisory Course (Required)
- (1) Every peace officer promoted, appointed or transferred to a first-level supervisory position shall satisfactorily complete a certified Supervisory Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position.
 - (2) Every regular officer who is appointed to a first-level supervisory position shall attend a certified Supervisory Course and the officer's jurisdiction may be reimbursed provided that the regular officer has been awarded or is eligible for the award of the Basic Certificate.
 - (3) Every regular officer who will be appointed within 12 months to a first-level supervisory position may attend a certified Supervisory Course if authorized by the department head, and the officer's jurisdiction may be reimbursed following satisfactory completion of such training, provided that the officer has been awarded or is eligible for award of the Basic Certificate.

REGULATIONS

1005. Minimum Standards for Training (continued)

- (4) Every regular officer who is assigned to a quasi-supervisory position may attend a certified Supervisory Course if authorized by the department head and the officer's jurisdiction may be reimbursed following satisfactory completion of such training, provided that the officer has been awarded or is eligible for award of the Basic Certificate.
- (5) Requirements for the Supervisory Course are set forth in the POST Administrative Manual, Section D-3.

(c) Management Course (Required)

- (1) Every peace officer promoted, appointed or transferred to a middle management position shall satisfactorily complete a certified Management Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position.
- (2) Every regular officer who is appointed to a middle management or higher position shall attend a certified Management Course and the jurisdiction may be reimbursed, provided the officer has satisfactorily completed the training requirements of the Supervisory Course.
- (3) Every regular officer who will be appointed within 12 months to a middle management or higher position may attend a certified Management Course if authorized by the department head, and the officer's jurisdiction may be reimbursed following satisfactory completion of such training, provided that the officer has satisfactorily completed the training requirements of the Supervisory Course.
- (4) Every regular officer who is assigned to a first-level supervisory position may attend a certified Management Course if authorized by the department head, and the officer's jurisdiction may be reimbursed following satisfactory completion of such training, provided that the officer has satisfactorily completed the training requirements of the Supervisory Course.
- (5) Requirements for the Management Course are set forth in the POST Administrative Manual, Section D-4.

(d) Continuing Professional Training (Required)

- (1) Every peace officer below the rank of first-level middle management position as defined in Section 1001(p) shall satisfactorily complete the Advanced Officer Course of 24 or more hours at least once every two years after completion of the Basic Course.
- (2) The above requirement may be met by satisfactory completion of an accumulation of certified Technical Course totaling 24 or more hours, or satisfactory completion of an alternative method of compliance as determined by the Commission. In addition to the above methods of compliance, supervisors may also satisfy the requirement by completing Supervisory or Management Training Courses.

COMMISSION PROCEDURE F-1

1-6. The Regular or Specialized Intermediate Certificate (continued)

Minimum Training Points Required	15	30	45		
Minimum Education Points or Degree Required	15	30	45	Associate Degree	Baccalaureate Degree
Years of Law Enforcement Experience Required	8	6	4	4	2

1-7. The Regular or Specialized Advanced Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Advanced Certificate must:

- a. Possess or be eligible to possess an Intermediate Certificate; and
- b. Satisfy the appropriate Basic Course training requirement and have acquired the training and education points and/or the college degree designated and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	30	45			
Minimum Education Points or Degree Required	30	45	Associate Degree	Baccalaureate Degree	Master Degree
Years of Law Enforcement Experience Required	12	9	9	6	4

1-8. The Regular or Specialized Supervisory Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Supervisory Certificate must:

- a. Possess or be eligible to possess the Intermediate Certificate; and
- b. Have no less than 60 college semester units awarded by an accredited college; and
- c. Satisfactorily meet the training requirement of the Supervisory Course; and
- d. Have served satisfactorily for a period of two years as a first-line supervisor, middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (k), (p), (d), and (i) of the Regulations.

The certificate shall include the applicant's name, official title, and name of employing jurisdiction or agency.

1-9. The Regular or Specialized Management Certificate: In addition to the requirements set forth in paragraphs, 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Management Certificate must:

- a. Possess or be eligible to possess the Advanced Certificate; and
- b. Have no less than 60 college semester units awarded by an accredited college and;
- c. Satisfactorily meet the training requirement of the Management Course; and
- d. Have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (p), (d), and (i) of the Regulations.

The certificate shall include the applicant's name, official title and name of employing jurisdiction or agency. When a holder of a Management Certificate transfers as an assistant department head or middle manager to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM, Section F-3, displaying the name of the new jurisdiction.

1-10. The Regular or Specialized Executive Certificate: In addition to the requirements set forth in paragraphs 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Executive Certificate must:

- a. Possess or be eligible to possess the Advanced Certificate; and
- b. Have no less than 60 college semester units awarded by an accredited college; and
- c. Satisfactorily meet the training requirements of the Executive Development Course; and
- d. Have served satisfactorily for a period of two years as a department head as defined in Section 1001 (i) of the Regulations.

The certificate shall include the applicant's name, official title and name of employing jurisdiction. When a holder of an Executive Certificate transfers as a department head to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM Section F-3, displaying the name of the new jurisdiction.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Certificates for Constables		Meeting Date November 3, 1988
Bureau Cert. & Comp. Serv.	Reviewed By	Researched By Darrell Stewart <i>[Signature]</i>
Executive Director Approval <i>Memorandum C. Boehm</i>	Date of Approval 10-14-88	Date of Report October 13, 1988
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

Issue

Should the Commission include in its Regulations and Procedures minimum selection and training standards for appointed Constables and Deputy Constables to accommodate a recent change in Penal Code Section 832.4.

Background

Effective January 1, 1988, P.C. 832.4 was revised to require that all P.C. 830.1 peace officers (except sheriffs, elected marshals and elected constables) hired after that date acquire the POST Basic Certificate within 24 months as a condition of retaining peace officer powers after that time (see Attachment A).

Previously this statute applied only to deputy sheriffs, city police officers and police officers of districts. Marshals, constables and district attorney investigators are subject to this requirement for the first time.

A memorandum was mailed on June 28, 1988 to all Justice Court Judges, County Boards of Supervisors, and Constables to acquaint them with this issue and to advise them that the subject of minimum selection and training standards for constables would be addressed by the Commission (see Attachment B).

Constables do not currently participate in the POST Regular or Specialized programs. Therefore, no selection and training standards exist for constables upon which to determine issuance of the Basic Certificate as required by P.C. 832.4.

Constable positions are similar to municipal court marshal positions, except constables work in Justice Court Districts. There are 46 Constable offices in the state. Forty are elected officials, two are appointed and four offices are serviced by other agencies. Also, within the 42 offices which are staffed by

constables, there are 14 Deputy Constable positions.

Analysis

Each appointed Constable or Deputy Constable hired after January 1, 1988, must acquire a Basic Certificate within 24 months to retain peace officer powers. The Commission must award the certificates to qualifying individuals even though their employing agencies do not participate in the POST program.

Fundamental requirements for certificate awards are satisfaction of selection and training standards established by the Commission. Past Commission practice has been to apply the same selection standards to all peace officer groups. However, different basic training requirements have been set in the past for different peace officer groups depending on the entry level tasks performed by officers in the groups. Therefore, before awarding basic certificates to Constables, the Commission needs to determine the selection standards and basic training requirement for Constables.

In the current array of entry level POST training, a Basic Marshals Course is required for marshals; a Basic D.A. Investigator Course is required for District Attorney Investigators; a Basic Specialized Investigator Course is required for other state and local investigators; and all other peace officers in the program are required to complete the Regular Basic Course.

There are several options available as to which basic training is appropriate for Constables. Options include:

1. Require the Regular Basic Course

This option would provide availability of training statewide on a year-round basis, but the curriculum is primarily designed for entry level field peace officer duties and not court security/bailiff duties.

2. Require the Marshals Course

This option provides appropriate curriculum, but is ultimately more lengthy than the minimum requirement for police officers or deputy sheriffs. The Commission adopted a 446-hour Marshals Basic Course, but because of the limited number of interested students, and the desires of the marshals statewide, the course was never certified and presented. The marshals use an optional training track, which is the Regular Basic Course plus completion of 80 hours of bailiff, civil process and court security courses.

3. Develop a Constables Course

This option does not appear feasible as there are not enough Constables hired statewide within any one year (about five) to warrant development and presentation of one class per year.

4. Adopt the P.C. 832 Course

Another option would be to declare the P.C. 832 Course (Arrest and Firearms) the minimum training for Constables to obtain a certificate under P.C.832.4. This course was imposed on all peace officers in California in 1972 by the legislature. This option would not be establishing a new POST requirement, but would only indicate the course as a minimum level of training to obtain a "POST Constable Certificate". A Specialized Basic Certificate could be issued to Constables who have completed the P.C. 832 Course, and a Regular Basic Certificate to those who have completed the Regular Basic Course.

There are two options available as to which minimum selection standards are appropriate for Constables. Options include:

1. Government Code Sections 1029-1031.5, which includes citizenship, over 18 years, no felony convictions, thorough background investigation, high school or GED, and medical and psychological evaluation by a licensed professional.
2. POST Regulation 1002 standards, which includes all the same requirements as the Government Code, plus the POST reading and writing exam for persons who have not graduated from a Basic Course, and the psychological exam as specified by POST.

In considering the matter of certificate standards for appointed Constables and Deputy Constables, there is a need to bear in mind the following issues:

1. Legislative intent to upgrade or provide assurance that minimum standards are met by Constables, and,
2. Standards that exceed existing statutory requirements may generate claims for POTF payment of all local costs incurred in meeting requirements that exceed those included in current law or Regulations (SB 90).

In considering these issues, attention must also be devoted to reasonableness of standards as they relate to requirements of the Constable's job, fairness as it relates to imposition of new costs for local employers of Constables, and professionalism as it relates to meeting the interests and needs of Constables in improving their standards and effectiveness. Based on these considerations, it is proposed that the Commission:

1. Establish the P.C. 832 (40 hour) Course as the minimum training standard.
2. Recommend, but not require, that in addition to the P.C. 832 Course, they attend the same training as marshals.
3. Establish existing Government Code Sections 1029 to 1031.5 as the minimum selection standards.
4. Recommend, but not require, that PAM Procedures C-1 and C-2 be used as guides to conduct an applicant's background investigation and medical and psychological testing.
5. Award the Specialized Basic Certificate to those who complete the P.C. 832 Course, and the Regular Basic Certificate to those who complete the Regular Basic Course.

Changes in Regulation 1005 and Procedure F-1 are necessary to implement the above proposals. Proposed revisions are included in Attachments C and D.

Recommendation

Set a public hearing for January 1989 to amend the indicated Regulations and Procedures to issue Basic Certificates to appointed Constables and Deputy Constables, as required by P.C. 832.4, using the criteria described in this report.

Penal Code Section 832.4

§ 832.4. Standards and training, basic certificate for certain peace officers; employment after Jan. 1, 1974; employment after Jan. 1, 1988

(a) Any undersheriff or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1974, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his employment in order to continue to exercise the powers of a peace officer after the expiration of such 18-month period.

(b) Every peace officer listed in subdivision (a) of Section 830.1, except a sheriff, elected constable, or elected marshal, who is employed after January 1, 1988, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training upon completion of probation, but in no case later than 24 months after his or her employment, in order to continue to exercise the powers of a peace officer after the expiration of the 24-month period.

In those cases where the probationary period established by the employing agency is 24 months, the peace officers described in this subdivision may continue to exercise the powers of a peace officer for an additional three-month period to allow for the processing of the certification application. (*Added by Stats.1973, c. 478, § 1. Amended by Stats.1974, c. 1006, § 3; Stats.1980, c. 1340, § 23; Stats.1987, c. 843, § 1.*)

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General

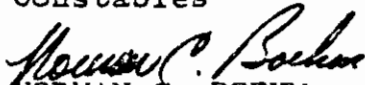


COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

June 29, 1988

To: Justice Court Judges
Chairpersons, County Boards of Supervisors
Constables

From: 
NORMAN C. BOEHM
Executive Director

Subject: POST Certificate Requirements for Constables and Deputy Constables

A recent amendment to Penal Code Section 832.4 requires Constables (except elected Constables) and Deputy Constables employed after January 1, 1988, to obtain a Basic Certificate issued by the Commission on Peace Officer Standards and Training (POST) within 24 months of their date of employment. The new law does not affect Constables or Deputy Constables employed prior to that date. Failure to obtain the POST Basic Certificate within the 24-month period precludes the affected individuals from continuing to exercise peace officer powers.

The POST Commission, in order to implement the new law, must determine the minimum selection and training standards for Constables. These standards will be discussed by the Commission on November 3, 1988, at their meeting to be held at the Capitol Plaza Holiday Inn, Sacramento. The meeting will begin at 10 a.m. A formal public hearing to adopt such standards may be scheduled for the January 1989 Commission meeting. Standards ultimately approved will be applicable to all appointed Constables and Deputy Constables, for purposes of certificate awards, who were appointed after January 1, 1988.

Preliminary information collected by POST indicates that the Constable's duties and responsibilities are very similar to those performed by Marshals. The current Commission requirement for Marshals participating in the POST program includes the selection standards specified in Government Code Sections 1029-1031, plus a reading/writing examination for those not previously trained, and a psychological examination. Marshals and Deputy Marshals currently complete a POST certified Regular Basic Course of at least 520 hours, as well as an 80-hour Bailiff and Civil Process Course. The applicability of the Marshal's standards to Constables will be discussed.

This issue is brought to your attention to ensure that you are aware of the new law and POST's responsibility to establish appropriate selection and training requirements.

You are invited to attend the Commission meeting on November 3, 1988 and listen to the Commission's discussion on this topic. If a public hearing is scheduled for the January meeting, you will have the opportunity to submit written testimony and/or provide oral testimony at the meeting. No decision on the adoption of actual standards is anticipated until after the completion of the public hearing process.

Further information relating to this matter may be obtained by contacting Darrell Stewart, Chief, POST Compliance and Certificate Services Bureau, at (916) 739-5377.

Attachment C

Proposed Changes in Commission Regulation 1005

1005 (a) (6)

Every peace officer listed in paragraphs (1) - (5), and appointed Constables and Deputy Constables of a judicial district, shall complete the training requirements of Penal Code Section 832 prior to the exercise of peace officer powers.

Proposed Changes in Commission Procedure F-1

1-2-c

Full-time, paid peace officer employees of cities, counties and districts authorized to maintain police departments are eligible for award of a basic certificate if they are required by Penal Code Section 832.4 to attain such a certificate, and their employing agency does not participate in the POST program. This eligibility shall pertain only to award of a basic certificate, which shall be issued only after compliance with selection, training and experience requirements. Selection requirements shall be Government Code Sections 1029-1031.5; Training requirements shall be the minimum training specified in Commission Regulation 1005 for the peace officers' classification; Experience requirements shall be as specified for all officers in Commission Procedure F-1-5. ~~all other conditions for basic certificate award expressed elsewhere in law and the PAM.~~

ANALYSIS

The proposed attached Wiretap Investigations Course was developed with the input of an advisory committee consisting of representatives from local law enforcement and the Attorney General's Office. This 24-hour course (Attachment B) will serve the training needs of investigators who have probable cause to believe that particular communications concerning illegal specified drug activities will be obtained through wire (telephone) interception. Consistent with legislative direction, the course content focuses on the legal, practical, and technical aspects of wiretap investigations. If approved, this curriculum will be incorporated in Commission Procedure D-7 as noted in Attachment C.

A survey of selected California law enforcement agencies reveals that in the calendar-year of 1989, some 500 peace officers throughout the state will probably seek the above prescribed wiretap investigations training. While most of these trainees will come from larger agencies, the personnel from many small- and medium-size departments who investigate narcotic violations on a task force basis will also have need for the training. Wiretap surveillance operations are labor-intensive.

In order to meet this anticipated demand for wiretap investigations training, it is proposed that the existing POST contract of \$735,040 with the Department of Justice Training Center be augmented to include an amount of \$30,950.00 to provide seven presentations of the Wiretap Investigations Course during the remainder of this fiscal year (concluding June 30, 1989). The cost of future presentations of this course will be considered for subsequent annual Training Center budgets. The Department of Justice Training Center is uniquely qualified and prepared to provide this training in accordance with the intent of the legislature. The initial presentation will be conducted as a pilot tentatively set for November 29, 30, and December 1, 1988. It will be videotaped by the audio-visual unit of the Department of Justice and evaluated against the learning objectives on which the course has been constructed. Where indicated, changes in subsequent presentations will be made.

RECOMMENDATION

- (1) approve curriculum for the Wiretap Investigations Course developed pursuant to Penal Code Sections 629 et. seq. (Senate Bill 1499), and also the modification of Commission Procedure D-7 to include the course, and

- (2) authorize the Executive Director to augment the Department of Justice Advanced Training Center's existing contract in the amount of \$30,950.00 to assume the cost of delivery of this training (seven presentations) for the remainder of this fiscal year.

629.44. (a) The Commission on Peace Officer Standards and Training, in consultation with the Attorney General, shall establish a course of training in the legal, practical, and technical aspects of the interception of private wire communications and related investigative techniques.

(b) The Attorney General shall set minimum standards for certification and periodic recertification of investigative or law enforcement officers as eligible to apply for orders authorizing the interception of private wire communications, to conduct the interceptions, and to use the communications or evidence derived from them in official proceedings.

(c) The Commission on Peace Officer Standards and Training may charge a reasonable enrollment fee for those students who are employed by an agency not eligible for reimbursement by the commission to offset the costs of the training. The Attorney General may charge a reasonable fee to offset the cost of certification.

September 1, 1988

WIRETAP INVESTIGATIONS
(Course Outline)

LEGAL REFERENCE

Effective January 1, 1989, Senate Bill 1499 enacted Penal Code Sections 629 et. seq. which authorizes a wire interception (wiretapping) and provides a detailed structure for implementation. Penal Code Section 629.44 (a) requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a course of instruction on the legal, practical, and technical aspects of interception of private wire communications and related investigative techniques. Penal Code Section 629.44 (b) requires the Attorney General to set minimum standards for certification and periodic recertification of investigative or law enforcement officers as eligible to apply for orders authorizing the interceptions, and to use the communications or evidence derived from them in official proceedings. This course meets the training requirements for certification under this act.

BACKGROUND

This course was developed in 1988, with the input of an advisory committee of law enforcement and Attorney General's Office representatives.

PREREQUISITE

1. Students will be full time California Peace Officers, or federal peace officers nominated by California law enforcement chief executives.
2. Students will possess the POST Basic Certificate, with consideration for waiver of this requirement when the Student is a federal peace officer.
3. Students will be required to be nominated or endorsed by the employing agency. Justification for attending the course will be required if the Student is not assigned to narcotic investigation.

COURSE CERTIFICATION INFORMATION

This certified course is presented by the California Department of Justice Advanced Training Center under Reimbursement Plan IV. This course is designated as an elective course in the Narcotic Specialty of the POST Institute of Criminal Investigation.

TOPICAL OUTLINE

<u>TOPICAL OUTLINE</u>	<u>Recommended Hours</u>
1.0 Legal Aspects	8
2.0 Technical Aspects	8
3.0 Practical Aspects	6
4.0 Examination	<u>2</u>
<u>Minimum Required Hours</u>	24

LEARNING GOALS

1.0 LEGAL ASPECTS

- 1.1 The Student will demonstrate knowledge of Senate Bill 1499 (P.C. 629 et seq.).
 - A. Major distinctions between California and Federal wiretap provisions.
- 1.2 The Student will identify those necessary requirements for a wiretap affidavit.
- 1.3 The Student will identify what constitutes privileged communications:
 - A. Attorney/Client
 - B. Husband/Wife
 - C. Clergy/Penitent
 - D. Psychotherapist/Patient
 - E. Physician/Patient
- 1.4 The Student will demonstrate the knowledge of how to legally process information obtained pursuant to a wiretap which is beyond the scope of the targeted drug offense.
- 1.5 The Student will identify the basis upon which legal challenges may be brought against a wire tap operation, including:
 - A. Invalid Affidavit/Effect of Using Improperly Obtained Probable Cause
 - B. Violation of Minimization Rule
 - C. Lack of Required Training
 - D. Lack of Certification by Attorney General
 - E. Chain of Custody
- 1.6 The Student will determine when the attainment of the authorized objective in the wiretap order is met, or will not be met.
- 1.7 The Student will identify the sanctions that could be imposed in the event of noncompliance with the wiretap law.
- 1.8 The Student will identify the required review/approval path of the official documents, including:
 - A. Affidavit
 - B. Application
 - (1) written
 - (2) emergency oral
 - C. Progress Reports

LEARNING GOALS

2.0 TECHNICAL ASPECTS

- 2.1 The Student will demonstrate familiarity with the technical equipment in the listening post:
 - A. Dialed Number Recorder (Pen Register)
 - B. Audio Intercept
 - C. Minimization Control
 - D. Tape Recorders
 - E. Evidence Sealers
 - F. Computer Data Programs
 - G. Other Equipment as Needed

- 2.2 The Student will identify the appropriate method of storage of original tapes, transcriptions, copies, and equipment.

LEARNING GOALS

3.0 PRACTICAL ASPECTS

- 3.1 The Student will determine "well in advance" before affidavit is complete those necessary resources and requirements for the implementation of the wire interception:
 - A. Phone Co./Equipment Vendor/Computer Terminal Access
 - B. Resource Pool, Manpower, etc.
 - C. Interagency Agreement Requirements
 - D. Information Banks
 - E. Other Miscellaneous Items
- 3.2 The Student will identify the necessity of maintaining an on-going working relationship and continual briefing with the assigned prosecutor.
- 3.3 The Student will familiarize himself/herself with the necessity for maintenance of security in and around the listening post.
- 3.4 The Student will identify the need for designated investigator to thoroughly advise each shift change, both street surveillance teams and listening post personnel, of the major events of the preceding shift.
- 3.5 Importance of Immediate Reports and Logs

EXPANDED COURSE OUTLINE

1.0 LEGAL ASPECTS

8 Hrs.

A. Review Of Senate Bill 1499 (P.C. 629 et seq.)

1. Federal vs. California Wiretap Provisions
2. Role of Attorney General in Certification/Recertification
3. Role of POST Relative to Training
4. Key Provisions of Legislation
 - a. How to Obtain Wiretap Authorization
 - b. Limitations of Wire Interception
 - c. Affidavit
 - d. Application
 - (1) Written
 - (2) Emergency Oral
 - e. Minimization
 - f. Sanctions For Violation of Provision
 - g. Sunset Clause
 - h. Interim Reporting Requirements
 - i. Entry

B. Review of Code Sections

1. Health and Safety Code Sections: 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6
2. Conspiracy
3. Probable Cause (reference P.C. 629.02)
4. The Law of Privilege
 - a. Evidence Code Sections: 922, 954, 980, 1010, 1032

C. Interception of Information on Crimes Beyond the Scope of the Authorization

1. Use of Information

D. Potential Legal Challenges

1. Invalid Affidavit
2. Violation of Minimization Rule
3. Lack of Certification by Attorney General
4. Lack of Required Training
5. Chain of Custody
6. Other Considerations

2.0 TECHNICAL ASPECTS 8 Hrs.

A. Equipment Familiarization

1. Dialed Number Recorder (Pen Register)
2. Audio Intercept
3. Minimization Control
4. Tape Recorders
5. Evidence Sealers
6. Computer Data Programs
7. Other Equipment as needed

B. Data Base Links

1. NADDIS
2. WSIN
3. CJIS
4. Computer Links

3.0 PRACTICAL ASPECTS 6 Hrs.

A. Case Management

1. Determination of Necessary Resources

- a. Adequate Lead Time Prior to Completion of Affidavit
- b. Phone Company/Equipment Vendor
- c. Manpower, Listening Post Site Location
- d. Interagency Agreement Requirements
- e. Other Equipment

- (1) Standard Phone Lines In/Out of Listening Post
- (2) Computer Terminal Access to Information Banks
- (3) Filing Cabinets
- (4) Desks, Chairs
- (5) Other Equipment as Required

2. Processing Official Documents

- a. Affidavit
- b. Application (Court Order)
 - (1) Written
 - (2) Emergency Oral

c. Progress Reports

3. Coordination With Others

- a. Application Review/Approval
- b. Continual Briefing

4. Confidentiality

- a. Personnel and Information Access to and from Listening Post on a Need-To-Know Basis
- b. Other Security Considerations, e.g., Tape Storage, etc.

