

COMMISSION MEETING AGENDA
January 19, 1989
10:00 A.M.
Bahia Hotel
Del Mar Room
998 West Mission Bay Drive
San Diego, CA 92101
(619) 488-0551

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS

APPROVAL OF MINUTES

- A. Approval of the minutes of the November 3, 1988 regular Commission meeting at the Holiday Inn Capitol Plaza in Sacramento.

CONSENT CALENDAR

B.1 Receiving Course Certification Report

Since the November meeting, there have been 20 new certifications, and 47 modifications. In approving the Consent Calendar, your Honorable Commission receives the report.

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

The second 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 Regular POST (Reimbursement) Program

The San Jose Unified School District, the Pasadena Unified School District, and the Sonoma County Junior College District Police Department have met the Commission's requirements and have been accepted into the Regular POST (Reimbursement) Program. In approving the Consent Calendar, your Honorable Commission receives the report.

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

Procedures provide for agencies to enter into the POST Specialized Program when qualifications have been met. In approving the Consent Calendar, your Honorable Commission notes that the Los Angeles County Medical Examiner and Coroner's Office has met the requirements and has been accepted into the Specialized POST (Non-Reimbursable) Program.

B.5 Approving Resolution Posthumously Commending Advisory Committee Member J. Winston Silva

In approving the Consent Calendar, your Honorable Commission adopts a Resolution recognizing the service of J. Winston Silva, who passed away in October. Mr. Silva served as a representative for the Community Colleges since the inception of the POST Advisory Committee in 1969.

B.6 Setting Command College Tuition for Non-Reimbursable Agencies

At the January 1988 meeting, the Commission adopted a Command College tuition for all non-reimbursable agencies in the amount of \$3,512. Staff was instructed to report annually on the tuition. This item recommends a decrease in the Command College tuition due to staff's efforts to reduce faculty and academic advisor costs on each student's project and homework grading. The recommended tuition is \$3,307 for the two year program. In approving the Command College tuition, your Honorable Commission receives the report and sets the new tuition rate effective with Class 12, commencing June 12, 1989.

PUBLIC HEARINGS

C. Receiving Testimony on the Proposal to Adopt and Amend POST Regulations and Procedures to Issue Basic Certificates to Appointed Constables and Deputy Constables

At its November 1988 meeting, the Commission received a report and approved the scheduling of a public hearing to consider amending POST Regulations and Procedures regarding the issuance of Basic Certificates to appointed constables and deputy constables. This was brought about because of amendments to Penal Code Section 832.4 which became effective January 1, 1988. This section requires 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 no established 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 to individuals who otherwise qualify 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 to individuals who otherwise qualify if they voluntarily complete the Regular Basic Course.

If approved as proposed, regulations would have the effect of specifying Government Code selection requirements only for all peace officers (constables and others) required to obtain certificates under P.C. 832.4 and whose employing agencies do not participate in the voluntary POST program.

Pending public input, the appropriate MOTION would be to approve the proposed amendments to POST Regulations and Procedures regarding the issuance of Basic Certificates to appointed constables and deputy constables as proposed.

D. Receiving Testimony on the Proposal to Amend POST Procedures Regarding the POST Program for Approval of Field Training

Penal Code Section 832.3 has for many years required that certain peace officers complete a course of training (the Basic Course) before exercising peace officer powers. An exception is provided while the officer is participating in a supervised POST approved field training program. Pursuant to that law and consistent with the needs of law enforcement agencies, the Commission in 1974 implemented a process for approving pre-academy field training programs.

Changes in law and employment practices since 1974 have served to virtually eliminate assignment to peace officer duties before basic training. The current POST field training approval program does not appear to meet contemporary needs.

There remains, however, a statutory basis for regulations concerning POST approval of field training occurring during and after basic training including: (a) Penal Code Section 832.3 providing for peace officer powers based upon POST approval of field training programs; and (b) Penal Code Section 832.6 requiring specified reserve officers to participate in POST-approved field training.

POST currently approves during-academy field training programs for law enforcement agencies. Two academies currently schedule breaks in the Basic Course for trainees to experience field training. This is after the training requirements of P.C. 832 have been met. It is proposed these be continued with specific enabling regulations.