5. Shift Briefings

4.0

EXAMINATION

2 Hrs.
24 Hrs.

4152C/28

APPROVED COURSES

Purpose

7-1. Specifications for Approved Courses: This Commission procedure describes the minimum standards for approved courses as established in Commission Regulation 1005(g). State laws require the POST Commission to establish curriculum course standards for various kinds of peace officers and related groups.

Content and Minimum Hours

7-2. Standards for Approved Course Content and Minimum Hours: Approved courses shall meet the following minimum content and hours when specified. Copies of curricula content for individual courses are available upon request from POST.

Penal Code Section 629 et seq.
Wiretap Investigations - 24 hours
(Certified Course)

- A. Legal Aspects
- B. Technical Aspects
- C. Practical Aspects

Penal Code Section 832
Arrest and Firearms - 40 hours
(Certified course; requirement
satisfied by the Basic Course.)

Arrest Course: (24 hours)
(Required)

- A. Professional Orientation
 - 1. Professionalism
 - 2. Ethics/Unethical Behavior
 - 3. Administration of Justice Components
 - 4. California Court System
 - 5. Discretionary Decision Making
- B. Law
 - 1. Introduction to Law
 - 2. Crime Elements
 - 3. Intent
 - 4. Parties to a Crime
 - 5. Defenses
 - 6. Probable Cause
 - 7. Obstruction of Justice
 - 8. Constitutional Rights Law
 - 9. Laws of Arrest
 - 10. Effects of Force

- 11. Reasonable Force
- 12. Deadly Force
- 13. Illegal Force Against Prisoners

- C. Laws of Evidence
 - 1. Concepts of Evidence
 - 2. Rules of Evidence
 - 3. Search Concept
 - 4. Seizure Concept
- D. Investigation
 - 1. Preliminary Investigation
 - 2. Crime Scene Notes
 - 3. Identification, Collection, and Preservation of Evidence
 - 4. Chain of Custody Examination

Firearms Course: (16 hours)
(Required for peace officers carrying firearms.)

- A. Firearms Safety
- B. Care and Cleaning
- C. Firearms Shooting Principles
- D. Firearms Range (Target)
- E. Firearms Range (Combat)
- F. Firearms Range (Qualification)

Communications and Arrest Methods: (16 hours)
(Recommended for those peace officers who make arrests.)

- A. Community Relations
 - 1. Community Service Concept
 - 2. Community Attitudes and Influences

COMMISSION PROCEDURE D-7

7-2. Standards for Approved Course Content and Minimum Hours (continued)

Penal Code Section 832
(continued)

- B. Communications
 - 1. Interpersonal Communications
 - 2. Note Taking
 - 3. Introduction to Report Writing
 - 4. Interviewing Techniques
- C. Arrest and Control
 - 1. Weaponless Defense/Control Techniques
 - 2. Person Search Techniques
 - 3. Restraint Devices
 - 4. Prisoner Transportation Examination

Penal Code Section 832.1
Aviation Security - 20 hours
(Certified course.)

- A. Introduction and Background
- B. Criminal Threat to the Aviation Industry
- C. Federal Organization and Jurisdiction
- D. Legal Aspects
- E. Psychological Aspects
- F. Passenger Screening
- G. Aviation Explosives
- H. Aviation Security Questions and Issues
- I. Examination and Critique

Penal Code Section 832.3
Basic Course (a) - 520 hours

See PAM, Section D-1

Penal Code Section 832.6
Reserve Peace Officer
(Certified course; requirement satisfied by the Basic Course.)

Module A: (40 hours)
P.C. 832 Arrest and Firearms Course
(Module A is required for Level III, Level II, and non-designated Level I Reserve Officers.)

Module B: (40 hours)

- A. First Aid & CPR
- B. Role of Back-up Officer
 - 1. Orientation
 - 2. Officer Survival
 - 3. Weaponless Defense & Baton
 - 4. Traffic Control
 - 5. Crime Scene Procedures
 - 6. Shotgun
 - 7. Crowd Control
 - 8. Booking Procedures
 - 9. Community Relations
 - 10. Radio & Telecommunication
 - 11. Examination

(Module B is required for Level II and non-designated Level I Reserve Officers.)

Module C: (120 hours)

- A. Professional Orientation
- B. Police Community Relations
- C. Law
- D. Communications
- E. Vehicle Operations
- F. Laws of Evidence
- G. Patrol Procedures
- H. Traffic
- I. Criminal Investigation
- J. Custody
- K. Physical Fitness & Defensive Techniques
- L. Examination

(Module C is required for non-designated Level I Reserve Officers.)

Designated Level I Reserve Officers are required to complete the POST Basic Course as described in PAM, Section D-1.

Penal Code Section 12403
Chemical Agents for Peace Officers - 8 hours
(Requirement satisfied by the Basic Course.)

Exceptions: Chemical Agent Training for California Youth Authority Field Parole Agents and local field probation officers, as described in P.C. Section 830.5 shall be the training prescribed in P.C. Section 12403.7, and certified by the Department of Justice.

7-2. Standards for Approved Course Content and Minimum Hours (continued)

Penal Code Section 12403
(continued)

- A. Legal and Ethical Aspects
- B. Chemical Agents Familiarization
- C. Medical and Safety Aspects
(First Aid)
- D. Use of Equipment
- E. Simulations and Exercises

Penal Code Section 12403.5
Chemical Agent Training for
Private Security - 2 hours
(Not a POST-certified course.)

Chemical Agent Training for private security personnel shall be the training prescribed in P.C. 12403.7 and certified by Department of Justice

- A. Self Defense, History of Chemical Agents, and Aerosol Weapons
- B. Effectiveness as a Self-Defense Weapon
- C. Mechanics of Tear Gas Use
- D. Medical Aspects of First Aid
- E. Practical Use
- F. Field Training and Demonstration
- G. Discard of Weapons

Penal Code Section 13510.5
State Agency Peace Officers
(Certified Course.)

The Advanced Officer Course as described in Pam, Section D-2 shall satisfy the minimum training required by PC 13510.5, per Commission action of October 1978.

Penal Code Section 13516
Sex Crime Investigation - 24 hours
(Certified course.)

Preliminary Sexual Assault Investigation and Sexual Exploitation/Sexual Abuse of Children (Required part of Basic): (6 hours)

- A. Overview of Problems, Issues and Prevention Considerations
- B. Sensitivity of Responding Officer
- C. Treatment of Victim
- D. Preliminary Investigation Procedure

Follow-up Sexual Assault Investigation: (18 hours)

- E. Collection and Preservation of Evidence
- F. Classroom Demonstration
- G. Basic Assault Investigation
- H. Review Report of Preliminary Investigation
- I. Re-interview the Victim
- J. Investigation of the Suspect
- K. Physical Evidence
- L. Prosecution
- M. Pretrial Preparation

Penal Code Section 13517
Child Abuse and Neglect - 24 hours
(Certified course; requirement satisfied by the Basic Course; optional Technical Course.)

- A. General Child Abuse Investigative Procedures
- B. Child Neglect and Emotional Abuse/Deprivation
- C. Physical Child Abuse
- D. Sexual Abuse and Exploitation of Children
- E. Interview and Interrogation Techniques
- F. Community Child Care Facilities
- G. Course Critique and Student Evaluation

Penal Code Section 13519
Domestic Violence - 8 hours

- A. Overview of Domestic Violence
- B. Legislative Intent/POST Guidelines
- C. Enforcement of Laws
- D. Court Orders
- E. Tenancy

COMMISSION PROCEDURE D-7

7-2. Standards for Approved Course Content and Minimum Hours (continued)

Penal Code Section 13519
(continued)

- F. Documenting Domestic Violence Cases
- G. Victim Assistance and Referral
- H. Practical Application/Student Evaluation

Vehicle Code Section 40600
Traffic Accident Investigation
(Certified course.)

- A. Vehicle Law and Court Decisions Relating to Traffic Accidents
- B. Report Forms and Terminology
- C. Accident Scene Procedures
- D. Follow-up and Practical Application

Civil Code Section 607f
Humane Officer Firearms - 15 hours
(Certified course.)

The required course is the Firearms portion of the PC 832 Course, with an examination.

LAW ENFORCEMENT RADIO COMMUNICATIONS

5.8.0

LAW ENFORCEMENT RADIO COMMUNICATIONS

(New)

Learning Goal: The student will understand the concepts and effective methods of law enforcement radio communications.

PERFORMANCE OBJECTIVES

(New)

5.8.1 The student will demonstrate the mechanical operation of law enforcement radio equipment including:

- A. On/off switch
- B. Proper hand/mouth microphone position
- C. Antenna position
- D. Squelch/volume control
- E. Frequency selection

(New)

5.8.2 The student will demonstrate the proper procedures and techniques of radio communications, which will minimally include:

- A. ABC's of radio demeanor (accuracy, brevity, clarity/courtesy)
- B. Waiting until the air is clear before pressing the transmit button.
- C. Pressing the transmit button firmly and speaking calmly and clearly into the microphone to insure even modulation.
- D. Understanding emergency traffic and saving routine and non-emergency transmissions until the termination of the emergency.
- E. Knowing the purpose of call signs, their assignments, and beat locations.
- F. Ensuring message acknowledgement
- G. Applicable FCC rules and regulations governing radio operations.
- H. Commonly used radio codes

(New)

5.8.3 Given a classroom/field exercise or scenario in which there is one or more suspects, the student shall demonstrate the proper use of a law enforcement radio to complete a crime broadcast. This demonstration will minimally include:

- A. Type of incident and location.
- B. Number of suspects with complete known description.
- C. Description of loss, if any.
- D. Weapon(s) used.
- E. Time, direction of flight and vehicle description.

ANALYSIS

Curriculum Additions

An analysis of performance objectives added and deleted since July 1985 for the Regular Basic Course (Attachment A) indicates that an additional 20 hours are estimated to be needed to conduct instruction.

Attachment B summarizes results of a 1988 POST survey of academies (30 of 34 academies responding) as to the hours currently devoted to instruction and testing including the following:

614.6	-	Average Instruction Hours for POST Min. Curriculum					
56.8	-	" Testing	"	"	"	"	"
671.4	-	Average Inst. & Test	"	"	"	"	"
61.4	-	Average Hours for Locally Determined Curriculum					
732.8	-	Total Average Hours					

The current 671.4 average hours of instruction and testing for POST minimum curriculum compares with 548 hours, which was the 1983 survey result. This indicates there has been a 123.4 average increase in actual instruction/testing hours since July 1985. Recognizing the disparity between the above estimated 20 hours of curriculum added and the 123.4 actual average hour increase, priority importance is given to the former because many variables affect actual hours determined by each academy.

Standardized Testing Methodology

With over eight years of experience with performance objectives in the Basic Course, the need for POST to establish minimum standards for testing each performance objective has been identified. Testing methodology varies considerably from academy to academy for each performance objective. Methodologies include paper and pencil written test, practical demonstration, scenario, and others. Academy directors have expressed the need for more standardization in this area so as to help ensure uniform quality graduates and to locally justify adequate resources (staff, equipment, and facilities).

Four levels of testing have been developed, and each performance objective has been classified according to one of these four minimum testing methodologies. Under this proposal, academies would be permitted to exceed the minimum by escalating testing to a higher level or use multiple testing methodologies. The below testing methodologies have been identified and are presented in levels and generally, with the exception of Level 1, begin with the least effort and progress to the most demanding, time consuming, and costly for academies:

Level 1 - Teach/Evaluation Methodology Locally Determined - For these objectives, academies will determine the methodology for evaluating student proficiency. In some cases these objectives will be evaluated

during related scenarios. With other Level 1 objectives, such as those concerning attitudes and variations in local conditions, traditional paper/pencil testing is often not appropriate. Evaluation instead will take the form of writing or workbook assignments and other methods requiring critical thinking on the part of the students. Academies shall test for these performance objectives but the methodology is to be determined locally.

Level 2 - Paper/Pencil - For these objectives, academies must use objective paper/pencil examination questions (Multiple Choice and True-False) that are part of the POST Test Item Pool or locally determined. The number of test questions is to be determined by the criticality and comprehensiveness of the objective.

Level 3 - Practical Exercise/Demonstration - For these objectives, each student must individually and physically demonstrate proficiency. Demonstration can involve interaction between the student and a role player, but no "set of circumstances" or scripts are required, e.g., weaponless defense or handcuffing suspects. Demonstration can also be performed by grading students on workbooks and other directed assignments.

Level 4 - Practical Exercise/Scenario - A scenario test involves a job simulation involving an interaction between the student and one or more role players that is predicated on a "set of circumstances." Scenarios also involve the use of evaluators and rating forms. Academies are encouraged to use the POST Basic Course Scenario Manual.

In categorizing performance objectives, each was carefully evaluated considering the nature of the objective, criticality, and needed resources for testing. Practical exercise testing (Levels 3 and 4) obviously requires the most resources (staff, equipment, facilities, and time). Therefore, whenever possible, paper and pencil testing was selected if the proficiency could be effectively measured. It is commonly recognized that some objectives can be evaluated by more than one means, e.g., paper/pencil and scenario. However, in keeping with POST's authority to establish minimum standards, only one minimum testing methodology has been identified for each objective. Performance objectives classified for either Levels 3 or 4 testing methodology are more directly measured by having students demonstrate their ability under simulated job conditions rather than attempting to infer proficiency by measuring "knowledge" about something on a paper/pencil test.

Results of classifying performance objectives according to these minimum testing methodologies include the following:

	<u>Number of</u> <u>Performance Objective</u>	<u>%</u>
Level 1 - Teach/Evaluation Methodology Locally Determined	25	4.4

Level 2 - Paper/Pencil	443	78.8
Level 3 - Practical Exercise/ Demonstration	72	12.8
Level 4 - Practical Exercise/ Scenario	22	3.9
Total	562	100%

Performance Objectives classified Level 1, 3, and 4 are listed in Attachment C with all other objectives classified as Level 2.

In evaluating the impact of this proposal upon academies, it is clear that there will be very little impact, if any, for most academies. Most academies have interpreted the present language of performance objectives under conditions of student demonstration of proficiency as already requiring these testing methodologies. For example, many performance objectives have language such as "Given exercises involving the stopping of a vehicle, the student will..." The greatest potential impact on academies is the proposed Level 4 (Scenarios), as this requires the most academy resources in terms of time, instructors, role players, evaluators, equipment, etc. POST has previously developed model scenarios that are contained in a manual to facilitate this form of testing. Also, POST periodically provides for the training of academy scenario managers and evaluators. In a survey of academies as to the impact of mandating scenario testing, most concur that any increased costs due to mandating scenarios can be accommodated within existing local resources.

Many academies concur that scenario testing is the single most effective method of evaluating student performance. Some academies have also observed that the proposed categorization is actually less than the number of performance objectives currently being tested by scenarios. Many academies plan to exceed the proposed minimums by testing more objectives at a higher level than is required. It should be observed that scenarios can actually evaluate multiple performance objectives simultaneously--sometimes as many as three or four. Results of a previous academy survey on testing methodology impact reveal that 85% of the academies devote 24 or more hours to scenarios.

Level 1 Testing Methodology (Teach/Evaluation Methodology Locally Determined), is justified because of the impracticality of testing attitudinal, officer behavioral, and local condition type performance objectives. These objectives often have no precise right or wrong student response but rather require students to critically evaluate their own views/behaviors against accepted standards. The prevailing view of academy directors and staff is that a recitation of facts, e.g., P.O. 2.2.2 Expected Behavior - Officer's Interaction with Public, misses the purpose of these objectives. What is needed instead is academy flexibility to evaluate students' critical thinking on these complex and/or local condition issues.

Since implementation of this proposed standardized testing methodology for the Basic Course requires a minimum of 24 additional hours of scenario testing time, the proposal has been merged with the length of the Basic Course study.

Course Hours

To correspond to the normal 40-hour work week, basic academies are generally presented as complete weeks of instruction and testing. POST has traditionally increased the minimum hour standards in increments of 40 hours to correspond to the normal 40-hour work week. Accordingly, it is proposed that POST's Regular Basic Course minimum length of 520 hours be increased to 560 and that the 40-hour increase be allocated as follows:

- 24 Hours for Practical Exercise/Scenario Testing (described in next section)
- 20 Additional Hours for Instruction
- 4 Hours Reduction in Examinations

Exam hours are recommended for reduction because of the proposed added 24 hours of scenario testing and because of the need for more instruction time. As indicated in Attachment B, seven functional areas have proposed instructional hourly increases and one (Custody) with a one-hour decrease. For each functional area recommended for additional hourly increases, there were curriculum additions and a significant disparity between the existing POST minimum and average hours allocated by academies.

Thirty-two of the 34 academies currently exceed the proposed 560 hours, and the two exceptions have indicated the proposed 40-hour increase will be accommodated.

Other Proposed Changes

Also recommended is a proposal to update the hourly requirements for the Marshals and District Attorney Investigators. For Marshals the total hours would increase from 446 to 486 and for DA's Investigators 422 to 462 hours. The reason for this proposal is that these two basic courses are directly related to the content of the Regular Basic Course hours for certain functional areas.

It is proposed that Procedure D-1-2 (b) be amended to add a requirement that the POST-developed physical conditioning program be followed within Functional Area 12.0 and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The Commission, pursuant to guidelines, may approve the use of alternative job-related physical abilities test. This proposal was previously approved by the Commission as part of regulation changes in 1985. For technical reasons the change was not approved by the Office of Administrative Law at that time. See Attachment D for proposed language.

Also recommended for addition to Procedure D-1 would be a requirement that the Code of Ethics be administered to peace officer trainees of basic

courses regardless of the trainee's status. The current requirement in Regulation 1013 implies the requirement applies to only regular basic courses. This proposal would fix responsibility with all basic courses. Regulation 1013 is, therefore, recommended for modification to reference Procedure D-1.

It is also proposed that Procedure D-1 be modified to add clarifying language that successful completion of basic training means completing an entire course at a single academy except for POST-authorized contractual agreements between academies. This is to prevent an individual from attempting to take parts of the training at various academies and claim to have completed the training.

Other proposed miscellaneous technical changes to Procedure D-1 include: 1) labeling the basic course described in paragraph 1-3 as the Regular Basic Course, 2) restructuring paragraph 1-2 to differentiate between universal requirements applicable to all basic courses listed in paragraphs 1-3 to 1-6 and those applicable only to the Regular Basic Course, and 3) referencing supporting documents.

Arguments For and Against Proposal

For

1. Data on curriculum added and hours allocated by academies strongly suggests the need for a 40-hour increase.
2. The proposal represents a modest increase and should encourage efficient use of time by academies.
3. The proposed standardizing of testing methodology should improve the quality of Basic Course graduates.
4. Exercises/Scenarios will improve the training experience and help academies to secure necessary local resources if they don't already have them.

Against

1. Potentially increases costs to local agencies even though the vast majority of academies already exceed the proposed 560 hours.
2. Requires POST to consider reimbursement adjustments.

Staff and the Commission's Long Range Planning Committee have expressed concern about the seemingly never-ending increase in minimum Basic Course hours. It appears appropriate to suggest proceeding ahead with this requested increase but consider a study be undertaken by staff to consider means to reduce or maintain the minimum hours at 560. Such means might include but not be limited to using computer-assisted instruction, converting some content to field training, requiring more pre-reading of trainees, and others. If the Commission concurs, staff will undertake such a study and report back in approximately one year.

Implementation

It is recommended this proposal have an effective date of July 1, 1989 to coincide with the beginning of a fiscal year and to allow academies sufficient time for implementation. Attachment E provides the required Notice of Public Hearing and suggested language changes to Commission Procedure D-1. If the Commission proceeds with these recommendations and subsequent impact, adopts the changes, a future meeting agenda item would be devoted to the reimbursement issue.

Fiscal Impact

The fiscal impact of increasing the Basic Course by 40 hours, assuming the Commission desires to maintain the reimbursable hours consistent with minimum hours, would be approximately \$274 per trainee (including salary, travel, and per diem) or a total of \$822,000/year (assuming a projected 3,000 trainees).

RECOMMENDATION

At some point, the Commission should consider setting a public hearing to:

- a) increase the Regular Basic Course minimum hours from 520 to 560, the District Attorney Course from 446 to 486,
- b) establish standardized testing methodology for Basic Course performance objectives and include 24 hours of Practical Exercise Scenario Testing as part of the above proposed hourly increase,
- c) require that a POST-developed physical and conditioning program be included in the Regular Basic Course and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program, and
- d) make various technical changes to Procedure D-1 and Regulation 1013.

ATTACHMENT A

Impact of Curriculum Additions Since July 1985

	<u>Hours</u>
<u>1.0 Professional Orientation</u>	
1.2.3 Professional Standards and Requirements	+1
<u>2.0 Police Community Relations</u>	
2.7.1-2 Hate Crimes	+1.5
2.6.1-2 Victimology	+1
<u>3.0 Law</u>	
3.29.4 Sexual Battery	+.5
3.23.6 Hate Crimes (See Functional Area 2.7.0)	
<u>4.0 Laws of Evidence</u>	0
<u>5.0 Communications</u>	
5.7.1 Deaf and Hearing Impaired	+1
5.1.4 ID Body Language of Hostile Persons	+1
<u>6.0 Vehicle Operations</u>	
<u>7.0 Force and Weaponry</u>	
7.13.1 Range 25-60 rounds	
7.14.1 Range 25-60 rounds	
7.15.2 Physical Activity on Range	+4
7.5.1 Clearing Malfunctions	
<u>8.0 Patrol Procedures</u>	
8.37.7 Action After Non-Fatal Wound	
8.37.8 Will to Live	
8.37.9 Suspects (Alcohol/Drugs)	
8.48.1 Body Armor	+3
8.48.2 Wearing Body Armor	
8.49.1 Role of Contact Officer	
8.49.2 Role of Cover Officer	
8.49.3 Tactics Unsecured Suspect	
8.2.2 Officer's Perception	+1
8.13.2-3 Telecommunication	+4
8.39.6 Hazardous Materials	+1
<u>9.0 Traffic</u>	
<u>10.0 Criminal Investigation</u>	
<u>11.0 Custody</u>	

12.0 Physical Fitness and Defense Technique

12.1.4	Long Term Effect of Alcohol	
12.1.5	Short Term Psy. Effect of Tobacco	+1-2
12.1.6	Long Term Psy. Effect of Tobacco	
12.5.2	Principles of Conditioning	+.5-1
12.5.3	Components of Exercise	
	TOTAL	+20.5-22

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Length of Basic Course Study

Results of Survey Questionnaire April 1988

Functional Area	Existing POST Minimum	1983 Survey Results Average-Range		1988 Survey Results Average-Range		Proposed	
1.0 Professional Orientation	10	16.25 (1.0)	7.5-28 (.5-2.5)	18.6 (1.1)	10-38 (.5-3)	11	[+1]
2.0 Police Community Relations	15	18.5 (1.0)	12-58 (.5-2)	17.6 (1.3)	6.6-59.5 (.5-3)	16	[+1]
3.0 Law	50	65.3 (4.3)	45-92.5 (2-7)	68.6 (5.9)	51-99 (1-15)	52	[+2]
4.0 Laws of Evidence	20	19.7 (1.76)	12.5-38 (.5-4)	22 (1.9)	15-38 (.5-6)	20	[0]
5.0 Communications	30	30.8 (3.9)	15-54 (1-21)	40.4 (3.9)	23-97 (1-14)	32	[+2]
6.0 Vehicle Operation	24	21.9 (2.7)	16.31 (.3-11)	27.6 (1.7)	20-47.5 (0-6)	24	[0]
7.0 Force and Weaponry	50	58 (7.9)	40-96 (1-27)	66.8 (5.4)	50-108.5 (1-17.5)	54	[+4]
8.0 Patrol Procedures	116	127.4 (10.9)	90-203 (1-27)	134.1 (12)	101-177. (2-36.8)	125	[+9]
9.0 Traffic	30	39.2 (2.18)	23-59 (1-8.5)	48.7 (29)	21-209.5 (.5-11)	30	[0]
10.0 Criminal Investigation	50	47.8 (5.2)	35.5-80 (1-20)	53.1 (8.7)	23.5-70 (1-26)	50	[0]
11.0 Custody	5	7.3 (.7)	3-12 (.3-1.5)	2.8 (.1)	.5-23.75 (.4-2)	4	[-1]
12.0 Physical Fitness & Defense Tech.	85	48 (6.5)	13.5-91.5 (1-45)	114.3 (11)	78-220 (2-32)	87	[+2]
Examinations	35					31	[-4]
Practical Exercise/Scenario/Testing						24	[+24]
TOTAL REQUIRED HOURS (for POST minimum)	520	500 (48)		614.6 (56.8)		560	[+40]
LOCALLY DETERMINED SUBJECTS		92		61.4			

() = Testing Hours

Level I Teach/Evaluation Methodology Locally Determined

- 1.6.2 Maintaining Balanced Lifestyle
- 1.6.2 Potential Effects on Career Choice
- 1.11.3 Consequences of Discretionary Decision-Making
- 2.1.1 Police Role - Community Service
- 2.2.1 Influencing Community Attitudes
- 2.2.2 Expected Behavior - Officer's Interaction with Public
- 2.2.3 Methods for Dealing with Cultural Socio-Econ Differences
- 2.2.4 Folkways, Mores, Values
- 2.2.5 Factors in Self-Development
- 5.3.2 Characteristics of Good Report (evaluated in 5.5.1)
- 5.3.3 Questions Answered by Complete Report (evaluated in 5.5.1)
- 5.4.4 Inappropriate Words for Police Reports (evaluated in 5.5.1)
- 5.4.6 Place Events in Chronological Order (evaluated in 5.5.1)
- 8.2.2 Improved Perception Skills
- 8.9.6 Stopping Distances Behind Vehicles (evaluated in 8.11.1)
- 8.9.12 Techniques for Felony/High-Risk Stops (evaluated in 9.11.2)
- 8.34.1 Law Enforcement Practices on Disposition of Vicious, Injured, or Sick Animals
- 8.34.2 Agency Referral in Treating or Disposing of Injured, or Dead Animals
- 8.34.3 Common Procedures for Handling Animal Bite Cases
- 8.41.1 Common Practices on Release of Information to News Media
- 8.41.2 Recognition of Press Credentials
- 9.8.1 Determine Acceptability of Identifications (evaluated in 9.11.2)
- 9.10.1 Examples of Traffic Warning Situations

Level 3 - Practical Exercise/Demonstration

- 2 4.3 Security Survey
- 5.2.3. Field Notetaking
- 5.5.1 Report Writing
- 6.6.1 Vehicle Control
- 6.6.3 Controlled Skids
- 6.6.4 Vehicle Control
- 6.6.5 Vehicle Control
- 6.7.1 Emergency Veh. Control
- 6.7.2 Vehicle Equip. Control
- 7.5.1 Handgun Safety
- 7.5.2 Shotgun Safety
- 7.7.1 Handgun Maintenance
- 7.10.1 Handgun Marksmanship
- 7.10.2 Handgun Shooting Positions
- 7.11.1 Shotgun Marksmanship
- 7.11.2 Shotgun Shooting Positions
- 7.13.1 Handgun Use Day Range
- 7.13.2 Handgun Use Day Range
- 7.13.3 Handgun Use Day Range
- 7.14.1 Handgun Use Night Range
- 7.14.2 Handgun Use Night Range
- 7.15.1 Handgun Combat Day Range
- 7.15.2 Handgun Combat Day Range
- 7.15.3 Handgun Combat Day Range
- 7.16.1 Handgun Combat Night Range
- 7.16.2 Handgun Combat Night Range
- 7.16.3 Handgun Combat Night Range
- 7.17.1 Shotgun Combat Day Range
- 7.18.1 Shotgun Combat Night Range
- 7.20.2 Gas Mask Technique
- 8.3.2 Observation Techniques
- 8.15.2 Vehicle Search Techniques
- 8.18.1 Search/Control Techniques
- 8.18.2 Search/Control Techniques
- 8.19.3 Restraint Techniques
- 8.20.3 Prisoner Transportation
- 8.44.1 Field Riot Control
- 8.45.1 First Aid Techniques
- 8.45.2 CPR Techniques
- 9.5.4 Sobriety Examination
- 9.9.3 Traffic Stop Hazards
- 9.10.3 Citations and Warnings
- 9.11.1 Nighttime Traffic Stop
- 9.12.1 Traffic Direction
- 9.12.2 Flare Use
- 9.12.3 Flashlight Use
- 9.12.4 Traffic Control Devices
- 9.14.1 Traffic Accident Field Problems
- 9.15.2 Vehicle Impound Reporting
- 10.1.2 Crime Broadcast
- 10.1.3 Perimeter Identification
- 10.2.1 Physical Evidence
- 10.3.1 Crime Scene Notes
- 10.4.2 Crime Scene Sketch
- 10.5.2 Locate Fingerprints
- 10.5.3 Fingerprint Rolling
- 10.6.1 Evidence Identification
- 10.7.2 Chain-of-Custody Forms
- 12.6.4 Control Hold
- 12.6.5 Take-Down Tactic
- 12.6.6 Carotid Restraint
- 12.7.2 Foot Movements
- 12.7.5 Gun Take-Away
- 12.7.6 Disarming Methods
- 12.7.7 Weapon's Retention
- 12.9.1 Use of Baton
- 12.9.2 Use of Baton
- 12.9.3 Use of Baton
- 12.10.1 Physical Performance

Level 4 - Practical Exercise/Scenarios - *

- 5.1.3 Communicate Effectively
- 5.2.4 Take Notes During an Interview
- 7.4.1 Use Degree of Force
- 8.7.3 Demonstrate Positions for Interviewing
- 8.7.4 Demonstrate Tactics for Approaching a Pedestrian
- 8.8.2 Suspicious Person
- 8.11.1 Felony/High Risk Pullover
- 8.25.1 Crimes-In-Progress
- 8.27.3 Family Disputes
- 8.29.2 Landlord/Tenant Disputes
- 8.36.5 Mentally Ill
- 8.37.5 Officer Safety - Ambush/Sniper
- 9.11.2 Traffic Stop
- 10.1.1 Preliminary Investigation
- 10.11.4 Courtroom
- 10.13.1 Burglary Investigation
- 10.14.1 Grand Theft Investigation
- 10.15.1 Felonious Assault Investigation
- 10.16.1 Sexual Assault Investigation
- 10.17.1 Homicide Investigation
- 10.18.1 Suicide Investigation
- 10.22.1 Child Sexual Abuse and Exploitation Investigation

*One scenario can evaluate multiple performance objectives.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: BASIC TRAINING STANDARDS

Proposed Language

1005. Minimum Standards for Training

(a) Basic Training (Required)

- (1) Every regular officer, except those participating in a POST-approved field training program, shall satisfactorily meet the training requirements of the Regular Basic Course before being assigned duties which include the exercise of peace officer power.

Requirements for the Regular Basic Course are set forth in PAM, Section D-1-3.

Agencies that employ regular officers may assign newly appointed sworn personnel to a POST-approved field training program as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in a basic course, if (1) the personnel have satisfied the training requirements of Penal Code Section 832 and (2) the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.

Requirements for a POST-approved Field Training Program are set forth in PAM, Section D-13.

- (2) Every regularly employed and paid as such inspector or investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the District Attorney Investigators Basic Course, PAM Section D-1-4. The standard may be satisfactorily met by successful completion of the training requirements of the Basic Course, PAM Section D-1-3, before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Investigation and Trial Preparation Course, PAM Section D-1-4, is also required within 12 months from the date of appointment as a regularly employed and paid as such inspector or investigator of a District Attorney's Office.

1005. Minimum Standards for Training (continued)

- (3) Every regularly employed and paid as such marshal or deputy marshal of a municipal court as defined in Section 830.1 P.C., except those participating in a POST-approved field training program, shall satisfactorily meet the training standards of the Marshals Basic Course, PAM, Section D-1-5. The standards may be satisfactorily met by successfully completing the training requirements of the Basic Course, PAM Section D-1-3, before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Bailiff and Civil Process Course or a Bailiff and Court Security Course and a Civil Process Course, PAM Section D-1-5, is also required within 12 months from the date of appointment as a regularly employed and paid as such marshal or deputy marshal of a municipal court.
- (4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid as such inspectors or investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1-3, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not satisfactorily completed the Basic Course, the chief law enforcement administrator may elect to substitute the satisfactory completion of the training requirements of the Specialized Basic Investigators Course, PAM, Section D-1-6.
- (5) Every limited function peace officer shall satisfactorily meet the training requirements of the Arrest and Firearms (P.C. 832) Course; training in the carrying and use of firearms shall not be required when an employing agency prohibits limited function peace officers the use of firearms.
- (6) Every peace officer listed in paragraphs (1) - (5) shall complete the training requirements of Penal Code Section 832 prior to the exercise of peace officer powers.

1011. Certificates and Awards (continued)

- (e) Regular Certificates, and Specialized Law Enforcement Certificates, i.e., Basic, Intermediate, Advanced, Supervisory, Management and Executive Certificates are provided for the purpose of fostering professionalization, education and experience necessary to adequately accomplish the general or specialized police service duties performed by regular or specialized peace officers. Requirements for the Certificates are as prescribed in PAM Section F-1.

1012. Certification of Courses

- (a) The Commission may certify courses. Criteria for certification include, but are not limited to, a demonstrated need and compliance with minimum standards for curriculum, facilities, instructors and instructional quality. Because of the variety of courses provided by the Commission (e.g., firearms, chemical agent, defensive driving), specific standards for course certification and presentation will reflect the specific needs for the type of course certified.
- (b) Certification of courses may be revoked by action of the Commission when:
 - (1) There is no longer a demonstrated need for the course; or
 - (2) There is failure to comply with standards set forth in (a) above; or
 - (3) There are other causes warranting revocation as determined by the Commission.

1013. Code of Ethics

The Law Enforcement Code of Ethics, as stated in PAM Section C-3, shall be administered to all peace officer trainees during the Basic Course as specified in Procedure D-1-2 or at the time of appointment.

1014. Training for Non-Sworn and Paraprofessional Personnel

- (a) Reimbursement shall be provided to Regular Program agencies for the training of non-sworn personnel performing police tasks and paraprofessional personnel, provided for by POST Administrative Manual Section E-1-4a.
- (b) Request for Approval

Procedure D-1, subparagraphs 1-3, 1-4, 1-5, and 1-6 are incorporated by reference into Regulation 1005, and a public hearing is required prior to their revision. See the Historical Note at the conclusion of this Procedure.

BASIC TRAINING

Purpose

1-1. Specifications of Basic Training: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(a) of the Regulations which relate to Basic Training. Basic Training includes the Regular Basic Course, District Attorneys Investigators Basic Course, Marshals Basic Course, and Specialized Basic Investigators Course.

Training Content and Methodology ~~Basic Course~~

1-2. Requirements for ~~Basic Course~~ Training Content and Methodology: The minimum content standards for the ~~Basic Course~~ training are broadly stated in paragraphs 1-3 to 1-6. Within each functional area, listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval. More detailed specifications are ~~the Performance Objectives~~ contained in the documents "Performance Objectives for the POST Basic Course. and "POST Prescribed Training Courses." ~~This document is part of a dynamic basic course training system designed for change when required by new laws or other circumstances.~~ Supporting documents, although not mandatory, that complete the system are the POST Basic Course Management Guide and Instructional Unit Guides (57). Successful course completion means completing an entire course at a single academy except for POST authorized contractual agreements between academies. Instructional methodology is at the discretion of individual course presenters. The Law Enforcement Code of Ethics shall be administered to peace officer trainees. Requirements and exceptions for specific basic courses are as follows:

- a. For the Regular Basic Course specified in paragraph 1-3, pPerformance objectives must be taught and tested as specified in the document "Performance Objectives for the POST Basic Course". Successful course completion is based upon objectives meeting the established success criteria specified in this document. ~~the POST Basic Course Unit Guides.~~ Tracking objectives by student is mandatory; however, the tracking system to be used is optional. The POST-developed physical conditioning program must be followed within Functional Area 12.0 and students must pass a POST-developed physical abilities test at the conclusion of the conditioning program as a condition for successful course completion. The Commission, pursuant to guidelines, may approve the use of alternative job-related physical abilities tests.

COMMISSION PROCEDURE D-1

- b. Training methodology is optional. For basic courses listed in paragraphs 1-4 to 1-6, the performance objectives of the Regular Basic Course are not required but illustrative only of the content for the broad functional areas and learning goals specified for each of these basic courses. Successful course completion shall be determined by each course presenter.
- ~~c. Tracking objectives by student is mandatory; however, the tracking system to be used is optional.~~
- ~~d. A minimum of 520 hours of instruction in the Basic Course is required.~~

Specific Content and Hours

1-3. Regular Basic Course Content and Minimum Hours: The Performance Objectives listed in the POST document "Performance Objectives for the POST Basic Course" are contained under broad Functional Areas and Learning Goals. The Functional Areas and Learning Goals are descriptive in nature and only provide a brief overview of the more specific content of the Performance Objectives. The Regular Basic Course contains the following Functional Areas and minimum hours. ~~Within a functional area, listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval.~~

Functional Areas:

1.0 Professional Orientation	11	10 hours
2.0 Police Community Relations	16	15 hours
3.0 Law	<u>52</u>	50 hours
4.0 Laws of Evidence		20 hours
5.0 Communications	<u>32</u>	30 hours
6.0 Vehicle Operations		24 hours
7.0 Force and Weaponry	54	50 hours
8.0 Patrol Procedures	<u>125</u>	116 hours
9.0 Traffic		30 hours
10.0 Criminal Investigation		50 hours
11.0 Custody	4	5 hours
12.0 Physical Fitness and Defense Techniques	<u>87</u>	85 hours
<u>Practical Exercise/Scenario/Testing</u>	<u>24</u>	<u>hours</u>
Examinations:	<u>31</u>	35 hours
Total Minimum Required Hours	<u>560</u>	520 hours

1-4. District Attorney Investigators Basic Course Content and Minimum Hours: The District Attorney Investigators Basic Course contains the following Functional Areas and minimum hours. ~~Within a functional area, flexibility is provided to adjust hours and instructional topics with prior POST approval.~~ District attorney basic training may be met by satisfactory completion of the training requirements of the Regular Basic Course, plus the satisfactory completion of a certified Investigation and Trial Preparation Course.

1-4. District Attorney Investigators Basic Course Content and Minimum Hours:
(continued)

Functional Areas:

1.0	Professional Orientation	11	10 hours
2.0	Police Community Relations	<u>16</u>	15 hours
3.0	Law	<u>52</u>	50 hours
4.0	Laws of Evidence		20 hours
5.0	Communications	<u>32</u>	30 hours
6.0	Vehicle Operations		8 hours
7.0	Force and Weaponry	54	50 hours
8.0	Custody	<u>4</u>	5 hours
9.0	Physical Fitness and Defense Techniques	<u>42</u>	40 hours
*10.0	Field Techniques	<u>79</u>	70 hours
*11.0	Criminal Investigation and Trial Preparation		50 hours
*12.0	Specialized Investigation Techniques		30 hours
*13.0	Civil Process		20 hours
	<u>Practical Exercise/Scenarios</u>	<u>24</u>	hours
	Examinations	<u>20</u>	24 hours
	Total Minimum Required Hours	<u>462</u>	422 hours

1-5. Marshals Basic Course Content and Minimum Hours:

Functional Areas:

1.0	Professional Orientation	11	10 hours
2.0	Police Community Relations	<u>16</u>	15 hours
3.0	Law	<u>37</u>	35 hours
4.0	Laws of Evidence		20 hours
5.0	Communications	<u>32</u>	30 hours
6.0	Vehicle Operations		8 hours
7.0	Force and Weaponry	<u>54</u>	50 hours
8.0	Criminal Investigation		24 hours
9.0	Physical Fitness and Defense Techniques	<u>42</u>	40 hours
* 10.0	Field Techniques	<u>79</u>	70 hours
* 11.0	Custody	<u>19</u>	20 hours
* 12.0	Civil Process		60 hours
* 13.0	Bailiff		40 hours
	<u>Practical Exercise/Scenarios</u>	<u>24</u>	hours
	Examinations	<u>20</u>	24 hours
	Total Minimum Required Hours	<u>486</u>	446 hours

*Functional Areas that form the basis for the POST-Certified 80-hour Bailiff and Civil Process Course or the 40-hour Bailiff and Court Security Course and the 40-hour Civil Process Course.

COMMISSION PROCEDURE D-1

1-6. Specialized Basic Investigators Course Content and Minimum Hours: The Performance Objectives listed in the POST document "Performance Objectives for the POST Specialized Basic Investigators Course" are contained under broad Functional Areas and Learning Goals. The Functional Areas and Learning Goals are descriptive in nature and only provides a brief overview of the more specific content of the Performance Objectives. ~~Within a functional area listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval.~~ This course includes the curriculum of the 40-hour P.C. 832 Laws of Arrest and Firearms Course. Specialized Investigators Basic Training may be met by satisfactory completion of the training requirements of the Regular Basic Course.

Functional Areas:

1.0	Professional Orientation	10 hours
2.0	Police Community Relations	15 hours
3.0	Law	20 hours
4.0	Laws of Evidence	15 hours
5.0	Communications	15 hours
6.0	Vehicle Operations	8 hours
7.0	Force and Weaponry	33 hours
8.0	Field Procedures	39 hours
* 9.0	(Deleted)	0 hours
10.0	Criminal Investigation	24 hours
* 11.0	(Deleted)	0 hours
12.0	Physical Fitness and Defense Techniques	12 hours
13.0	Specialized Investigative Techniques	18 hours
	Examinations	11 hours
	Total Minimum Required Hours	220 hours

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Commission On Peace Officer Standards And Training
NOTICE OF PUBLIC HEARING
BASIC TRAINING STANDARDS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Section 13506 of the Penal Code to interpret, implement, and make specific Sections 13503, 13506, 13510, and 13510.5 of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Administrative Code. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: January 19, 1989
Time: 10:00 a.m.
Place: Radisson Hotel
San Diego, California

INFORMATIVE DIGEST

Commission Procedure D-1, Basic Training, currently specifies a minimum length of 520 hours for the regular Basic Course. Procedure D-1, which also specifies the functional areas and respective hours of instruction, is incorporated by reference into Commission Regulation 1005(a), Basic Training. Proposed changes in hours for selected functional areas and the addition of 24 hours for Practical Exercise/Scenario Testing would increase the total minimum hours to 560.

These proposed changes are designed to have the minimum length of basic training more accurately reflect actual hours currently required to conduct the training. POST studies have shown that most academies already exceed the current 520-hour minimum due to the POST minimum required curriculum. Since July 1985 when the Basic Course hours were last updated, curriculum has been added that requires additional instructional time. No substantial impact is expected for this proposed increase because virtually all basic courses now meet or exceed the proposed course length.

Also recommended is a proposal to update the minimum hourly requirements for the Marshals' Basic Course from 446 to 502 and the District Attorneys' Investigators Basic Course from 422 to 462. This is necessary because many of the functional areas for these basic courses are identical in content and hours with the regular Basic Course.

POST's testing requirements for the Basic Course currently do not specify how each performance objective will be tested. As a result testing methodology varies considerably from academy to academy. The need for more standardization in this area has been identified to help ensure more uniform quality graduates. Under this proposal, four minimum levels of testing have been developed with each objective classified according to one of the four minimum testing methodologies. Since implementation of this proposal requires a minimum 24 hours of scenario testing time, it is proposed that the 40-hour increase include 24 hours of Practical Exercise/Scenario Testing with the remaining hours allocated for additional instructional time.

Existing POST training methodology requirements for the regular Basic Course (D-1-2 b) specify that training methodology is optionally determined by each course presenter. It is proposed that this section be amended to add a requirement that the POST-developed physical conditioning program be followed within Functional Area 12.0 and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The Commission, pursuant to guidelines, may approve the use of an alternative job-related physical abilities test. This proposal was previously approved by the Commission but through a technicality was not approved by the Office of Administrative Law.

It is proposed that Procedure D-1 be amended to add clarifying language that successful completion of basic training means completing an entire course at a single academy except for POST-authorized contractual agreements between academies. This is to prevent an individual from attempting to take parts of the training at various academies and claim to have completed the training.

Other proposed miscellaneous technical changes to Procedure D-1 include: 1) labeling the basic course described in paragraph 1-3 as the Regular Basic Course, 2) requiring the Law Enforcement Code of Ethics to be administered to all peace officer trainees, 3) restructuring paragraph 1-2 to differentiate between universal requirements applicable to all basic courses listed in paragraphs 1-3 to 1-6, and those applicable only to the Regular Basic Course, and 4) referencing supporting documents. Other minor technical changes are also proposed for Procedure D-1. Regulation 1013, Code of Ethics, is proposed to be amended to reference Procedure D-1-2.

ADOPTION OF PROPOSED REGULATIONS

After the hearing, the Commission may adopt proposed language if it remains sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language will be made available to the public at least 15 days before adoption. A request for the modified text should be addressed to the agency

official designated in this notice. The Commission will accept written comments on the modified language for 15 days after the date on which the revised text is made available.

FISCAL IMPACT

It is expected that there will be no substantial impact on either training presenters or users of basic courses. Virtually all courses currently either meet or exceed the proposed hourly requirements.

The Commission has determined that no savings or increased costs to any state agency, no costs or savings under Section 2231 of the Revenue and Taxation Code to local agencies or school districts, no other non-discretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the state will result from the proposed changes. The Commission has also determined that the proposed changes do not impose a mandate on local agencies or school districts and will involve no significant cost to private individuals or businesses.

The proposed regulations will have no effect on housing costs.

The proposed regulations will have no adverse economic impact on small businesses.

INFORMATION REQUESTS

Notice is hereby given that any interested person may present statements or arguments, in writing relevant to the action proposed. Written comments must be received by the Commission on Peace Officer Standards and Training, P.O. Box 20145, Sacramento, CA 95820-0145, no later than October 30, 1988.

A copy of the Statement of Reasons and the exact language of the proposed regulations may be obtained at the hearing or prior to the hearing upon request by writing to the Commission at the above address. This address is also the location of public records, including reports, documentation, and other materials related to the proposed action.

Inquiries concerning the proposed action may be directed to Georgia Pinola (916) 739-5400.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: BASIC TRAINING STANDARDS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on November 3, 1988, for the purpose of receiving comments on proposed changes to Commission Procedure D-1 to: 1) increase the regular Basic Course minimum hours from 520 to 560, the District Attorney Investigator Basic Course from 422 to 462, and the Marshals Basic Course from 446 to 486, 2) establish standardized testing methodology for each basic course performance objective and include 24 hours of practical exercise scenario testing as part of the above proposed hourly increases, and 3) require that a POST-developed physical conditioning program be included in the regular Basic Course and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program.

Minimum Length of Basic Courses

Commission Regulation 1005 (a) specifies the basic training requirements for all peace officer members of law enforcement agencies participating in the POST Program. Requirements for the regular Basic Course are set forth in the POST Administrative Manual, Section D-1, paragraphs 1-3. The minimum length of the course is currently set at 520 hours. It is proposed to increase the minimum length to 560 hours, a 40 hour increase, effective July 1, 1989. This proposed change is designed to have the minimum length more accurately reflect actual hours currently required to conduct the training. POST studies have shown that most academies already exceed the current 520-hour minimum. Since July 1985 when the Basic Course hours were last updated, curriculum has been added that requires additional instructional and testing time. No substantial impact is expected for this proposed increase because virtually all basic courses now voluntarily meet or exceed the proposed course length. It is important to have POST's minimum course hours accurately reflect the needed hours so as to help ensure course quality and to assist basic academies in justifying hourly increases in their courses.

Also recommended is a proposal to update the minimum hourly requirements for the District Attorney Investigator Basic Course (Procedure D-1-4) from 422 to 462 and the Marshals Basic Course (Procedure D-1-5) from 446 to 502. This is necessary because many of the functional areas for these basic courses are identical in content and hours with the Regular Basic Course (Procedure D-1-3).

led to the development of the Patrol Officer Physical Performance Testing Manual, resulted in the identification of two test batteries (the Work Sample Test Battery and the Generic Test Battery) that can be used by employing agencies to screen applicants. The current study confirmed the original research findings and resulted in the identification of two test batteries that are similar to the original Work Sample Test Battery and Generic Test Battery. A further goal of the current research was to develop a job-related physical conditioning program. This goal was successfully met, and data collected to evaluate the program indicates that the program is highly effective and that Functional Area 12 (Physical Fitness and Defense Techniques) and the examination portion of the Basic Course be expanded by an additional 48 hours to accommodate the program. Furthermore, it is recommended that the revised POST-developed Work Sample Test Battery or an alternative job-related physical abilities test approved by POST be instituted as a "must pass" performance objective in the Basic Course. That is, that administration of the tests be made part of the conditioning program, and as a condition of graduation from the academy, each cadet be required to achieve a passing score on the tests at the conclusion of the conditioning program. The advantages of this approach over that of mandating a passing score on the POST tests as a condition for employment and/or entry into the academy, are as follows

1. Many smaller agencies lack the resources to conduct physical ability testing. A POST required entry-level test standards outside of the Basic Course would represent a cost of such significance that it would, perhaps, be necessary for POST to establish regional testing centers.
2. Initial results of the physical ability program are very encouraging and suggest that the vast majority of persons who complete the program will be able to meet reasonable standards of performance on POST's test or alternative job-related tests.
3. The majority of academies have experience administering physical abilities tests, and thus, already have much of the expertise and the equipment needed to administer the POST test or alternative job-related tests.
4. Many agencies are utilizing locally developed, job-related selection tests of physical ability. By administering the POST-developed physical abilities test or an alternative job-related test approved by POST as a "must pass" performance objective in the Basic Course, local agencies will not face an unjustified significant burden, given that the agencies are currently using tailor-made job-related tests.
5. Requiring that the POST test or alternative job-related tests be passed as a condition for graduation from the academy would not preclude agencies from using the POST tests (the Work Sample Test Battery and the

Standardized Testing Methodology

POST's existing testing requirements for the Basic Course do not specify how each performance objective will be tested. As a result, testing methodology varies considerably from academy to academy, ranging from paper/pencil written test items to complex demonstrations and scenarios requiring the use of role players and evaluators. The need for more standardization in this area has been identified to help ensure more uniform quality graduates. Under this proposal, four minimum levels of testing have been developed with each objective classified according to one of these four minimum testing methodologies which include: 1) Level 1 - Teach/Evaluation Methodology Locally Determined, 2) Level 2 - Paper/Pencil, 3) Level 3 - Practical Exercise/Demonstration, and 4) Level 4 - Practical Exercise/Scenario. Since implementation of this proposal requires a minimum of 24 hours of scenario testing time, the proposal has been merged with increasing the length of the Basic Course. Accordingly, it is proposed that 24 hours of the proposed 40-hour increase in the minimum length of the Basic Course be directed to Practical Exercise/Scenario. It is proposed that the existing 35 hours of Testing in Procedure D-1-3 be reduced to 31 hours and the minimum hours for various Functional Areas be increased by a total of 20 hours. Standardized testing methodology will greatly improve the caliber of the basic academy graduate.

Physical Ability Standards

Existing POST training methodology requirements for the regular Basic Course (D-1-2 b) specify that training methodology is optionally determined by each course presenter. It is proposed that this section be amended to add a requirement that the POST-developed physical conditioning program be followed within Functional Area 12.0 and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The Commission pursuant to guidelines, may approve the use of an alternative job-related physical abilities test. This proposal was previously approved by the Commission but through a technicality was not approved by the Office of Administrative Law. These proposed changes are the result of two years of research aimed at fulfilling the mandate of Penal Code Section 13510(b), which states:

The Commission shall conduct research concerning job-related educational standards and job-related selection standards, to include vision, hearing, physical ability, and emotional stability. Job-related standards which are supported by this research shall be adopted by the Commission prior to January 1, 1985, and shall apply to those peace officer classes identified in subdivision (a). The Commission shall consult with local entities during the conducting of related research into job-related selection standards.

The results of the physical ability research concurred with and expanded upon previous POST research. The earlier effort, which

BULLETIN: 88-

SUBJECT: PUBLIC HEARING - BASIC TRAINING STANDARDS

A public hearing has been scheduled in conjunction with the January 19, 1989 Commission meeting in Sacramento for the purpose of considering proposed changes in POST Commission Procedure D-1 which would: 1) increase the minimum hours of the Regular Basic Course from 520 to 560, the District Attorney Investigators Basic Course from 422 to 462 and the Marshals Basic Course from 446 to 486, 2) establish standardized testing methodology for each Basic Course performance objective and include 24 hours of practical exercise scenario testing as part of the above proposed increases, and 3) require that a POST-developed physical conditioning program be included in the regular Basic Course and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The proposed changes would become effective July 1, 1989.

These proposed changes are designed to have the minimum length of basic training more accurately reflect actual hours currently required to conduct the training. POST studies have shown that most academies already exceed the current 520-hour minimum due to POST minimum required curriculum. Since July 1985 when the Basic Course hours were last updated, curriculum has been added that requires additional instructional time. No substantial impact is expected for this proposed increase because virtually all basic courses now meet or exceed the proposed course length. The minimum hourly requirements for the Marshal and the District Attorney Investigators Basic Courses are being recommended for increases because their content is directly related to certain parts of the regular Basic Course.

In addition, the Commission will be considering as part of this hearing a proposal to establish standardized testing methodology for the Regular Basic Course performance objectives. POST's testing requirements for the Basic Course currently do not specify how each performance objective will be tested. As a result testing methodology varies considerably from academy to academy. The need for more standardization in this area has been identified to help ensure more uniform quality graduates. Under this proposal, four minimum levels of testing have been developed with each objective classified according to one of four minimum testing methodologies. Since implementation of this proposal requires a minimum of 24 hours of scenario testing time, the proposal has been merged with the length of the Basic Course study. Accordingly, it is proposed that POST's minimum length of 520 hours be increased to 560 and that the 40-hour increase include 24 hours for Practical Exercises/Scenarios and the remaining hours allocated for additional instructional time.

Other proposed miscellaneous technical changes to Procedure D-1 include: 1) labeling the basic course described in paragraphs 1-3 as the Regular Basic Course, 2) requiring the Law Enforcement Code of Ethics to be administered to peace officer trainees,

Generic Test Battery) for entry-level selection. POST would encourage the use of the tests for this purpose. POST will publish a test manual with recommended cut-off score information which takes into account the improvement in test performance that can be expected as a result of successfully completing the conditioning program.

These changes would apply only to the POST Regular Basic Course. Persons who have previously completed basic training, or who attend other POST basic courses would not be required to meet the standard.

Other technical changes proposed for Procedure D-1 include: 1) labeling the basic course described in paragraph 1-3 as the Regular Basic Course, 2) requiring the Law Enforcement Code of Ethics to be administered to all trainees, 3) restructuring paragraph 1-2 to differentiate between requirements which are universally applicable to all basic courses and those which apply only to the Regular Basic Course, 4) adding language authorizing all basic courses to have locally determined content, and 5) referencing supporting documents. Regulation 1013, Code of Ethics, is proposed to be amended to reference Procedure D-1-2.

Specifically, the Commission proposes to:

- 0 Increase the minimum hour requirement for the Regular Basic Course from 520 to 560 including hourly changes to functional areas of the course.
- 0 Establish standardized testing methodology for each basic course performance objective and include 24 hours of Practical Exercise/Scenario Testing as part of the above 40 hour increase.
- 0 Increase the minimum hour requirement for the District Attorney Investigator Basic Course from 422 to 462 hours and Marshals Basic Course from 446 to 486 including hourly changes to functional areas of each course.
- 0 Require that a POST-developed physical conditioning program be followed within Functional Area 12.0 of the regular basic course and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The Commission pursuant to guidelines, may approve the use of alternative job-related physical abilities test.
- 0 Make several technical changes to Procedure D-1.

3) restructuring paragraph 1-2 to differentiate between universal requirements applicable to all basic courses listed in paragraphs 1-3 to 1-6 and that those applicable only to the Regular Basic Course, and 4) referencing supporting documents. Regulation 1013, Code of Ethics, is proposed to be amended to reference Procedure D-1-2.

It is proposed that Procedure D-1 be modified to add clarifying language that successful completion of basic training means completing an entire course at a single academy except for POST-authorized contractual agreements between academies.

It is also proposed that training requirements for the regular Basic Course (Procedure D-1-2 (b)) be amended to add that the POST-developed physical conditioning program be followed within Functional Area 12.0 and that students pass a POST-developed physical abilities test at the conclusion of the conditioning program. The Commission pursuant to guidelines, may approve the use of alternative job-related physical abilities test. This proposal was previously approved by the Commission but through a technicality was not approved by the Office of Administrative Law. Other minor technical changes are also proposed for Procedure D-1.

The attached Notice of Public Hearing required by the Administrative Procedures Act, provides details concerning the proposed regulation changes and provides information regarding the hearing process. Inquires concerning the proposed action may be directed to Georgia Pinola at (916) 739-5400.

NORMAN C. BOEHM
Executive Director

Attachment

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Report and Demonstration of PC 832 Interactive Videodisc Training Program		Meeting Date November 3, 1988
Bureau Training Program Services	Reviewed By Hal Snow <i>NS</i>	Researched By George Niesl
Executive Director Approval <i>Howan C. Boehm</i>	Date of Approval 10-14-88	Date of Report September 27, 1988
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><u>ISSUE</u></p> <p>Demonstration and acceptance of interactive videodisc version of PC 832 course as final contract product; final payment adjustment, mastering and copying courseware for field testing of product.</p> <p><u>BACKGROUND</u></p> <p>In April 1985, the Commission authorized staff to prepare a Request for Proposal (RFP) to develop a computer-assisted, interactive videodisc (IVD) program for training peace officers as required by Section 832 of the California Penal Code. The contractor began work on the project in March 1986.</p> <p>By terms of the original contract, the contractor agreed to provide services in the development and production of an interactive videodisc training program covering all subject areas in the PC 832 course. The contractor agreed to : (1) devise an instructional design and system for the delivery of such training, (2) develop a methodology for the evaluation of the training and the measurement of student performance in the course, and (3) provide four sets of hardware upon which to demonstrate and present the training course. In return for this, the State of California (POST) agreed to pay the contractor \$312,520.</p> <p><u>ANALYSIS</u></p> <p><u>Discussion of Contract Deliverables</u></p> <p>Before the Commission for review is the completed courseware for Introduction to Law Enforcement: POST's three-part interactive videodisc course that fully meets training requirements mandated by PC 832 and for Level III reserve officers. In 44 lessons the interactive course covers subject matter relating to 145 performance objectives or competencies in the Basic Course. The courseware comes in three forms: three printed study booklets, 12-inch laser videodiscs (eight sides), and 3 1/2" or 5 1/4" computer diskettes (one for each videodisc side).</p> <p>A separate program for testing trainee progress in the course was also developed by the contractor. It employs over 700 test items that are selected randomly for</p>		

testing and retesting individual trainees. For security reasons, access to the testing program and diskette will be controlled by the course presenter.

Hardware delivered to POST as part of the contract are four complete IBM InfoWindow systems, each comprised of a computer, a color monitor, a keyboard and a laser videodisc player. The four systems will be on display and available for demonstration of the Introduction to Law Enforcement Course at the meeting.

Evaluation of the Contract Deliverables

As a first experiment of its kind in law enforcement training, the Introduction to Law Enforcement course must be thoroughly evaluated in learner and classroom situations. It has already undergone extensive evaluation by subject matter experts, instructors and POST staff members. A review of the program was also made by attorneys, to assure legal accuracy and as a liability safeguard. The reviews resulted in some staff-determined script changes and corresponding video reshooting and final editing at a cost of \$8000, an amount which exceeds the previously approved contract amount of \$312,000 and for which the contractor requests reimbursement.

The training program is now ready to undergo its pilot testing by a small group (less than ten) of typical PC 832 trainees. The pilot testing will be for the sole purpose of assessing the usability of the program (user friendliness) and whether the program achieves the general goals of training in introductory law enforcement topics, as determined by testing with the evaluation program developed for the Course. The Commission's approval of the Introduction to Law Enforcement Course is subject to the ultimate results of this pilot testing. Also upon final approval of the product, POST will proceed to actuate a marketing agreement with the developer, Comsell, Inc., as previously approved by the Commission.

Following the pilot testing of the interactive course, master videodiscs will need to be made, from which additional copies can be made for distribution to the law enforcement trainers who choose to invest in interactive videodisc equipment for presenting the course. Mastering and making copies of videodiscs and computer diskettes is the responsibility of POST as owner of the interactive training program. The cost of mastering and storing videodiscs, copying 100 sets of the courseware (videodiscs and computer diskettes), and packaging the programs, would amount to no more than \$25,000. Copies of the courseware would be made available to PC 832 course presenters.

Once copies of the courseware are available for training purposes, POST should immediately begin a more extensive evaluation of the Introduction to Law Enforcement interactive videodisc course. This "field testing" phase of evaluation will be for the purpose of answering the following questions:

- o How effective is interactive versus traditional training?
- o How do the different modes of interactive training compare in effectiveness: one-on-one vs large groups led by an instructor?
- o Does interactive training effect a reduction in training time? If so, how much?

- o To what extent can the interactive course be used without an instructor?
What is the proper mix of individualized interactive instruction and traditional instruction/evaluation?

The field testing of the interactive videodisc course would involve the cooperation of many law enforcement agencies and training institutions and could take four to six months. During this period, of course, individuals would be trained as the course is evaluated so the research would not be conducted in the absence of other positive benefits. The thorough field testing would be for the purpose of providing information that could be used in decisions about further development of interactive videodisc in law enforcement training.

RECOMMENDATIONS

- (1) Approve the Introduction to Law Enforcement interactive videodisc course for final contract payment, subject to positive results of pilot testing.
- (2) Approve payment of \$8000 beyond the original contract costs (\$312,000) for POST-initiated additions to the contract work plan.
- (3) Authorize the Executive Director to contract for an amount not to exceed \$25,000 for mastering videodiscs and storage, copying and packaging 100 sets of courseware.
- (4) Authorize staff to proceed with thorough field testing of Introduction to Law Enforcement Course.

The performance objectives which require students to demonstrate skill are each evaluated separately. To successfully complete basic training a student must demonstrate mastery of each skill objective.

A pilot test of the knowledge domain method of evaluating Basic Course students was conducted in conjunction with a test of the automated item banking system described in the previous item. Testing at three academies over the last two years has shown that the new method is practical and suitable for both agency-based and college-based academies. Moreover, student scores on the POST Proficiency Test (a paper-and-pencil test of student knowledge administered to all graduating trainees) have increased at each of the three academies.

While the results of the pilot test of the knowledge domain method are very encouraging, the approach differs significantly from the current Commission-approved system for defining success in the Basic Course. Because adoption of the new method would have a major impact on the Basic Course training system, the method should be more thoroughly tested before any changes are mandated.

Twelve academies, in addition to the three pilot academies, have expressed interest in using the knowledge domain method. Allowing additional academies to pilot test the method would provide valuable information on which to base a recommendation to convert to knowledge domains or to stay with the current system.

RECOMMENDATION

Extend the period for pilot testing the "knowledge domain" method for evaluating Basic Course students to January 1990, and allow those additional academies which have expressed an interest in using the method to participate in the pilot test.

Attachment A:

A New System for Evaluating Basic Course Students

The curriculum for the POST Basic Course is currently defined in terms of over 580 performance objectives (PO's) which the student must master. The PO's are organized into 12 broad categories called "functional areas" (Patrol Procedures, Criminal Investigation, Law, etc.). Approximately 70% of the PO's require demonstration of knowledge, and are appropriately addressed via paper-and-pencil testing; the remaining PO's require direct demonstration of a skill (driving, firearms, weaponless defense, etc.).

Under the current system, each PO is assigned a "success criterion" of 70%, 80%, 90%, or 100% (must pass), which reflects the criticality of the PO as determined by subject matter experts. Basic course presenters are required to measure the success of each student on each PO. The minimum acceptable level of student performance is defined as student mastery of 70% of the 70% PO's in each functional area, 80% of the 80% PO's in each functional area, and 90% of the 90% PO's in each functional area. All PO's classified as 100% PO's must be mastered. Skill and knowledge PO's are combined for purposes of determining minimum acceptable performance levels. Each academy is responsible for developing its own testing procedures, and each academy is also responsible for determining what constitutes mastery of a given PO.

In addition to being extremely difficult to administer properly, the existing system is characterized by the following shortcomings:

1. Dissimilar PO's Are Treated As Compensatory. Because PO's are combined into very broad categories (functional areas) for purposes of determining student success, doing well on some objectives offsets failing other objectives. For example, a student can fail all 11 PO's relating to domestic violence and still satisfy minimum acceptable performance levels. Alternatively, a student can pass the domestic violence PO's and fail the PO's related to protecting a suspect's Miranda rights (2 PO's), querying law enforcement information systems (3 PO's), searching for a lost child (1 PO), responding to a crime-in-progress call (3 PO's), entering a burning building (1 PO), and controlling a riot (3 PO's). Clearly, understanding the domestic violence laws does not compensate for lack of knowledge in these other areas or vice versa.
2. Mastery Of All Skill PO's Is Not Required. Virtually all of the PO's which require student demonstration of skill are associated with core responsibilities of a peace officer (shooting, driving, administering CPR, etc.). Again, because PO's are grouped into broad categories for purposes of determining minimum

acceptable performance levels, and because no distinction is made between skill and knowledge PO's for purposes of grouping (except for 100% PO's), it is possible to fail important skill PO's and successfully complete the course.

3. Little Standardization Exists With Respect To Student Evaluation. As stated earlier, each academy is responsible for developing and administering its own tests, and for determining what test scores are required to satisfy POST's completion standard for the course. Thus, specific testing procedures and required passing scores vary from academy-to-academy.
4. Duplication Of Effort. Because the current system places responsibility for test development and tracking student performance on each academy, 34 academies are separately addressing the same set of problems. Moreover, the resources available to these academies do not always include the level of technical sophistication needed to carry out these duties.

In recognition of these shortcomings, staff requested and received approval from the Commission in October 1985 to pilot test an alternate system for defining and evaluating student mastery of the POST Basic Course. Specifically, approval was granted to pilot test the new system in three academies, with a follow-up report to be submitted to the Commission.

The basic features of the new system fall into the following three categories:

1. Method of Defining/Determining Student Mastery.

Knowledge and Skill PO's: The new system divides the basic course PO's into two groups: those which require students to demonstrate knowledge and those which require students to demonstrate skill. The two types of PO's are treated in a way which minimizes the likelihood that a student can successfully complete basic training without acquiring the knowledge and skill needed to perform competently on the job.

Grouping of Knowledge PO's: The PO's requiring knowledge are grouped into 33 categories referred to as "knowledge domains". Each knowledge domain is comprised of PO's which address a single content area (e.g., domestic violence). Under the new system, students must pass a separate test for each knowledge domain.

Skill PO's: Students must demonstrate mastery of each of the approximately 180 skill PO's (all skill PO's are "must pass").

2. Test Development. Test items for the knowledge PO's are being developed in a collaborative effort involving POST staff and academy personnel. Specifically, POST holds monthly item writing workshops where academy instructors review existing test items and develop new items under the direction of POST staff. All items are stored on a computer. Problems identified during the workshops are immediately corrected on the computer. Each academy receives an updated copy of the items in the "test item bank" on a regular basis. Thus, POST and the academies are pooling resources, with the result being professionally developed test items which have been carefully and recently reviewed by subject matter experts, and which are available to all academies.
3. Test Generation/Student Tracking. Computer software was developed which automates: (1) the generation of tests for each knowledge domain (both an initial test and a second test for those students who must "remediate"); (2) test scoring; and (3) student tracking. A demonstration of the software will be provided.

Initial pilot testing of the new system has yielded encouraging results. Over 3,000 test items have been developed for the item bank and all 34 academies have requested and are receiving regular updates to the bank. Further, academies report that the quality of the items continues to improve, and academy representation at the item writing workshops has also improved significantly.

The automated system for student testing and tracking has been pilot tested at three academies: the San Diego County Sheriff's Academy, the Contra Costa Criminal Justice Training Center, and the Alan Hancock Police Academy. While each of the three academies has experienced the types of frustrations that are commonly associated with "debugging" a new computer system, all three academies have expressed overall satisfaction with both the features of the computer software (automated test generation, test scoring, student tracking), and the concept of grouping PO's into knowledge domains for purposes of evaluating student performance. Also, all three academies report that they were able to reformat the presentation of instruction so that an instructional block is devoted to those PO's within a given knowledge domain with a minimum of difficulty. Finally, while it is impossible to determine whether a causal relationship exists, test scores on the POST Proficiency Exam (a standardized paper-and-pencil knowledge test administered to basic academy graduates) have improved significantly at all three pilot academies.

While overall results of the pilot test have been very encouraging, a portion of the system software is still under development. This software will be dedicated to the types of statistical analyses that are needed to rigorously evaluate the quality of the test items (and tests) being generated. Because this software is not yet fully developed, and because Commission adoption of the new system would have a significant impact on the operations of the majority of basic training presenters, it is recommended that further pilot testing be conducted at an expanded number of academies to allow for more thorough evaluation of the whole system (including the psychometric characteristics of the test items). Twelve additional academies have expressed an interest in using the new system, thus providing an excellent opportunity for expanded pilot testing.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title POST Program to Recognize Physically Fit Peace Officers		Meeting Date November 3, 1988
Bureau Standards & Evaluation	Reviewed By	Researched By John Berner
Executive Director Approval <i>Merrill C. Beehm</i>	Date of Approval 10-14-88	Date of Report September 27, 1988
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

ISSUE

Should POST develop and administer a voluntary program to formally recognize physically fit peace officers?

BACKGROUND

At the January 21, 1988 Commission meeting, staff was directed to research alternatives for the development and implementation of a POST-sponsored program to identify and formally recognize officers who maintain exemplary levels of physical fitness.

Three alternative programs were presented for consideration by the Commission at the April 21, 1988 Commission meeting. Upon receiving the report, the Commission further directed that staff survey local administrators for the twofold purpose of: (1) obtaining local agency views concerning the appropriate role of POST, if any, with respect to in-service physical fitness programs; and (2) determining local agency interest and likely extent of participation in the three alternative programs. Accordingly, a survey was conducted of Chief Executives statewide. Results of the survey are summarized below.

ANALYSIS

The survey instrument, a copy of which is attached, was mailed to all Chief Executives from agencies in the POST program. Response rate for the survey was 56.7% overall; 63% for police departments; and 48% for sheriffs' departments.

Appropriate Role for POST With Regard to In-Service Fitness Programs

Slightly over half (53%) of those who returned completed questionnaires indicated that "POST should develop and coordinate a statewide in-service fitness program." Another large segment of the respondents (40.6%) indicated a preference for POST to serve as a

general information source only, to those agencies that have an interest in implementing some sort of in-service program. A much smaller group (6.4%) indicated that "POST should play no role with respect to in-service physical fitness programs." No differences in stated preference were found as a function of agency type or agency size, with the exception that a disproportionate number of sheriffs' departments (17.9%) indicated a preference that POST assume no role in this area.

Interest In/Likelihood of Participating in Three Program Alternatives

The three program alternatives developed by staff and presented to the Commission in April are briefly described below. Beneath each description are cost and time estimates for program implementation.

ALTERNATIVE 1: POST would provide local agencies with a program administration manual which contains recommended medical prescreening procedures, fitness test protocols, scoring instructions, test norms, instructions for interpreting scores, and a primer on exercise, diet, and nutrition. Additionally, POST would conduct one-day training seminars for local agency program administrators.

Time to develop: 8 months

Implementation costs: \$68,000 (includes POST Fellow for 6 months)

Ongoing costs: \$3,000 plus cost of awards (if incurred by POST)

ALTERNATIVE 2: In addition to all of the features of Alternative 1, POST would develop a computerized Program Management Information System for automated scoring, storage and retrieval of test results. The system would also automatically generate individualized feedback reports, test results, "tailor made" exercise prescriptions, and program summary statistical reports. Each participating agency would be responsible for implementing the automated system, which would require the availability of an IBM compatible microcomputer.

Time to develop: 10 months

Implementation costs: \$107,500 (includes POST Fellow for 6 months; \$25,000 contract for software development)

Ongoing costs: \$3,000 plus cost of awards (if incurred by POST)

ALTERNATIVE 3: POST, and not local participating agencies, would operate the automated Program Management Information System (test results and other information would be forwarded to POST; computer-generated fitness evaluation reports and exercise prescriptions would be forwarded by POST to the participating officers and agencies); and POST would conduct ongoing evaluation research to assess the overall benefits of the program (such research would necessitate local agency commitment to the collection and forwarding of injury, illness, and other similar data). This alternative would not require that agencies have a microcomputer. All other program components would remain unchanged from Alternative 2.

Time to develop: 11 months

Implementation costs: \$149,500 (includes POST Fellow for 9 months; \$25,000 contract for software development)

Ongoing costs: \$36,000 plus cost of awards (if incurred by POST)

Among those who favor POST implementation of some sort of voluntary in-service program (53% of all respondents), 92.7% indicated that POST should develop one of the three alternative programs (as opposed to a program which differs from all three alternatives). The greatest number (42%) expressed a preference for Alternative 1 (the least sophisticated and costly program); 34.1% indicated a preference for Alternative 2; and 23.9% indicated a preference for Alternative 3 (the most sophisticated and costly program). Widespread interest was expressed in adopting each of the three alternatives, as indicated in Table 1 (see page #4). As further indicated in Table 1, the perceived likelihood of actual program adoption at the local level is also quite high for all three alternatives.

Existing In-Service Programs

Approximately 30% of all respondents indicated that they currently have some type of locally developed and administered in-service physical fitness program. On average, the program has existed 4.7 years. Officer participation is voluntary in 71.1% of the programs, and 27.5% of the voluntary programs contain incentives for achieving desired fitness levels. By contrast, 77.8% of the mandatory programs contain negative sanctions for failure to meet minimally required fitness levels (and 22.2% of such programs contain incentives). No differences in program approach were found as a function of agency type or size.

Interestingly, while a slightly lower percentage of those agencies with a local in-service program indicated a preference for POST to develop a program (45.5% versus 56.4% for those agencies that

currently do not have a program), the presence or absence of a local program was not found to be related to either preferred program alternative, or expressed interest in/likelihood of adopting each alternative.

Table 1: Interest In/Likelihood of Adoption of Program Alternatives

"How interested would you be in adopting this program in your agency?"

	ALT.1	ALT.2	ALT.3
Extremely Interested	56.7%	42.5%	32.0%
Interested	40.1%	51.1%	46.9%
Not Interested	3.2%	6.5%	21.1%

"Assuming you favored adoption of this alternative, what is the likelihood that program adoption would occur in your agency?"

	ALT.1	ALT.2	ALT.3
Very likely	35.8%	30.0%	26.1%
Likely	41.7%	40.0%	33.8%
Impossible to tell	12.8%	17.8%	24.2%
Unlikely	9.6%	12.2%	15.9%

Review of Survey Results by Long Range Planning Committee

The Long Range Planning Committee reviewed the results of the survey at their meeting on October 12, 1988. Based upon that review, it is the recommendation of the committee that the Commission take no action to implement a POST program to formally recognize physically fit officers at this time.

Summary

Slightly over half (53%) of the Chief Executives who responded to the survey expressed the desire that POST develop a program for identifying and recognizing physically fit officers. An almost equal number of respondents (40.6%) indicated a preference that POST involvement with regard to in-service physical fitness programs be confined to providing general assistance to those agencies that wish to implement some sort of program. A much smaller number of respondents (6.4%) indicated that POST should play no role in this area.

Among those who indicated the desire that POST develop a specific program, far from noteworthy preference was expressed for a single program alternative: 42% indicated a preference for Program Alternative 1 (the least sophisticated and costly program); 34.1% indicated a preference for Program Alternative 2; and 23.9% indicated a preference for Program Alternative 3. Further, all three programs were viewed favorably by this group, albeit Alternative 3 did receive somewhat lower "interest in adopting" and "likelihood of adoption" ratings (see Table 1).

Slightly over 30% of the respondents indicated that they currently have some form of locally developed in-service fitness program. While this group indicated somewhat less preference for POST to develop a program (as opposed to POST serving as a general information source to interested agencies), results indicate that level of interest and likelihood of adoption of a POST-developed program would be no less for this group than for other agencies.

It is the recommendation of the Long Range Planning Committee, based on their review of the survey results, that the Commission not act to implement a POST-developed program at this time.

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

August 26, 1988

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SACRAMENTO 95816-7083GENERAL INFORMATION
(916) 739-5328EXECUTIVE OFFICE
(916) 739-3864BUREAUS
Administrative Services
(916) 739-5354*Center for Executive
Development*
(916) 739-2093*Compliance and Certificates*
(916) 739-5377*Information Services*
(916) 739-5340*Management Counseling*
(916) 739-3868*Standards and Evaluation*
(916) 739-3872*Training Delivery Services*
(916) 739-5394*Training Program Services*
(916) 739-5372*Course Control*
(916) 739-5399*Professional Certificates*
(916) 739-5391*Reimbursements*
(916) 739-5367*Resource Library*
(916) 739-5353

Dear Chief/Sheriff:

As you are aware, concerns over officer health and physical readiness have increased greatly in recent years. In response to these concerns, the Commission is seeking input regarding potential adoption of a voluntary program to encourage and formally recognize officers who achieve and maintain exemplary levels of physical fitness.

As currently envisioned, the program would entail fitness assessment via a test battery composed of common adult fitness measures such as cardiovascular endurance, muscular strength, and flexibility. Each participating department would be responsible for purchasing any required testing equipment (a minimum of equipment would be needed), and for administering the tests locally. POST would provide training to local program administrators. Each officer's performance on the test would be compared to known performance levels (test norms) for others in his/her age group. Diet and exercise information would also be provided to each officer in a program manual developed by POST.

Other elements that could be added to the program include a POST-developed automated management information system for storing and processing all test score and other program-related data; POST operation and maintenance of the automated management information system; and centralized collection and processing of program evaluation information.

The enclosed questionnaire is provided for you to express your views concerning POST involvement in in-service physical fitness programs in general, as well as with respect to three specific program alternatives. A number of questions pertaining to existing locally-developed and administered programs are also included so that we can update our records concerning current practices.

**SURVEY OF FIELD INTEREST IN POST-SPONSORED
IN-SERVICE PHYSICAL FITNESS PROMOTION PROGRAM**

Your Agency: _____

Your Name: _____

INTRODUCTION

The purpose of this survey is to obtain the views of administrators concerning the appropriate role of POST with respect to in-service physical fitness programs for officers. Some administrators may feel that POST should play only an advisory role; others may feel that POST should play no role at all; still others may believe that there is a need for a standard program coordinated at the state level.

Please check the statement below which corresponds most closely with your view. (check only one)

1. _____ POST should develop and coordinate a statewide in-service fitness program.
2. _____ POST should serve as a general information source only to those agencies that have an interest in implementing some sort of in-service physical fitness program.
3. _____ POST should play no role with respect to in-service physical fitness programs.

On the next few pages you are asked to indicate your views concerning three alternative forms of a statewide in-service program. If you checked either Statement 2 or Statement 3 above, thereby indicating your belief that POST should not develop and coordinate any type of statewide program, please skip these pages and proceed directly to Part B (page 5). If you checked Statement 1 above, please proceed to the next page and complete the remainder of the survey.

BACKGROUND

Begin here and continue to the end of the survey if you checked Statement 1 on the previous page. (If you checked either Statements 2 or 3, skip to page 5 of the survey.)

Three alternative physical fitness promotion programs are under consideration by the Commission. The following assumptions and features are common to all:

- Local agency participation will be strictly voluntary.
- The purpose of the program will be to formally recognize officers who maintain exemplary levels of fitness and not to negatively sanction officers who fail to meet some predetermined minimum standard. Some type of formal award (lapel pin, rosette, arm patch, etc.) will be provided by POST or the local agency.
- Officer fitness will be assessed using common tests of adult physical fitness; fitness levels will be determined by reference to test score norms for each officer's age and sex group.
- Local agencies will be responsible for procuring all necessary testing equipment (tests will be chosen which require a minimum of equipment), administering all tests, and conducting all medical clearance exams (costs for medical prescreening will vary depending on the length of time since last examined and the age and physical activity level of the officer).

PART A

YOUR VIEWS CONCERNING THREE PROGRAM ALTERNATIVES

Each of three program alternatives are briefly described below. For each, indicate in the spaces provided: (1) your level of interest in the program, and (2) the likelihood of adoption of the program in your agency, assuming the program was made available and you sought program implementation.

ALTERNATIVE 1: POST would provide local agencies with a program administration manual which contains recommended medical prescreening procedures, fitness test protocols, scoring instructions, test norms, instructions for interpreting scores, and a primer on exercise, diet, and nutrition. Additionally, POST would conduct one-day training seminars for local agency program administrators.

1. How interested would you be in adopting this program in your agency?

___ Extremely Interested ___ Interested ___ Not Interested

PART A (cont.)

2. Assuming you favored adoption of this alternative, what is the likelihood that program adoption would occur in your agency?

- Very likely
- Likely
- Impossible to tell
- Unlikely, due to: (check all that apply)
 - Budgetary constraints
 - Local association resistance
 - Other (specify): _____

ALTERNATIVE 2: In addition to all of the features of Alternative 1, POST would develop a computerized Program Management Information System for automated scoring, storage and retrieval of test results. The system would also automatically generate individualized feedback reports, test results, "tailor made" exercise prescriptions, and program summary statistical reports. Each participating agency would be responsible for implementing the automated system, which would require the availability of an IBM compatible microcomputer.

3. How interested would you be in adopting this program in your agency?

- Extremely Interested Interested Not Interested

4. Assuming you favored adoption of this alternative, what is the likelihood that program adoption would occur in your agency?

- Very likely
- Likely
- Impossible to tell
- Unlikely, due to: (check all that apply)
 - Budgetary constraints
 - Local association resistance
 - Other (specify) _____

PART A (cont.)

ALTERNATIVE 3: POST, and not local participating agencies, would operate the automated Program Management Information System (test results and other information would be forwarded to POST; computer-generated fitness evaluation reports and exercise prescriptions would be forwarded by POST to the participating officers and agencies); and POST would conduct ongoing evaluation research to assess the overall benefits of the program (such research would necessitate local agency commitment to the collection and forwarding of injury, illness, and other similar data). This alternative would not require that agencies have a microcomputer. All other program components would remain unchanged from Alternative 2.

5. How interested would you be in adopting this program in your agency?

Extremely Interested Interested Not Interested

6. Assuming you favored adoption of this alternative, what is the likelihood that program adoption would occur in your agency?

Very likely
 Likely
 Impossible to tell
 Unlikely, due to: (check all that apply)
 Budgetary constraints
 Local association resistance
 Other (specify) _____

7. Please indicate your relative interest in the three alternative programs by assigning a "1" to the alternative you would most like to see POST develop, a "2" to the next most desirable alternative, and a "3" to the least desirable alternative.

Alternative 1 Alternative 2 Alternative 3

8. Which statement best expresses your views concerning the proper role for POST with respect to in-service physical fitness programs? (check only one)

POST should develop one of the three alternative programs described above.
 POST should develop a voluntary program, but the program should be different from any of the three proposed alternatives (explain): _____

 Other (describe): _____

PART B

EXISTING IN-SERVICE PHYSICAL FITNESS PROGRAMS

(To be completed by all respondents)

Please respond to the following questions only if your agency currently has an in-service physical fitness program.

9. Program Components: (check all that apply)

- Health Assessment
 Review of medical history
 Medical examination
 Other (specify): _____
- Health Education
 Smoking cessation
 Weight control
 Stress reduction
 Substance abuse
 Other (specify): _____
- Exercise Prescription
- Exercise Program(s)
 On-site Off-site
 On-duty Off-duty
- Incentives for those who achieve desired fitness levels
- Negative sanctions for those who fail to meet minimally required fitness levels

10. Officer participation is: Voluntary Mandatory

11. Program has existed: Years Months

Person that POST can contact to obtain more information about the program:

Name: _____

Phone: () _____

Thank you for completing this questionnaire. Please return the questionnaire in the postage-paid, self-addressed envelope provided by September 21, 1988.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Request for Training Contract - CPOA		Meeting Date November 3, 1988
Bureau TDSB	Reviewed By Ron Allen	Researched By John Davidson
Executive Director Approval	Date of Approval	Date of Report
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><u>ISSUE</u></p> <p>The California Peace Officer's Association (CPOA) has requested approval of a contract in the amount of \$13,445 for Fiscal Year 1988-89. The purpose of the contract is to support the presentation costs of two teleconference presentations of the CPOA legal update course.</p>		
<p><u>BACKGROUND</u></p> <p>For the last four years CPOA has provided legislative update training to remote areas of Northern California by means of a teleconferencing system. Cost of the training has been borne by POST through a contract with CPOA, and by the participation of Butte Community College through ADA funding. The major advantage of the training is that it permits participation of law enforcement personnel from remote areas without the need for travel. Presentations in Northern California have been used by 215 to 250 persons per year at a student cost that has been 20% to 30% less than the live presentation cost. While the training has generally been well received, there have been complaints regarding specific participants and their ability to effectively use the medium. These complaints have been addressed and we anticipate continued improvement.</p> <p>This year CPOA has requested an extension of the teleconferencing system to include a presentation in the San Diego Area. It is anticipated that up to 220 persons will be trained at four sites: 20 persons at the KPBS studio, 100 persons at the Fleet Science Center in Balboa park in San Diego, 45 persons in San Marcos in the North County and 45 persons at the SDS campus in Calexico.</p>		
<p><u>ANALYSIS</u></p> <p>The presentations in Northern California over the last four years have been conducted in conjunction with Butte College, which has signed up students and contributed to the cost of the course by providing a portion of the ADA funding it receives. Presentation of the course in this manner has permitted the cost per student to be significantly lower than the tuition allowed CPOA for on-site presentations.</p>		

At this point, the local community college provider in San Diego has elected not to participate in the training. The cost per student for the training in the San Diego area is therefore higher than the cost allocated to the Northern California presentations (\$36.00 as compared to \$26.00). Both costs, however, are less than the tuition which is charged to cover the cost of a live classroom presentation (\$38.00). In addition, the training is made conveniently available to Southern California desert communities.

RECOMMENDATION

Authorize the Executive Director to contract with the CPOA to present the described training in an amount not to exceed \$13,445.

Memorandum

M

To : POST Commissioners

Date : August 19, 1988

Robert Wasserman, Chairman
Accreditation CommitteeFrom : **Commission on Peace Officer Standards and Training**

Subject: ACCREDITATION COMMITTEE MEETING

The Committee met at the Clarion Hotel, Ontario on August 18, 1988 at 10:00 a.m. Present were the following Committee members:

Commissioner Robert Wasserman, Committee Chairman
Commissioner Carm Grande
Commissioner Les Sourisseau
Chief Ron Lowenberg, Advisory Committee
Chief Don Forkus, CPOA
Chief Karel Swanson, CPCA
President Larry Malmberg, PORAC

Guests present:

Robert DeSteunder, San Diego County Sheriff's Department
Jim Decker, San Diego County Sheriff's Department
Chris Visconti, Orange County Sheriff's Department
Chuck Thomas, Southern Pacific Railroad Police Department

Staff members present:

Executive Director Norman Boehm
Bureau Chief Doug Thomas

The Committee received an overview of the materials put together by staff as a result of the last meeting. A general discussion followed on accreditation. The consensus was to continue the study of the accreditation concept. A list of accreditation advantages and disadvantages was developed along with the components of a model accreditation program. See attached list.

Committee members will review the list and make comments and return to staff for consolidation. The consolidated comments will be then be returned to committee members for a second review and comments. The final consolidation of information will in turn be taken back to each of the Committee members' respective associations for review and approval.

ACCREDITATION ISSUE

Advantages:

- o Improved service to the public
- o Improved officer and public safety
- o Better law enforcement operations
- o Improved morale
- o Model policies for consistency throughout State
- o Reduced liability
- o Expert system would off-set those who are testifying against law enforcement as to what the standards "should" be
- o Brings together a mechanism to set standards and deal with legislators concerns and to also off-set legislated standards that are coming piece-meal.
- o Encourages proactivity
- o Good publicity for agencies
- o Improvement in labor/management relations
- o Encouragement for agencies to improve

Disadvantages:

- o Loss of flexibility (May not be able to adapt standards to fit community.)
- o Some financially poor agencies may not be able to meet standards
- o Pressure/liability issues to join accreditation
- o May raise false expectations by rank-and-file

DESIRABLE ELEMENTS FOR A MODEL PROGRAM TO SUCCEED

- o There should be no fee to participate and consulting services should be provided to assist those agencies that need assistance in meeting the standards.
- o The major law enforcement organizations should endorse the concept and support legislation to create.
- o Should define what services will be provided and when
- o Give the idea time to mature and gain acceptance
- o Preserve "voluntariness" of program
- o Participation should be open to all agencies in the POST program

Non-reimbursable agencies should be charged a fee

- o A funding source should be located separate from POST training funds
- o An accreditation committee with cross-representation, appointed by the POST Commission, should govern the program
- o Reaccreditation should occur every 5-8 years if agency head does not change. (Eight years may be too long.)

DEVELOPMENT OF STANDARDS

- o POST staff should develop standards with assistance of law enforcement groups
- o Standards should be developed by topical domain using subject matter experts under one correlation committee
- o Standards should be approved by POST Commission
- o Exceptions should be resolved by Accreditation Committee and then to Commission for appeal
- o Correctional and training standards should be excluded from standards

Memorandum

N

POST Commissioners

Date October 13, 1988

Alex Pantaleoni, Chairman
Long Range Planning Committee

From : Commission on Peace Officer Standards and Training

Subject: REPORT OF LONG RANGE PLANNING COMMITTEE

The Committee met at the San Bernardino Sheriff's Office on October 12, 1988. Present were myself and Commissioners Grande, Tidwell and Wasserman. Also present was Gray Young from Fontana Police Department. Staff members present were Norm Boehm and John Berner.

A. Basic Course Examination Options

After discussion of basic course examination options, it was the consensus of the Committee to recommend that the matter of a mandated end of Basic Course testing be taken under advisement with no specific action being taken at this time.

B. Length of Basic Course Issues

The Committee considered the recommendation to increase the mandated basic course hours from 520 to 560 hours. This suggested increase was based on new requirements in the form of additional performance objectives and for additional skills testing hours. Any changes to basic course hours would not be effective until July 1, 1989 at the earliest.

The recommendation of the Committee was that the Commission not schedule a public hearing on increasing hours prior to the April 1989 meeting and first ask staff to study basic course reimbursement alternatives including the possibility of directing financial resources in support of new training approaches in academies. Staff will make a report to the Long Range Planning Committee in December with a followup report to the Commission at its January 1989 meeting.

In addition, the Committee reaffirmed the recommendation that the basic course content be reviewed with the purpose of evaluating potential economies through technology or course restructuring. This is a long term project which is scheduled to begin after the first of the year.

C. Results of Study of Physical Abilities Test Score

In response to questions about the physical abilities test program, the Commission authorized a follow up study to evaluate the appropriateness of the cut-off score on the test. Staff reported that additional information is needed for female officers in order to obtain conclusive results, and recommended that additional data collection occur over the next six months. The Committee approved the recommendation.

D. Recommendation to Proceed with Seeking Funding for Training Facilities and Equipment

The Committee recommended the Commission continue actively supporting realization of the programs and equipment envisioned in the skill training centers concept in cooperation with law enforcement. The Committee further recommends that the Commission assign the Advisory Committee responsibility to work with staff and Commission and their constituent organizations to plan for and achieve this purpose.

The Advisory Committee is made up of representatives of the major law enforcement and law enforcement training interests in the State. Committee members can assure that the interests and active support of their respective groups are reflected in achieving approved program goals. The Advisory Committee can be supplemented on an ad hoc basis as deemed necessary by the Commission.

E. Certificate Revocation Review

Though no report or recommendations are anticipated, the Commission should be advised that Certificate revocation issues were reviewed by the Committee with no action being taken.

F. Physical Fitness Recognition

Staff was directed by the Commission to conduct a survey of chief executives to determine a level of interest in POST's involvement to recognize physically fit officers. The report of the survey findings was presented at the meeting. After reviewing the findings, the Committee recommends no POST involvement in such a program.

ADJOURNMENT - 1:00 P.M.

Memorandum

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To : POST Commissioners**Date:** October 3, 1988Ed Maghakian, Chairman
Advisory Liaison Committee**From :** Commission on Peace Officer Standards and Training**Subject:** ADVISORY LIAISON COMMITTEE MEETING

The Advisory Liaison Committee met September 28, 1988 via telephone conference call. Present were myself and Commissioner Montenegro, Norman Boehm, Glen Fine and Vera Roff.

The Committee reviewed the current Commission policy which allows for new Advisory Committee members to be reimbursed for attendance to any single Commission meeting during their first year in office for familiarization purposes. The policy also includes a visit to POST headquarters. Beyond that, Advisory Committee members receive reimbursement only for attending the Advisory Committee and the July Commission meetings.

Following discussion, the Committee unanimously recommended that no changes be made to the current Commission policy.

The Committee also discussed ways of improving Advisory Committee input on Commission meeting agenda items. It was recommended that the Commission Chairman be informed in advance of items on which the Advisory Committee wants to comment. Then, when that agenda item comes before the Commission, the Chairman can call on the Advisory Committee representative to make comments as appropriate.

Commission on Peace Officer Standards and Training
Legislative Review Committee Meeting
November 3, 1988, 9 a.m.
Capitol Plaza Holiday Inn
Sacramento, CA

AGENDA

1. Final Report on 1988 Legislative Session
2. Proposed Legislation for 1989
3. Open Discussion
4. Adjournment

Commission on Peace Officer Standards and Training

Legislative Summary sheet - 1988

Disposition of Active Bills

<u>Bill/Author</u>	<u>Subject</u>	<u>POST Position</u>	<u>Dispo- sition</u>
SB 83 (Presley)	Wiretap trailer legis. to SB 1499. Clarifies language and changes sunset date.	Support	* C. 1373
SB 254 (Richardson)	Child Welfare Services: employee training	Support	Died in Com.
AB 1100 (Elder)	POST to provide HAZMAT training	Neutral	Vetoed
SB 1439 (Doolittle)	Provides addit. POST funds and allows partial reimb. for certain state peace officers	Support	Died in Com.
SB 1499 (Presley)	POST to provide wiretap training	Support	C. 111
SB 1673 (Marks)	Airport police to receive POST reimbursement	Oppose	Died in Com.
AB 1760 (Clute)	POST to conduct study on dog training standards	Neutral	Died in Com.
SB 1806 (Doolittle)	Bill merged with SB 2667	Oppose	Died in Com.
SB 1925 (Montoya)	Allows for the establishment of local revolving peace officer training accounts	Neutral	Died in Com.
SB 2210 (McCorquodale)	POST to provide basic course and supplementary training on handling of persons with developmental disabilities and/or mental illness	Neutral	C. 593
SB 2282 (Presley)	Requires POST to provide training re. missing persons and victims of violent crimes	Support	C. 1456
AB 2376 (Statham)	POST to provide cancer agent I.D. training	Neutral	C. 947

* Chapter

SB 2667 (Doolittle)	Allows certain out-of-state peace officers to be designated as Calif. reserve peace officers	Neutral	C. 1482
AB 2994 (Tucker)	POST to provide AIDS training	Support	Vetoed
AB 3246 (Campbell)	Reassigns unused driver training funds to POST, Board of Corrections and OCJP programs	Support	Died in Com.
AB 3424 (Costa)	Allows two- or four-year college degree to meet high school grad. selection standard	Support	C. 610
AB 3558 (Clute)	Requires passage of standardized basic course exam	Neutral	Vetoed

Senate Bill No. 83

CHAPTER 1373

An act to amend Sections 629.32, 629.48, and 631 of, the Penal Code, and to repeal Section 5 of Chapter 111 of the Statutes of 1988, relating to surveillance.

[Approved by Governor September 25, 1988. Filed with Secretary of State September 26, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 83, Presley. Interception of wire communications.

Existing provisions of Chapter 111 of the Statutes of 1988 would authorize the interception of wire communications by law enforcement officers in certain circumstances. Existing provisions of that bill would limit the use of the contents of an intercepted communication that relates to crimes other than those specified in the judge's order of authorization. However, existing provisions of that bill would specify that the use of the contents of an intercepted wire communication relating to crimes other than that specified in the order of authorization may be used to obtain a search or arrest warrant.

This bill would delete the latter provision.

Existing provisions of Chapter 111 provide for the repeal of its provisions on January 1, 1995.

This bill would change the repeal date to January 1, 1994. It would also revise repeal provisions that purport to make a section operative on the same date it would be repealed to, instead, make another section operative on that date.

The people of the State of California do enact as follows:

SECTION 1. Section 629.32 of the Penal Code, as added by Chapter 111 of the Statutes of 1988, is amended to read:

629.32. (a) If a peace officer, while engaged in intercepting wire communications in the manner authorized by this chapter, intercepts wire communications relating to crimes other than those specified in the order of authorization, but which are enumerated in subdivision (a) of Section 629.02, (1) the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in Sections 629.24 and 629.26 and (2) the contents and any evidence derived therefrom may be used under Section 629.28 when authorized by a judge if the judge finds upon subsequent application, that the contents were otherwise intercepted in accordance with the provisions of this chapter. The application shall be made as soon as practicable.

(b) If a peace officer, while engaged in intercepting wire

communications in the manner authorized by this chapter, intercepts wire communications relating to crimes other than those specified in the order of authorization or enumerated in subdivision (a) of Section 629.02, the contents thereof, and evidence derived therefrom, may not be disclosed or used as provided in Sections 629.24 and 629.26, except to prevent the commission of a public offense. The contents and any evidence derived therefrom may not be used under Section 629.28, except where the evidence was obtained through an independent source or inevitably would have been discovered, and the use is authorized by a judge who finds that the contents were intercepted in accordance with this chapter.

(c) The use of the contents of an intercepted wire communication relating to crimes other than that specified in the order of authorization to obtain a search or arrest warrant entitles the person named in the warrant to notice of the intercepted wire communication and a copy of the contents thereof which were used to obtain the warrant.

SEC. 2. Section 629.48 of the Penal Code as added by Chapter 111 of the Statutes of 1988, is amended to read:

629.48. This chapter shall remain in effect only until January 1, 1994, and as of that date is repealed.

SEC. 3. Section 631 of the Penal Code, as amended by Section 3 of Chapter 111 of the Statutes of 1988, is amended to read:

631. (a) Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system, or who willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any such wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section or Section 632 or 636, he or she is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in

the state prison.

(b) This section shall not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of the public utility, or where the public utility is acting in good faith reliance on a court order issued under Chapter 1.3 (commencing with Section 629), or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(c) Except as proof in an action or prosecution for violation of this section, no evidence obtained in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

(d) This section shall remain in effect only until January 1, 1994, and as of that date is repealed.

SEC. 4. Section 631 of the Penal Code, as added by Section 4 of Chapter 111 of the Statutes of 1988, is amended to read:

631. (a) Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system, or who willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any such wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in the state prison. If the person has previously been convicted of a violation of this section or Section 632 or 636, he or she is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in the state prison.

(b) This section shall not apply (1) to any public utility engaged

in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of such public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(c) Except as proof in an action or prosecution for violation of this section, no evidence obtained in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

(d) This section shall become operative on January 1, 1994.

SEC. 5. Section 5 of Chapter 111 of the Statutes of 1988 is repealed.

O

Senate Bill No. 1499

CHAPTER 111

An act to amend, add, and repeal Section 631 of, and to add and repeal Chapter 1.3 (commencing with Section 629) of Title 15 of Part 1 of, the Penal Code, relating to law enforcement.

[Approved by Governor May 20, 1988. Filed with Secretary of State May 23, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1499, Presley. Law enforcement.

Existing law generally prohibits electronic eavesdropping or recording of confidential communications, with certain exceptions for certain law enforcement officers.

This bill would also authorize the interception of wire communications by certain law enforcement officers investigating certain controlled substance violations under specified judicial authorization procedures. Any violation of these provisions would be punishable as a misdemeanor or felony, and persons aggrieved by a violation would have a civil cause of action for damages, as specified. The bill would impose a state-mandated local program by creating new crimes relating to the interception of wire communications.

The bill would require the Commission on Peace Officer Standards and Training to establish a course of training and the Attorney General to set standards for certification of law enforcement officers to intercept private communications.

These provisions would be repealed on January 1, 1995.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Presley-Felando-Eaves Wiretap Act of 1988.

SEC. 2. Chapter 1.3 (commencing with Section 629) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 1.3. INTERCEPTION OF WIRE COMMUNICATIONS

629. Each application for an order authorizing the interception of a wire communication shall be made in writing upon the personal oath or affirmation of the Attorney General or Chief Assistant

Attorney General, Criminal Law Division, or of a district attorney, to the presiding judge of the superior court or one other judge designated by the presiding judge. Each application shall include all of the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application.

(b) The identity of the law enforcement agency that is to execute the order.

(c) A statement attesting to a review of the application and the circumstances in support thereof by the chief executive officer, or his or her designee, of the law enforcement agency making the application. This statement shall name the chief executive officer or the designee who effected this review.

(d) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his or her belief that an order should be issued, including (1) details as to the particular offense that has been, is being, or is about to be committed, (2) the fact that conventional investigative techniques had been tried and were unsuccessful, or why they reasonably appear to be unlikely to succeed or to be too dangerous, (3) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (4) a particular description of the type of communication sought to be intercepted, and (5) the identity, if known, of the person committing the offense and whose communications are to be intercepted, or if that person's identity is not known, then the information relating to the person's identity that is known to the applicant.

(e) A statement of the period of time for which the interception is required to be maintained, and if the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of the facts establishing probable cause to believe that additional communications of the same type will occur thereafter.

(f) A full and complete statement of the facts concerning all previous applications known, to the individual authorizing and to the individual making the application, to have been made to any judge of a state or federal court for authorization to intercept wire communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each of those applications.

(g) If the application is for the extension of an order, a statement setting forth the number of communications intercepted pursuant to the original order, and the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.

The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

629.02. Upon application made under Section 629, the judge may enter an ex parte order, as requested or modified, authorizing interception of wire communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines, on the basis of the facts submitted by the applicant, all of the following:

(a) There is probable cause to believe that an individual is committing, has committed, or is about to commit, one of the following offenses:

(1) Importation, possession for sale, transportation, manufacture, or sale of controlled substances in violation of Section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code with respect to a substance containing heroin, cocaine, PCP, methamphetamine, or their analogs where the substance exceeds 10 gallons by liquid volume or three pounds of solid substance by weight.

(2) Conspiracy to commit any of the above-mentioned crimes.

(b) There is probable cause to believe that particular communications concerning the illegal activities will be obtained through that interception.

(c) There is probable cause to believe that the facilities from which, or the place where, the wire communications are to be intercepted are being used, or about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person whose communications are to be intercepted.

(d) Normal investigative procedures have been tried and have failed or reasonably appear either to be unlikely to succeed if tried or to be too dangerous.

629.04. Each order authorizing the interception of any wire communication shall specify:

(a) The identity, if known, of the person whose communications are to be intercepted, or if the identity is not known, then that information relating to the person's identity known to the applicant.

(b) The nature and location of the communication facilities as to which, or the place where, authority to intercept is granted.

(c) A particular description of the type of communication sought to be intercepted, and a statement of the illegal activities to which it relates.

(d) The identity of the agency authorized to intercept the communications and of the person making the application.

(e) The period of time during which the interception is authorized including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

629.06. (a) Upon informal application by the Attorney General, the Chief Assistant Attorney General, Criminal Law Division, or a district attorney, the presiding judge of the superior court or one

other judge designated by the presiding judge may grant oral approval for an interception, without an order, if he or she determines all of the following:

(1) There are grounds upon which an order could be issued under this chapter.

(2) There is probable cause to believe that an emergency situation exists with respect to the investigation of an offense enumerated in this chapter.

(3) There is probable cause to believe that a substantial danger to life or limb exists justifying the authorization for immediate interception of a private wire communication before an application for an order could with due diligence be submitted and acted upon.

(b) Approval for an interception under this section shall be conditioned upon filing with the judge, within 48 hours of the oral approval, a written application for an order which, if granted consistent with this chapter, shall also recite the oral approval under this subdivision and be retroactive to the time of the oral approval.

629.08. No order entered under this chapter shall authorize the interception of any wire communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days. Extensions of an order may be granted, but only upon application for an extension made in accordance with Section 629 and upon the court making findings required by Section 629.02. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event any longer than 30 days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and shall terminate upon attainment of the authorized objective, or in any event at the time expiration of the term designated in the order or any extensions.

629.10. Whenever an order authorizing an interception is entered, the order shall require reports in writing or otherwise to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective, or a satisfactory explanation for its lack, and the need for continued interception. If the judge finds that such progress has not been made, that the explanation for its lack is not satisfactory, or that no need exists for continued interception, he or she shall order that the interception immediately terminate. The reports shall be made at the intervals that the judge may require, but not less than one for each period of 72 hours.

629.12. (a) The Attorney General shall prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Court on interceptions conducted under the authority of this chapter during

the preceding year. Information for this report shall be provided to the Attorney General by any prosecutorial agency seeking an order pursuant to this chapter.

(b) The report shall include all of the following data:

(1) The number of orders or extensions applied for.
(2) The kinds of orders or extensions applied for.
(3) The fact that the order or extension was granted as applied for, was modified, or was denied.

(4) The period of interceptions authorized by the order, and the number and duration of any extensions of the order.

(5) The offense specified in the order or application, or extension of an order.

(6) The identity of the applying law enforcement officer and agency making the application and the person authorizing the application.

(7) The nature of the facilities from which or the place where communications were to be intercepted.

(8) A general description of the interceptions made under the order or extension, including (A) the approximate nature and frequency of incriminating communications intercepted, (B) the approximate nature and frequency of other communications intercepted, (C) the approximate number of persons whose communications were intercepted, and (D) the approximate nature, amount, and cost of the manpower and other resources used in the interceptions.

(9) The number of arrests resulting from interceptions made under the order or extension, and the offenses for which arrests were made.

(10) The number of trials resulting from the interceptions.

(11) The number of motions to suppress made with respect to the interceptions, and the number granted or denied.

(12) The number of convictions resulting from the interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions.

(13) Except with regard to the initial report required by this section, the information required by paragraphs (8) to (12), inclusive, with respect to orders or extensions obtained in a preceding calendar year.

(14) Other data that the Legislature, the Judicial Council or the Director of the Administrative Office shall require.

(c) The annual report shall be filed no later than April of each year, and shall also include a summary analysis of the data reported pursuant to subdivision (b). The Attorney General may issue regulations prescribing the content and form of the reports required to be filed pursuant to this section by any prosecutorial agency seeking an order to intercept wire communications.

629.14. The contents of any wire communication intercepted by any means authorized by this chapter shall, if possible, be recorded

on tape or other comparable device. The recording of the contents of any wire communication pursuant to this chapter shall be done in a way that will protect the recording from editing or other alterations and ensure that the audio tape recording can be immediately verified as to its authenticity and originality and that any alterations can be immediately detected. In addition, the monitoring or recording device shall be of a type and shall be installed to preclude any interruption or monitoring of the interception by any unauthorized means. Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his or her directions. Custody of the recordings shall be where the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of Sections 629.24 and 629.26 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire communication or evidence derived therefrom under Section 629.28.

629.16. Applications made and orders granted pursuant to this chapter shall be sealed by the judge. Custody of the applications and orders shall be where the judge orders. The applications and orders shall be disclosed only upon a showing of good cause before a judge and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for 10 years.

629.18. Within a reasonable time, but no later than 90 days, after the termination of the period of an order or extensions thereof, or after the filing of an application for an order of approval under Section 629.06 which has been denied, the issuing judge shall cause to be served upon persons named in the order or the application, and other known parties to intercepted communications, an inventory which shall include notice of all of the following:

- (a) The fact of the entry of the order.
- (b) The date of the entry and the period of authorized interception.
- (c) The fact that during the period wire communications were or were not intercepted.

The judge, upon filing of a motion, may, in his or her discretion, make available to the person or his or her counsel for inspection the portions of the intercepted communications, applications, and orders that the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this section may be postponed. The period of postponement shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted.

629.20. The contents of any intercepted wire communication or evidence derived from it shall not be received in evidence or

otherwise disclosed in any trial, hearing, or other proceeding, except a grand jury proceeding, unless each party, not less than 10 days before the trial, hearing, or proceeding, has been furnished with a transcript of the contents of the interception and with a copy of the court order and accompanying application under which the interception was authorized. This 10-day period may be waived by the judge if he or she finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing, or proceeding, and that the party will not be prejudiced by the delay in receiving that information.

629.22. Any person in any trial, hearing, or proceeding, may move to suppress some or all of the contents of any intercepted wire communications, or evidence derived therefrom, only on the basis that the contents or evidence were obtained in violation of the Fourth Amendment of the United States Constitution or of this chapter. The motion shall be made, determined, and be subject to review in accordance with the procedures set forth in Section 1538.5.

629.24. The Attorney General, any Deputy Attorney General, district attorney, or deputy district attorney, or any peace officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire communication, or evidence derived therefrom, may disclose the contents to one of the individuals referred to in this section and to any investigative or law enforcement officer as defined in subdivision (7) of Section 2510 of Title 18 of the United States Code to the extent that the disclosure is permitted pursuant to Section 629.32 and is appropriate to the proper performance of the official duties of the individual making or receiving the disclosure. No other disclosure, except to a grand jury, of intercepted information is permitted prior to a public court hearing by any person regardless of how the person may have come into possession thereof.

629.26. The Attorney General, any Deputy Attorney General, district attorney, or deputy district attorney, or any peace officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire communication or evidence derived therefrom may use the contents or evidence to the extent the use is appropriate to the proper performance of his or her official duties and is permitted pursuant to Section 629.32.

629.28. Any person who has received, by any means authorized by this chapter, any information concerning a wire communication, or evidence derived therefrom, intercepted in accordance with the provisions of this chapter, may, pursuant to Section 629.32, disclose the contents of that communication or derivative evidence while giving testimony under oath or affirmation in any criminal court proceeding or in any grand jury proceeding.

629.30. No otherwise privileged wire communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character. When a peace officer, while

engaged in intercepting wire communications in the manner authorized by this chapter, intercepts wire communications that are of a privileged nature he or she shall immediately cease the interception for at least two minutes. After a period of at least two minutes, interception may be resumed for up to 30 seconds during which time the officer shall determine if the nature of the communications is still privileged. If still of a privileged nature, the officer shall again cease interception for at least two minutes, after which the officer may again resume interception for up to 30 seconds to redetermine the nature of the communication. The officer shall continue to go on-line and off-line in this manner until such time as the communication is no longer privileged or the communication ends. The recording device shall be metered in such a way as to authenticate upon review that interruptions occurred as set forth in this chapter.

629.32. (a) If a peace officer, while engaged in intercepting wire communications in the manner authorized by this chapter, intercepts wire communications relating to crimes other than those specified in the order of authorization, but which are enumerated in subdivision (a) of Section 629.02, (1) the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in Sections 629.24 and 629.26 and (2) the contents and any evidence derived therefrom may be used under Section 629.28 when authorized by a judge if the judge finds upon subsequent application, that the contents were otherwise intercepted in accordance with the provisions of this chapter. The application shall be made as soon as practicable.

(b) If a peace officer, while engaged in intercepting wire communications in the manner authorized by this chapter, intercepts wire communications relating to crimes other than those specified in the order of authorization or enumerated in subdivision (a) of Section 629.02, the contents thereof, and evidence derived therefrom, may not be disclosed or used as provided in Sections 629.24 and 629.26, except to prevent the commission of a public offense. The contents and any evidence derived therefrom may not be used under Section 629.28, except where the evidence was obtained through an independent source or inevitably would have been discovered, and the use is authorized by a judge who finds that the contents were intercepted in accordance with this chapter.

(c) The use of the contents of an intercepted wire communication relating to crimes other than that specified in the order of authorization may be used to obtain a search or arrest warrant and entitles the person named in the warrant to notice of the intercepted wire communication and a copy of the contents thereof which were used to obtain the warrant as provided in Sections 629.18 and 629.20.

629.34. Any violation of this chapter is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by

imprisonment in the state prison, or by both such fine and imprisonment in the county jail or in the state prison.

629.36. Any person whose wire communication is intercepted, disclosed, or used in violation of this chapter shall have the following remedies:

(a) Have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use the communications.

(b) Be entitled to recover, in that action, all of the following:

(1) Actual damages but not less than liquidated damages computed at the rate of one hundred dollars (\$100) a day for each day of violation or one thousand dollars (\$1,000), whichever is greater.

(2) Punitive damages.

(3) Reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order is a complete defense to any civil or criminal action brought under this chapter, or under Chapter 1.5 (commencing with Section 630) or any other law.

629.38. Nothing in Section 631 shall be construed as prohibiting any peace officer from intercepting any wire communication pursuant to an order issued in accordance with the provisions of this chapter. Nothing in Section 631 shall be construed as rendering inadmissible in any criminal proceeding in any court or before any grand jury any evidence obtained by means of an order issued in accordance with the provisions of this chapter. Nothing in Section 637 shall be construed as prohibiting the disclosure of the contents of any wire communication obtained by any means authorized by this chapter, if the disclosure is authorized by this chapter. Nothing in this chapter shall apply to any conduct authorized by Section 633.

629.39. No order issued pursuant to this chapter shall either directly or indirectly authorize covert entry into or upon the premises of a residential dwelling, hotel room, or motel room for installation or removal of any interception device or for any other purpose. Notwithstanding that such entry is otherwise prohibited by any other section or code, this chapter expressly prohibits covert entry of a residential dwelling, hotel room, or motel room to facilitate an order to intercept wire communications.

629.40. An order authorizing the interception of a wire communication shall direct, upon request of the applicant, that a public utility engaged in the business of providing communications services and facilities, a landlord, custodian, or any other person furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services which the public utility, landlord, custodian, or other person is providing the person whose communications are to be intercepted. Any such public utility, landlord, custodian, or other person

furnishing facilities or technical assistance shall be fully compensated by the applicant for the reasonable costs of furnishing the facilities and technical assistance.

629.41. A good faith reliance on a court order issued in accordance with this chapter by any public utility, landlord, custodian, or any other person furnishing information, facilities, and technical assistance as directed by the order is a complete defense to any civil or criminal action brought under this chapter, Chapter 1.5 (commencing with Section 630), or any other law.

629.42. Notwithstanding any other provision of law, any court to which an application is made in accordance with this chapter may take any evidence, make any finding, or issue any order required to conform the proceedings or the issuance of any order of authorization or approval to the provisions of the Constitution of the United States, any law of the United States, or this chapter.

629.44. (a) The Commission on Peace Officer Standards and Training, in consultation with the Attorney General, shall establish a course of training in the legal, practical, and technical aspects of the interception of private wire communications and related investigative techniques.

(b) The Attorney General shall set minimum standards for certification and periodic recertification of investigative or law enforcement officers as eligible to apply for orders authorizing the interception of private wire communications, to conduct the interceptions, and to use the communications or evidence derived from them in official proceedings.

(c) The Commission on Peace Officer Standards and Training may charge a reasonable enrollment fee for those students who are employed by an agency not eligible for reimbursement by the commission to offset the costs of the training. The Attorney General may charge a reasonable fee to offset the cost of certification.

629.46. If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

629.48. This chapter shall remain in effect only until January 1, 1995, and as of that date is repealed.

SEC. 3. Section 631 of the Penal Code is amended to read:

631. (a) Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system, or who willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any

such wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section or Section 632 or 636, he or she is punishable by fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both a fine and imprisonment in the county jail or in the state prison.

(b) This section shall not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of the public utility, or where the public utility is acting in good faith reliance on a court order issued under Chapter 1.3 (commencing with Section 629), or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(c) Except as proof in an action or prosecution for violation of this section, no evidence obtained in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

(d) This section shall remain in effect only until January 1, 1995, and as of that date is repealed.

SEC. 4. Section 631 is added to the Penal Code, to read:

631. (a) Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system, or who willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any such wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any

information so obtained, or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both such fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section or Section 632 or 636, he is punishable by fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison, or by both such fine and imprisonment in the county jail or in the state prison.

(b) This section shall not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of such public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(c) Except as proof in an action or prosecution for violation of this section, no evidence obtained in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

SEC. 5. Section 3 of this act shall become operative on January 1, 1995.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Senate Bill No. 2210

CHAPTER 593

An act to add Section 13519.2 to the Penal Code, relating to the Department of Justice.

[Approved by Governor August 25, 1988. Filed with Secretary of State August 26, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2210, McCorquodale. Department of Justice: task force.

Under existing law, there is in the Department of Justice, the Commission on Peace Officer Standards and Training which is responsible for administering numerous law enforcement training and certification programs.

This bill would require the commission, on or before July 1, 1990, to include in the basic training course for law enforcement officers, adequate instruction in the handling of persons with developmental disabilities or mental illness, or both.

The people of the State of California do enact as follows:

SECTION 1. Section 13519.2 is added to the Penal Code, to read: 13519.2. (a) The commission shall, on or before July 1, 1990, include in the basic training course for law enforcement officers, adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Officers who complete the basic training prior to July 1, 1990, shall participate in supplementary training on this topic. This supplementary training shall be completed on or before July 1, 1992. Further training courses to update this instruction shall be established, as deemed necessary by the commission.

(b) The course of instruction relating to the handling of developmentally disabled or mentally ill persons shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in this area. In addition to providing instruction on the handling of these persons, the course shall also include information on the cause and nature of developmental disabilities and mental illness, as well as the community resources available to serve these persons.

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Senate Bill No. 2282

CHAPTER 1456

An act to add Title 12 (commencing with Section 14200) to Part 4 of, and to repeal Sections 11114, 11114.1, 11114.2, and 11114.3 of, the Penal Code, relating to missing persons.

[Approved by Governor September 27, 1988. Filed with Secretary of State September 28, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2282, Presley. Missing persons.

Existing law contains various provisions relating to missing persons and missing children, including requiring all local police and sheriffs' departments to accept any report, including any telephonic report, of a missing person, including runaways, without delay. Existing law prescribes the requirements applicable to the handling of these reports.

Existing law requires the Department of Justice to operate a statewide toll-free hotline to give and relay information on missing children and to provide local reporting agencies with a list of persons listed as missing who are under 18 years of age, to distribute a missing children bulletin on a quarterly basis, and to undertake certain other measures relating to missing persons.

Existing law requires the California Highway Patrol to immediately advise a person making a report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person or runaway and the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. It also requires the Department of the California Highway Patrol, by June 30, 1988, to develop, adopt, and implement a related policy concerning missing persons, and to report to the Legislature on or before June 30, 1989, regarding that policy.

This bill would repeal the existing specific statutory provisions referred to above and instead would add a new title to the Penal Code which would revise and recast the law relating to missing persons to, among other things, do all of the following:

(1) Require the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of missing persons, as defined, particularly children and dependent adults; require the establishment and maintenance within the center of an online, automated computer system designed to effect an immediate law enforcement response to reports of missing persons, as specified, and

continue the requirement of the distribution of missing children bulletins (expanded to include missing dependent adults, as defined), as specified. The provisions of this paragraph would become operative on July 1, 1989.

(2) Provide that the online missing persons registry within the center shall accept and generate complete information, as specified, on missing persons. It would require the Attorney General to undertake specific tasks with respect to developing and maintaining the registry. It would require the center to supply information about specific cases to local law enforcement agencies if those agencies are investigating a missing person or specified sex crime. The provisions of this paragraph would become operative on July 1, 1989.

(3) Require the Attorney General to establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for violent felonies, as defined. The provisions of this paragraph would become operative on July 1, 1989.

(4) Require the Attorney General to provide training on the services provided by the center, as specified. The provisions of this paragraph would become operative on July 1, 1989.

(5) Require all local police and sheriffs' departments to accept any report regarding missing persons as required by existing law, as well as imposing certain new and increased duties on local officials regarding the handling of missing person reports, thus establishing state-mandated local programs.

(6) Continue the requirements of existing law concerning prescription of forms for missing person reports, maintenance of a 24-hour toll-free telephone line regarding missing children (expanded to include missing dependent adults, as defined), production of posters and photographs regarding missing children, and various other functions regarding missing persons.

(7) Continue the requirement of the implementation of the California Highway Patrol policy noted above as well as the report thereon.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be made from the State Mandates Claims Fund.

This bill would express legislative intent that as the provisions of

the bill relate to activities of the Department of Justice, they should be mandatory only to the extent funds are appropriated for the purposes of the bill and that funding for the bill shall be included in the annual Budget Act.

The people of the State of California do enact as follows:

SECTION 1. Section 11114 of the Penal Code is repealed.

SEC. 2. Section 11114.1 of the Penal Code is repealed.

SEC. 3. Section 11114.2 of the Penal Code is repealed.

SEC. 4. Section 11114.3 of the Penal Code is repealed.

SEC. 5. Title 12 (commencing with Section 14200) is added to Part 4 of the Penal Code, to read:

TITLE 12. VIOLENT CRIME INFORMATION CENTER

14200. The Attorney General shall establish and maintain the Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. The center shall establish and maintain programs which include, but are not limited to, all of the following: developing violent offender profiles; assisting local law enforcement agencies and county district attorneys by providing investigative information on persons responsible for specific violent crimes and missing person cases; providing physical description information and photographs, if available, of missing persons to county district attorneys, nonprofit missing persons organizations, and schools; and providing statistics on missing dependent adults and on missing children, including, as may be applicable, family abductions, nonfamily abductions, voluntary missing, and lost children or lost dependent adults.

This section shall become operative on July 1, 1989.

14201. (a) The Attorney General shall establish within the center and shall maintain an online, automated computer system designed to effect an immediate law enforcement response to reports of missing persons. The Attorney General shall design the computer system, using any existing system, including the California Law Enforcement Telecommunications System, to include an active file of information concerning persons reported to it as missing and who have not been reported as found. The computer system shall also include a confidential historic data base. The Attorney General shall develop a system of cataloging missing person reports according to a variety of characteristics in order to facilitate locating particular categories of reports as needed.

(b) The Attorney General's active files described in subdivision (a) shall be made available to law enforcement agencies. The Attorney General shall provide to these agencies the name and

personal description data of the missing person including, but not limited to, the person's date of birth, color of eyes and hair, sex, height, weight, and race, the time and date he or she was reported missing, the reporting agency, and any other data pertinent to the purpose of locating missing persons. However, the Attorney General shall not release the information if the reporting agency requests the Attorney General in writing not to release the information because it would impair a criminal investigation.

(c) The Attorney General shall distribute a missing children and dependent adults bulletin on a quarterly basis to local law enforcement agencies, district attorneys, and public schools. The Attorney General shall also make this information accessible to other parties involved in efforts to locate missing children and dependent adults and to those other persons as the Attorney General deems appropriate.

This section shall become operative on July 1, 1989.

14202. (a) The Attorney General shall establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for murder, kidnap, including parental abduction, false imprisonment, or sexual assault. This unit shall be responsible for identifying perpetrators of violent felonies collected from the center and analyzing and comparing data on missing persons in order to determine possible leads which could assist local law enforcement agencies. This unit shall only release information about active investigations by police and sheriffs' departments to local law enforcement agencies.

(b) The Attorney General shall make available to the investigative support unit files organized by category of offender or victim and shall seek information from other files as needed by the unit. This set of files may include, among others, the following:

(1) Missing or unidentified, deceased persons dental files filed pursuant to this title or Section 10254 of the Health and Safety Code.

(2) Child abuse reports filed pursuant to Section 11169.

(3) Sex offender registration files maintained pursuant to Section 290.

(4) State summary criminal history information maintained pursuant to Section 11105.

(5) Information obtained pursuant to the parent locator service maintained pursuant to Section 11478.5 of the Welfare and Institutions Code.

(6) Information furnished to the Department of Justice pursuant to Section 11107.

(7) Other Attorney General's office files as requested by the investigative support unit.

This section shall become operative on July 1, 1989.

14203. (a) The online missing persons registry shall accept and generate complete information on a missing person.

(b) The information on a missing person shall be retrievable by any of the following:

- (1) The person's name.
- (2) The person's date of birth.
- (3) The person's social security number.
- (4) Whether a dental chart has been received, coded, and entered into the National Crime Information Center Missing Person System by the Attorney General.
- (5) The person's physical description, including hair and eye color and body marks.
- (6) The person's known associates.
- (7) The person's last known location.
- (8) The name or assumed name of the abductor, if applicable, other pertinent information relating to the abductor or the assumed abductor, or both.
- (9) Any other information, as deemed appropriate by the Attorney General.

(c) The Attorney General, in consultation with local law enforcement agencies and other user groups, shall develop the form in which information shall be entered into the system.

(d) The Attorney General shall establish and maintain within the center a separate, confidential historic data base relating to missing children and dependent adults. The historic data base may be used only by the center for statistical and research purposes. The historic data base shall be set up to categorize cases relating to missing children and dependent adults by type. These types shall include the following: runaways, voluntary missing, lost, abduction involving movement of the victim in the commission of the crime or sexual exploitation of the victim, nonfamily abduction, family abduction, and any other categories as determined by the Attorney General. In addition, the data shall include the number of missing children and missing dependent adults in this state and the category of each case.

(e) The center may supply information about specific cases from the historic data base to a local police department, sheriff's department, or district attorney, only in connection with an investigation by the police department, sheriff's department, or district attorney of a missing person case or a sex crime as defined in subdivision (e) of Section 11105.3.

This section shall become operative on July 1, 1989.

14204. The Attorney General shall provide training on the services provided by the center to line personnel, supervisors, and investigators in the following fields: law enforcement, district attorneys' offices, California Youth Authority, the Department of Corrections, including the Parole and Community Services Unit, probation departments, court mediation services, and the judiciary. The Commission on Peace Officer Standards and Training shall provide for the presentation of training to peace officers which will enable them to more efficiently handle, on the local level, the tracing

of missing persons and victims of violent crimes.

This section shall become operative on July 1, 1989.

14205. (a) All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. In cases where the person making a report of a missing person or runaway, contacts, including by telephone, the California Highway Patrol, the California Highway Patrol may take the report, and shall immediately advise the person making the report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report and make an assessment of reasonable steps to be taken to locate the person. If the missing person is under 12 years of age, or there is evidence that the person is at risk, the department shall broadcast a "Be On the Look-Out" bulletin, without delay, within its jurisdiction.

(b) If the person reported missing is under 12 years of age, or if there is evidence that the person is at risk, the local police, sheriff's department, or the California Highway Patrol shall submit the report to the Attorney General's office within four hours after accepting the report. After the California Law Enforcement Telecommunications System online missing person registry becomes operational, the reports shall be submitted, within four hours after accepting the report, to the Attorney General's office through the use of the California Telecommunications System.

(c) In cases where the report is taken by a department, other than that of the city or county of residence of the missing person or runaway, the department, or division of the California Highway Patrol taking the report shall, without delay, and, in the case of children under 12 years of age or where there was evidence that the missing person was at risk, within no more than 24 hours, notify, and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen. The report shall also be submitted by the department or division of the California Highway Patrol which took the report to the center.

14206. (a) (1) When any person makes a report of a missing person to a police department, sheriff's department, district attorney's office, California Highway Patrol, or other law enforcement agency, the report shall be given in person or by mail in a format acceptable to the Attorney General. That form shall include a statement authorizing the release of the dental or skeletal

X-rays, or both, of the person reported missing and authorizing the release of a recent photograph of a person reported missing who is under 18 years of age. Included with the form shall be instructions which state that if the person reported missing is still missing 30 days after the report is made, the release form signed by a member of the family or next of kin of the missing person shall be taken by the family member or next of kin to the dentist, physician and surgeon, or medical facility in order to obtain the release of the dental or skeletal X-rays, or both, of that person or may be taken by a peace officer, if others fail to take action, to secure those X-rays. Notwithstanding any other provision of law, dental or skeletal X-rays, or both, shall be released by the dentist, physician and surgeon, or medical facility to the person presenting the request and shall be submitted within 10 days by that person to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation. When the person reported missing has not been found within 30 days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted, and that the dental or skeletal X-rays, or both, are necessary for the exclusive purpose of furthering the investigation. Notwithstanding any other provision of law, the written declaration, signed by a peace officer, is sufficient authority for the dentist, physician and surgeon, or medical facility to release the missing person's dental or skeletal X-rays, or both.

(2) The form provided under this subdivision shall also state that if the person reported missing is under 18 years of age, the completed form shall be taken to the dentist, physician and surgeon, or medical facility immediately when the law enforcement agency determines that the disappearance involves evidence that the person is at risk or when the law enforcement agency determines that the person missing is under 12 years of age and has been missing at least 14 days. The form shall further provide that the dental or skeletal X-rays, or both, and a recent photograph of the missing child shall be submitted immediately to the law enforcement agency. Whenever authorized under this subdivision to execute a written declaration to obtain the release of dental or skeletal X-rays, or both, is provided, the investigating law enforcement agency may obtain those X-rays when a person reported missing is under 18 years of age and the law enforcement agency determines that the disappearance involves evidence that the person is at risk. In each case, the law enforcement agency shall confer immediately with the coroner or medical examiners and shall submit its report including the dental or skeletal X-rays, or both, within 24 hours thereafter to the Attorney General. The Attorney General's office shall code and enter the dental or skeletal X-rays, or both, into the center.

(b) When a person reported missing has not been found within 45 days, the sheriff, chief of police, or other law enforcement agency

conducting the investigation for the missing person shall confer with the coroner or medical examiner prior to the preparation of a missing person report. The coroner or medical examiner shall cooperate with the law enforcement agency. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement agency initiating and conducting the investigation for the missing person shall submit a missing person report and the dental or skeletal X-rays, or both, and photograph received pursuant to subdivision (a) to the Attorney General's office in a format acceptable to the Attorney General.

Nothing in this section prohibits a parent or guardian of a child, reported to a law enforcement agency as missing, from voluntarily submitting fingerprints, and other documents, to the law enforcement agency accepting the report for inclusion in the report which is submitted to the Attorney General.

14207. (a) When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or the law enforcement agency locating the missing person shall immediately report that information to the Attorney General's office.

(b) When a child under 12 years of age or a missing person, where there was evidence that the person was at risk, is found, the report indicating that the person is found shall be made not later than 24 hours after the person is found. A report shall also be made to the law enforcement agency that made the initial missing person report. The Attorney General's office shall then notify the National Crime Information Center that the missing person has been found.

(c) In the event that a missing person is found alive or dead in less than 24 hours and the local police or sheriff's department has reason to believe that the person had been abducted, the department shall submit a report to the center in a format established by the Attorney General. In the event that a missing person has been found before he or she has been reported missing to the center, the information related to the incident shall be submitted to the center.

14208. (a) The Department of Justice shall operate a statewide, toll-free telephone hotline 24 hours per day, seven days per week to receive information regarding missing children and dependent adults and relay this information to the appropriate law enforcement authorities.

(b) The Department of Justice shall select up to six children per month from the missing children registry maintained pursuant to former Section 11114 or pursuant to the system maintained pursuant to Sections 14201 and 14202 and shall produce posters with photographs and information regarding these children, including the missing children hotline telephone number and reward information. The department shall make these posters available to parties as prescribed and as the department deems appropriate.

14209. (a) The Department of Justice shall provide appropriate local reporting agencies with a list of persons still listed as missing

who are under 18 years of age, with an appropriate waiver form in order to assist the reporting agency in obtaining a photograph of each of the missing children.

(b) Local reporting agencies shall attempt to obtain the most recent photograph available for persons still listed as missing and forward those photographs to the Department of Justice.

(c) The department shall include these photographs, as they become available, in the quarterly bulletins pursuant to subdivision (c) of Section 14201.

(d) State and local elected officials, agencies, departments, boards, and commissions may enclose in their mailings information regarding missing children or dependent adults obtainable from the Department of Justice or any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and that has an ongoing missing children program. Elected officials, agency secretaries, and directors of departments, boards, and commissions are urged to develop policies to enclose missing children or dependent adults information in mailings when it will not increase postage costs, and is otherwise deemed appropriate.

14210. (a) The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.

(b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

(c) The Department of the California Highway Patrol shall report to the Legislature on or before June 30, 1989, regarding the experience under, and the effects of, subdivision (b).

14213. (a) As used in this title, "missing person" includes, but is not limited to, a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4 (commencing with Section 277) of Title 9 of Part 1. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

(b) As used in this title, "evidence that the person is at risk" includes, but is not limited to, evidence or indications of any of the following:

- (1) The person missing is the victim of a crime or foul play.
- (2) The person missing is in need of medical attention.
- (3) The person missing has no pattern of running away or disappearing.

(4) The person missing may be the victim of parental abduction.

(5) The person missing is mentally impaired.

(c) As used in this title, "child" is any person under the age of 18.

(d) As used in this title, "center" means the Violent Crime Information Center.

(e) As used in this title, "dependent adult" is any person described in subdivision (e) of Section 368.

(f) As used in this title, "dental or medical records or X-rays," include all those records or X-rays which are in the possession of a dentist, physician and surgeon, or medical facility.

SEC. 6. It is the intent of the Legislature that the requirements of this act, as they relate to activities of the Department of Justice, should be mandatory only to the extent funds are appropriated for its purpose and that funding for this act shall be included in the annual Budget Act.

SEC. 7. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars (\$500,000), reimbursement shall be made from the State Mandates Claims Fund.

O

Assembly Bill No. 2376

CHAPTER 947

An act to add Section 1797.187 to the Health and Safety Code, relating to health.

[Approved by Governor September 16, 1988. Filed with Secretary of State September 19, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2376, Statham. Health care: peace officers.

Existing law requires every employer, including state and local agencies, using carcinogens to provide medical examinations of affected employees as defined, to use the carcinogen pursuant to specified standards, and to perform other duties related to the use and exposure to carcinogens.

This bill would require the state and local agencies employing certain peace officers to notify the peace officer when the peace officer is exposed to a known carcinogen under specified circumstances. To the extent that this requirement would be applicable to local agencies, the bill would impose a state-mandated local program. The bill would require that the basic peace officer training course and other appropriate courses of the Commission on Peace Officers Standards and Training include instruction on, but not limited to, the identification and handling of possible carcinogenic materials and potential health hazards associated with those materials.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Section 1797.187 is added to the Health and Safety Code, to read:

1797.187. A peace officer as described in Section 830.1, subdivision (a) or (b) of Section 830.2, or subdivision (g) of Section 830.3 of the Penal Code, while in the service of the agency or local

agency which employs him or her, shall be notified by the agency or local agency if the peace officer is exposed to a known carcinogen, as defined by the International Agency for Research on Cancer, or as defined by its director, during the investigation of any place where any controlled substance, as defined in Section 11007 is suspected of being manufactured, stored, transferred, or sold, or any toxic waste spills, accidents, leaks, explosions, or fires.

The Commission on Peace Officers Standards and Training basic training course, and other training courses as the commission determines appropriate, shall include, on or before January 1, 1990, instruction on, but not limited to, the identification and handling of possible carcinogenic materials and the potential health hazards associated with these materials, protective equipment, and clothing available to minimize contamination, handling, and disposing of materials and measures and procedures that can be adopted to minimize exposure to possible hazardous materials.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars (\$500,000), reimbursement shall be made from the State Mandates Claims Fund.

Senate Bill No. 2667

CHAPTER 1482

An act to amend Sections 3352, 3366, and 3367 of the Labor Code, and to amend Section 832.6 of, and to add Section 830.65 to, the Penal Code, relating to peace officers.

[Approved by Governor September 27, 1988. Filed with Secretary of State September 28, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2667, Doolittle. Peace officers: deputies.

(1) Existing law requires generally that employees be covered by workers' compensation. Existing law also provides workers' compensation benefits to certain volunteers.

This bill would exclude from the workers' compensation coverage any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to the proposed authority described under paragraph (2) below.

(2) Existing law enumerates persons who may be deputized as peace officers.

This bill would include in that listing, with limited exceptions, persons assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer of an agency in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state. This training would fully satisfy any other training required by law of that person, as specified.

(3) Existing law authorizes the Attorney General to make emergency appointments to the Campaign Against Marijuana Planting.

This bill would provide that when certain local police officers or deputy sheriffs or reserve peace officers are so appointed, they shall be a peace officer of the Department of Justice, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 3352 of the Labor Code is amended to read:
3352. "Employee" excludes the following:

(a) Any person defined in subdivision (d) of Section 3351 who is

employed by his or her parent, spouse, or child.

(b) Any person performing services in return for aid or sustenance only, received from any religious, charitable, or relief organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his or her own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his or her services as the deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him or her for injury occurring in the course of and arising out of the employment.

(d) Any person performing voluntary services at or for a recreational camp, hut, or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or she or a member of his or her family is a member and who receives no compensation for those services other than meals, lodging, or transportation.

(e) Any person performing voluntary service as a ski patrolman who receives no compensation for those services other than meals or lodging or the use of ski tow or ski lift facilities.

(f) Any person employed by a ski lift operator to work at a snow ski area who is relieved of and not performing any prescribed duties, while participating in recreational activities on his or her own initiative.

(g) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for the participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental thereto.

(h) Any person defined in subdivision (d) of Section 3351 who was employed by the employer to be held liable for less than 52 hours during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412, or who earned less than one hundred dollars (\$100) in wages from the employer during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412.

(i) Any person performing voluntary service for a public agency or a private, nonprofit organization who receives no remuneration for the services other than meals, transportation, lodging, or reimbursement for incidental expenses.

(j) Any person, other than a regular employee, performing officiating services relating to amateur sporting events sponsored by any public agency or private, nonprofit organization, who receives no remuneration for these services other than a stipend for each day of service no greater than the amount established by the State Board of Control as a per diem expense for employees or officers of the state pursuant to Section 13920 of the Government Code. The stipend shall be presumed to cover incidental expenses involved in officiating, including, but not limited to, meals, transportation, lodging, rule books and courses, uniforms, and appropriate equipment.

(k) Any student participating as an athlete in amateur sporting events sponsored by any public agency, public or private nonprofit college, university or school, who receives no remuneration for the participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, scholarships, grants-in-aid, or other expenses incidental thereto.

(l) Any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

SEC. 2. Section 3366 of Labor Code is amended to read:

3366. (1) For the purposes of this division, each person engaged in the performance of active law enforcement service as part of the posse comitatus or power of the county, and each person (other than an independent contractor or an employee of an independent contractor) engaged in assisting any peace officer in active law enforcement service at the request of such peace officer, is deemed to be an employee of the public entity that he or she is serving or assisting in the enforcement of the law, and is entitled to receive compensation from the public entity in accordance with the provisions of this division.

(b) Nothing in this section shall be construed to provide workers' compensation benefits to any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

SEC. 3. Section 3367 of the Labor Code is amended to read:

3367. (a) For purposes of this division any person voluntarily rendering technical assistance to a public entity to prevent a fire, explosion, or other hazardous occurrence, at the request of a duly authorized fire or law enforcement officer of that public entity is deemed an employee of the public entity to whom the technical assistance was rendered, and is entitled to receive compensation benefits in accordance with the provisions of this division. Rendering technical assistance shall include the time that person is traveling to, or returning from, the location of the potentially hazardous condition

for which he or she has been requested to volunteer his or her assistance.

(b) Nothing in this section shall be construed to provide worker' compensation benefits to any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

SEC. 4. Section 830.65 is added to the Penal Code, to read:

830.65. (a) Any person who is a regularly employed police officer of a city or a regularly employed deputy sheriff of a county, or a reserve peace officer of a city or county and is appointed in the manner described in paragraph (1) or (2) of subdivision (a) of Section 832.6, may be appointed as a Campaign Against Marijuana Planting emergency appointee by the Attorney General pursuant to Section 5 of Chapter 1563 of the Statutes of 1985 to assist with a specific investigation, tactical operation, or search and rescue operation. When so appointed, the person shall be a peace officer of the Department of Justice, provided that the person's authority shall extend only for the duration of the specific assignment.

(b) Notwithstanding any other provision of law, any person who is appointed as a peace officer in the manner described in this section shall be deemed to have met the requirements of Section 1031 of the Government Code and the selection and training standards of the Commission on Peace Officer Standards and Training.

SEC. 5. Section 832.6 of the Penal Code is amended to read:

832.6. (a) On or after January 1, 1981, every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training.

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the

Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and any other training prescribed by the commission.

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

(4) Assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer of an agency in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

(b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the

state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out this section.

O

Assembly Bill No. 3424

CHAPTER 610

An act to amend Section 1031 of the Government Code, and to repeal Section 2050 and Article 8 (commencing with Section 2049) of Chapter 1 of Title 1 of Part 3 of the Penal Code, relating to corrections.

[Approved by Governor August 25, 1988. Filed with Secretary of State August 26, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3424, Costa. Prisons; peace officers.

(1) Existing law establishes certain minimum standards for peace officers, including that these persons be high school graduates or pass the General Education Development Test indicating high school graduation level.

This bill would provide as an alternative to the above-education requirements that the person has attained a 2-year or 4-year degree from a college or university accredited by the Western Association of Colleges and Universities.

(2) Existing law authorizes the Director of Corrections to establish a state prison for the confinement of males to be known as the Special Security Facility with the primary purpose of that prison to provide custody, industrial, and other training, treatment, and care to persons confined in that facility.

This bill would delete that authorization.

(3) Existing law provides that the Department of Corrections has the power to establish an office in San Francisco.

This bill would delete that provision.

The people of the State of California do enact as follows:

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

(b) Be at least 18 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test indicating high school graduation level, or have

attained a two-year or four-year degree from a college or university accredited by the Western Association of Colleges and Universities; provided that this subdivision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of this section made at the 1971 Regular Session of the Legislature, in any position declared by law prior to the effective date of such amendment to be peace officer positions.

(f) Be found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. Physical condition shall be evaluated by a licensed physician and surgeon. Emotional and mental condition shall be evaluated by a licensed physician and surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

This section shall not be construed to preclude the adoption of additional or higher standards, including age.

SEC. 2. Article 8 (commencing with Section 2049) of Chapter 1 of Title 1 of Part 3 of the Penal Code is repealed.

SEC. 3. Section 2050 of the Penal Code is repealed.

AB 1100 09/30/88 GOVERNOR'S VETO MESSAGE PAGE 1

To the Members of the California Assembly:

I am returning Assembly Bill No. 1100 without my signature.

This bill would enact the Local Toxics Enforcement and Training Act of 1989, establishing, within the Office of Criminal Justice Planning, a training program for the enforcement and prosecution of hazardous material laws. The bill will also create the Hazardous Materials Enforcement and Training Account.

The Department of Health Services and various other state, federal, and local agencies currently provide hazardous waste enforcement training. While there may be a need to provide additional training to local agencies, I am concerned that Assembly Bill No. 1100 does not contain an adequate revenue source for the programs it establishes. Moreover, this issue should be considered during the annual budget process when training needs can be established along with other budgetary priorities. I have directed the Office of Criminal Justice Planning, working with the Department of Health Services, to develop a detailed proposal, containing an appropriate funding mechanism, for consideration during the regular budget process.

Cordially,
George Deukmejian



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

September 29, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 2994 without my signature.

This bill would require specified peace officers to receive immediate physical examinations following injuries inflicted by suspected acquired immune deficiency syndrome (AIDS) carriers, and will require inclusion of information on AIDS-related health hazards in training courses for peace officers.

This bill is not necessary. There is nothing in current law that would prohibit a peace officer from getting a physical exam following an injury, including one where he or she suspects that the injury was inflicted by someone in the AIDS high risk group. Virtually all of the public agency sponsored health insurance plans would cover both the physical exams and any necessary periodic laboratory testing.

Moreover, the Commission on Peace Officers Standards and Training can incorporate the training requirements in this bill into its basic training courses for peace officers without any further legislative authorization.

Cordially,

A handwritten signature in cursive script that reads "George Deukmejian".

George Deukmejian



GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

August 19, 1988

To the Members of the California Assembly:

I am returning Assembly Bill No. 3558 without my signature.

This bill would require police officers and sheriffs to pass a standardized examination in order to complete basic training.

I have not been convinced of the need for this legislation. Currently police academies provide intensive training for recruits. The minimum training required is 540 hours, although the average required by California academies is 700 hours. This training includes almost 600 required performance objectives. Actual performance rating of individuals is done, as well as testing at various intervals in the process. Additionally, a detailed performance report is provided to future recruiters during background investigations.

These academies focus on training officers in all aspects which will be necessary for them to perform their jobs, including the understanding of criminal law, shooting and driving ability, physical fitness, and judgment in stressful situations. I am concerned that requiring a standardized examination before completing basic training will elevate the importance of cognitive ability, or test-taking, over these other factors, which are equally important. I believe that academy personnel are better able to evaluate an individual's overall knowledge, character and performance ability than a single standardized examination.

Finally, this bill would create an inequity in the standards required of future peace officers. Police officers and sheriffs would be required to take this examination, while other peace officers, such as California Highway Patrol Officers, would not.

Cordially,

George Deukmejian

Q

Commission on Peace Officer Standards and Training
Advisory Committee Meeting
Capitol Plaza Holiday Inn
November 2, 1988, 9 a.m.

AGENDA

Call to Order and Roll Call	Chair
Welcoming of New Members	Chair
Approval of Minutes of Previous Meeting	Chair
Announcements	Chair
Executive Director's Remarks	Staff
Report and Demonstration on Computer/Video Interactive 832 Course	Staff
Report and Demonstration on Basic Course Automated Test Item Bank	Staff
Commission Liaison Committee Remarks	Commissioners
Advisory Committee Member Reports	Members
Open Discussion	Members
Election of Officers	Chair
Adjournment	Chair



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

POST ADVISORY COMMITTEE MEETING
Holiday Inn, Embarcadero
San Diego, California
July 20, 1988

MINUTES

CALL TO ORDER

The meeting was called to order at 10 a.m. by Chairman Bill Shinn.

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Present: Don Brown, Calif. Organization of Police & Sheriffs
Cois Byrd, Calif. State Sheriffs' Assoc.
John Clements, California Highway Patrol
Donald Forkus, Calif. Peace Officers' Assoc.
Derald Hunt, Calif. Assoc. of Administration of Justice
Educators
Ronald Lowenberg, Calif. Police Chiefs' Assoc.
Joe McKeown, Calif. Academy Directors' Assoc.
Michael Sadleir, Calif. Specialized Law Enforcement
William Shinn, Peace Officers' Research Assoc. of
Calif.
J. Winston Silva, Community Colleges
Gary Wiley, Calif. Assoc. of Police Training Officers

Absent: Barbara Gardner, Women Peace Officers' Assoc. of Calif.
Carolyn Owens, Public Representative

Commission Advisory Liaison Committee Members present:

Commissioner Edward Maghakian
Commissioner Raquel Montenegro
Commissioner C. Alex Pantaleoni

Guest: Commissioner Carm Grande

POST staff present:

Norman Boehm, Executive Director
Don Beauchamp, Assistant Executive Director
John Berner, Bureau Chief, Standards and Evaluation
Imogene Kauffman, Executive Secretary

APPROVAL OF MINUTES

MOTION - Clements, second - McKeown, carried unanimously to approve the minutes of the April 20, 1988 meeting at the

Hyatt Regency Hotel in Sacramento.

PRESENTATION OF AWARDS TO DEPARTING MEMBERS

Chairman Shinn presented a plaque from the Advisory Committee honoring Gary Wiley for his service on the Committee as representative of the California Association of Police Training Officers since 1985. Gary Wiley's term of office will expire September 1988.

On behalf of the Commission, Advisory Liaison Committee Chairman Maghakian presented Gary Wiley with a Resolution for his service.

Because of her absence, the plaque and Resolution for Barbara Gardner for her service on the Committee as representative of the Women Peace Officers' Association of California will be presented to her at a later time.

EXECUTIVE DIRECTOR'S REMARKS

The Executive Director reviewed the July 21, 1988 Commission Meeting Agenda and responded to questions on the issues.

During discussion it was expressed that the Advisory Committee may not be receiving copies of all of the materials addressed on the Commission Agenda, i.e., "POST Career/Integrity Training Guide." They were assured that any material desired would be forwarded if they would call headquarters.

RECRUITMENT PROJECT REPORT

Bureau Chief John Berner reported that two major activities had been completed since the last Advisory Committee meeting in April: complete results for the Law Enforcement Career Interest Survey have been tabulated and the assembling of two groups of local agency recruiters to review all information collected concerning the recruitment issue. Both groups concurred that POST involvement in law enforcement recruitment was much needed.

The results of the survey were reviewed. The complete survey results are on file at POST headquarters.

Following discussion, there was consensus that the Advisory Committee's recommendation to the Commission be that there be a strong involvement by POST in the issue of law enforcement recruitment.

BASIC COURSE TESTING

Bureau Chief John Berner reported on the two tests used for the Basic Course -- the proficiency test and the item bank test. The passing point on those exams at the present time is left to the discretion of the local academy. Standardization has been

achieved in that more and more academies use the same test.

Legislation was passed that required POST to study the job relatedness of the proficiency exam. It was concluded that the scores on that test are correlated with subsequent performance on the job. Another bill was introduced to change the status of that exam to a graduation exam, and POST would administer the test and determine the cut-off score to be achieved to graduate from basic training. The Commission's official position on the legislation was "neutral".

COMMISSION LIAISON COMMITTEE REMARKS

The annual joint luncheon of the Advisory Committee and the Commission was discussed. Inasmuch as it has not been well attended and there is no noticeable interaction, whether or not the luncheon was serving a purpose was questioned. Commissioner Pantaleoni suggested that the luncheon be held as planned this year, and after that each Advisory Committee member be reimbursed to attend one Commission meeting each year by virtue of his/her interest in that particular agenda. It was also suggested that a luncheon would be appropriate with the Commission Liaison Committee following Advisory Committee meetings. The option for the Advisory Committee members to attend all Commission meetings was discussed.

The Commission Liaison Committee will consider these options at a future meeting.

ADVISORY COMMITTEE MEMBER REPORTS

California Association of Police Training Officers - Gary Wiley reported that CAPTO is planning the annual conference which is to be held October 19-21 at the Hyatt Regency in Sacramento. They are working on things for the program that will enhance the training managers resources and the different types of available technology.

California Police Chiefs' Association - Ron Lowenberg reported that at the annual Chiefs' conference in Bakersfield in February, as a result of the work that the CPCA Standards and Ethics Committee put together, acceptance of a new CPCA Code of Ethics was unanimously passed. It talks to the issue of the Chief's responsibility, from an ethical point of view, to the community, the organization and to himself. If anyone would like a copy, please contact Chief Lowenberg.

Community Colleges - Win Silva announced that the Chancellor's Office is going to have a series of implementation workshops for improving curriculum and having it standardized throughout the State. They have been working on this since 1967.

Calif. Association of Administration of Justice Educators - Derald Hunt reported that CAAJE is still actively involved in implementing, on a statewide basis, the just-completed Phase I, A.A. Degree program revision and update. At its July 13, 1988 meeting, the Board of Directors authorized application to the Community College Chancellor's Office for a grant to implement phase II of the update, which involves a series of eight, two-day workshops. The first workshop is scheduled for September 22-23 at El Camino College. The curriculum includes teaching critical thinking, improving student writing skills, development of writing exercises and teaching appropriate levels of knowledge.

Calif. Specialized Law Enforcement - Michael Sadleir reported that the next CAUSE conference will be in October in Sacramento. One of the subjects for discussion, along with recruitment, will be the problems of containment in law enforcement positions throughout California.

Calif. Organization of Police & Sheriffs - Don Brown announced that COPS is planning a mini conference in October or November to plan their legislative agenda. They just completed a very successful stress reduction conference with about 100 husbands and wives participating.

Calif. Academy Directors' Association - Joe McKeown reported that CADA met in Sacramento on June 8. Among the subjects discussed was AB 3558, the testing bill. At that time, CADA went on record as being opposed to this bill. New officers were elected, and the new CADA president is Frank Patino of Golden West College.

Calif. Peace Officers' Assoc. - Don Forkus reported that the next CPOA Executive Board Meeting will be August 24 at Rancho Murieta.

Calif. Highway Patrol - John Clements reported on the statewide preliminary results of the written test exam, which are proving to be favorably impressive. He also stated that he had recently attended the Command College graduation. It was inspiring and very professionally done. He encouraged those who have not attended a graduation to do so.

Peace Officers' Research Association of Calif. - Bill Shinn announced that the next PORAC conference is scheduled November 11, 12 and 13 at the Nugget in Sparks, Nevada.

OPEN DISCUSSION

It was pointed out that this was Gary Wiley's last meeting, and he has been taking the responsibility for ordering plaques for Advisory Committee members when they leave. Derald Hunt volunteered to take over this duty.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:50.



Inogene Kauffman
Executive Secretary

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING1601 ALHAMBRA BOULEVARD
SACRAMENTO 95816-7083GENERAL INFORMATION
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(916) 739-5353

July 12, 1988

Robert J. Benson, Executive Director
South Bay Regional Public Communications Authority
12227 South Hawthorne Way
Hawthorne, CA 90250-3857

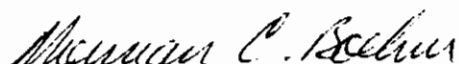
Dear Mr. Benson:

We have received your letter of July 6, 1988 concerning the recommendation of the South Bay Regional Public Communications Authority Board of Directors and the User Group to seek legislative change that would allow the Authority to fully participate in the public safety dispatcher program. As indicated in my previous letter, I am recommending that the Commission discuss this problem, and the alternatives which may be considered, at their November 3, 1988 meeting in Sacramento. I will include your letter as part of the backup material that will be furnished to the Commissioners. We invite your attendance at the meeting.

Because the current legislative session is essentially over, the first opportunity to resolve this matter with a change in the law will not present itself until the Legislature begins their new session in January of 1989. I am sure the Commission will act expeditiously to decide on an appropriate course of action before that date.

I want to thank you and the organization you represent for bringing this matter to our attention and for working with us to find a mutually agreeable solution. You can be assured of our continuing effort to resolve this issue in an appropriate manner.

Sincerely,



NORMAN C. BOEHM
Executive Director

cc: Chief Meehan, El Segundo P.D.
Chief Propster, Gardena P.D.
Chief Stonebraker, Hawthorne P.D.
Chief Mertens, Manhattan Beach P.D.





SOUTH BAY REGIONAL PUBLIC COMMUNICATIONS AUTHORITY
12227 South Hawthorne Way, Hawthorne, California 90250-3857
(213) 973-1802

ROBERT J. BENSON
Executive Director

9-1-1 SAVES LIVES

July 6, 1988

*7/2/88
JTB - 11/20/88
3/12/88
K-22*

Dr. Norman C. Boehm, Executive Director
Commission on Peace Officer Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Dr. Boehm:

This letter concerns the recently approved public safety dispatcher program, and your proposed amendment of Chapter 2, Title 11, of the State Administrative Code.

Thorough study of Penal Code Section 13510.(c), as revised, reveals that independent joint powers communications agencies are not eligible for POST-reimbursable training of police dispatcher personnel. This has been confirmed in your letter of June 2, 1988 to Chief Propster of the Gardena Police Department (Enclosure 1). Your letter presented two alternatives for solution of this problem: to amend current state law, or to designate a member as lead agency to qualify as POST-eligible.

In recent meetings of our User Committee (all Police and Fire Chiefs served by the Authority) and Board of Directors (elected City representatives), a unanimous decision was reached to pursue amendment of state law. In this regard, your recommendation for discussion at the Commission's November 3, 1988 meeting is fully supported.

Although I lack the expertise to craft a recommended change to the law, I would suggest that §13510.(c) and §13525 be amended somewhat as follows:

§13510.(c) For the purpose of raising the level of competence of local public safety dispatchers, the Commission shall adopt and may, from time to time, amend rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers having a primary responsibility for providing dispatching services for local law enforcement agencies described in subdivision (a), which standards shall apply to those cities, counties, cities and counties, and

districts receiving state aid pursuant to this chapter. These standards shall also apply to consolidated dispatch centers operated by an independent joint powers agency when providing dispatch services to the law enforcement personnel listed in §13510.(a). All such rules shall be adopted and amended pursuant to Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2, of the Government Code. As used in this section, "primary responsibility" refers to the performance of law enforcement dispatching duties for a minimum of 50% of the time worked within a pay period.

§13525

Any city, county, ^{public} city and county, district or independent joint powers agency which desires to receive state aid pursuant to this chapter for the training of regularly employed and paid local public safety dispatchers, as described in subdivision (c) of Section 13510, shall include that request for aid in its application to the Commission pursuant to Sections 13522 and 13523.

Based upon recommendations of staff, and your recommendation for Commission discussion of our problem, I will not present our situation at the July 21, 1988 Commission meeting. We are, of course, willing to appear at the November meeting if you feel it necessary. Please advise me if you feel a different approach would be more beneficial.

Thank you for your interest in our problem, and in your efforts to improve the quality of dispatchers.

Yours truly,

SOUTH BAY REGIONAL PUBLIC
COMMUNICATIONS AUTHORITY



Robert A. Benson
Executive Director

RJB:mls

Enclosure

- cc: Chief Meehan, El Segundo Police Department
- Chief Propster, Gardena Police Department
- Chief Stonebraker, Hawthorne Police Department
- Chief Mertens, Manhattan Beach Police Department

DEPARTMENT OF JUSTICE

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

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*Center for Executive**Development*

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Compliance and Certificates

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Information Services

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Management Counseling

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Course Control

(916) 739-5399

Professional Certificates

(916) 739-5391

Reimbursements

(916) 739-5367

Resource Library

(916) 739-5353

JOHN K. VAN DE KAMP, Attorney General

CITY OF GARDENA
POLICE DEPT.

JUN 10 9 49 AM '88

June 2, 1988

Richard K. Propster, Chief
Gardena Police Department
1718 West 162nd Street
Gardena, CA 90247

Dear Chief Propster:

Thank you for your letter of May 26, 1988 regarding the eligibility of the South Bay Regional Public Communications Authority (SBRPCA) to participate in the regular POST Public Safety Dispatcher Program authorized by recently enacted Penal Code Sections 13510(c) and 13525. After careful review we are of the opinion that independent joint powers organizations, such as SBRPCA, are not addressed in the new law and therefore may not participate in the regular program which provides reimbursement for certain public safety dispatcher training costs. The authority may, however, choose to become a participant in the specialized (non-reimbursable) program the Commission is now considering for non-reimbursable state and local agencies.

There are two obvious alternatives that can be considered to allow the South Bay Regional Public Communications Authority to become eligible for POST reimbursement for these training costs. The first alternative is simply to amend current state law to allow for participation in the regular POST Public Safety Dispatcher program by certain regional authorities such as SBRPCA. The other alternative is to officially designate one of your member cities as the lead agency, so that the public safety dispatchers working for the authority are actually employees of a city that is currently eligible to participate in the regular POST Public Safety Dispatcher Program.

Because the Commission was not aware of this complication at the time the original legislation authorizing this program was being considered, I will recommend they schedule this matter for discussion at their November 3, 1988 meeting in

Sacramento. In the meantime, I suggest that the authority consider the two alternatives, and any other alternatives they can identify, to determine what they believe to be the appropriate course of action to resolve this matter. A letter to me of your final recommendation would be appreciated.

POST shares concern about this unintended problem relating to the Public Safety Dispatcher Program. We will continue to work with your group to find an acceptable solution to this situation in an expeditious and appropriate manner.

Sincerely,

Norman C. Boehm
NORMAN C. BOEHM
Executive Director

Mr. Benson -

Call me if you want help
pursuing legislation to
this end -
Chief Propster



DEPARTMENT OF POLICE
ROGER M. MOULTON
CHIEF



401 DIAMOND ST.
PO. BOX 639
REDONDO BEACH, CA 90277-0639
TELEPHONE
(213) 379-2477

CITY OF REDONDO BEACH CALIFORNIA

October 5, 1988

Commissioners
Peace Officer Standards & Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Commissioners:

Unfortunately, it seems that in dealing with so many negatives in our profession that we fail too often to see the positives. A case in point was my recent experience in reading the P.O.S.T. Annual Report for 1988.

I was stricken by the fact that P.O.S.T. was established in 1959, a few years after I started my police career, and has achieved heights that could not have been imagined by its founders. Further, it has progressed to a state that has given it the leadership role in law enforcement training in the entire world.

Therefore, I want to express my gratitude to all of you as members of the P.O.S.T. Commission; to the Executive Director; and the entire staff for the unparalleled contribution you have made to California law enforcement.

A special note of commendation to the Editor, Anna Del Porto and photographer, George Williams for the comprehensive and attractive presentation of your accomplishments and future goals.

Yours for professional law enforcement,

Roger M. Moulton
Roger M. Moulton
Chief of Police