There also appears to be widespread interest on the part of local agencies in POST approval on a voluntary basis of their after-academy field training programs. Most law enforcement agencies have such programs because they are generally considered an essential element in the development and evaluation of officers. Adoption of regulations to provide for such approvals would meet local needs and also provide the basis for approval of reserve officer field training as required by law. The overall issue as well as proposed regulations are discussed and described in the report under this tab.

Subject to public testimony at the hearing and if the Commission concurs, the appropriate MOTION would be to adopt the changes to the POST voluntary program for approving law enforcement agency field training programs including: (1) discontinuing pre-academy field training program approval; (2) adding separate during and after-academy field training program approval; and (3) revising some of the requirements for field training program approval. The effective date would be July 1, 1989.

TRAINING PROGRAM SERVICES

E. Scheduling a Public Hearing to Consider Increasing Length of Basic Course From 520 hours to 560 hours Along With Course Modifications Relating to Administration and Success Criteria

In the intervening years since the Basic Course minimum was last increased (from 400 hours to 520 hours) in January 1985, a number of requirements have incrementally been added by the Legislature and the Commission. These additions, along with the need for standardized testing methodologies, led to a review of content and length of the Basic Course, as well as of various related policy issues. The study has resulted in a proposal for a public hearing for the purpose of amending Commission Procedure D-1 (effective July 1, 1989).

The proposed amendments, if approved, would:

1. Increase the length of the District Attorney Investigators, Marshals, and Regular Basic Courses by 40 hours each.

2. Establish standardized testing methodology for 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. (This is currently the Commission's requirement, but needs to be re-heard to satisfy procedural requirements of the Office of Administrative Law [OAL]).
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 also has a training value and should improve the abilities of Basic Course graduates.

The Commission has previously authorized a review of the Basic Course to analyze the potential for greater productivity. The Long Range Planning Committee recommends taking the proposed changes to public hearing and again commends the Basic Course Review Study which is planned for 1989.

If the Commission concurs, appropriate action would be a MOTION to schedule a public hearing to consider an increase in length of Basic Course and course modifications relating to administration and success criteria.

F. Scheduling a Public Hearing to Adopt Testing Requirements for the P.C. 832 Course and Incorporation Into Regulations of Existing Commission Specified Curriculum for Statutory Mandated Training Courses

The amendment of Penal Code Section 832 (Chapter 157, Statutes of 1987), requires that trainees pass an appropriate examination at the conclusion of the training course required by that statute. Examinations must be developed

or approved by POST. This requirement becomes effective July 1, 1989 and necessitates modifications to POST's regulations and procedures.

POST's training standards for Section 832 of the Penal Code currently provide for a minimum of 40 hours of instruction and testing. This includes a 24-hour Arrest Course and a 16-hour Firearms Course. The current course curriculum standards are specified in broad topical outline with recommended performance objectives. Proposed changes include establishing these course requirements as regulation and making the performance objectives mandatory to serve as a basis for developing the test required by P.C. 832.

A regulation specifying testing requirements and procedures is also needed. It is proposed that persons who receive PC 832 training in any POST-certified course, other than the POST Regular Basic Course, must take and pass a POST-developed or POST-approved examination. This would also apply to all reserve courses and the Specialized Investigators Basic Course.

A written paper/pencil test will be developed for the Arrest Course. The Firearms Course, which is primarily skill demonstration, will be tested using a POST-specified course-of-fire with a specific passing score. All examinations are to be scored pass/fail and are to be administered as part of and immediately following the conclusion of the PC 832 instruction. Administration and scoring of the written examination may be delegated to presenters who meet test security and related requirements. Other testing requirements and procedures are identified under this tab.

Also recommended is a proposal to convert all past POST-approved curriculum for legislatively mandated training to the status of regulation. Currently there are a number of courses ranging from tear gas training to domestic violence training that have not previously been enacted as regulations.

If the Commission concurs, the appropriate MOTION would be to schedule a public hearing for the April 1989 meeting to: (1) approve a performance-based curriculum for the PC 832 Course; (2) establish testing requirements and procedures pursuant to Senate Bill 138; and (3) convert all past-approved curriculum for legislatively mandated training to the status of regulation.

G. Minimum Length of Technical Courses - Modifying Procedure D-6 for Legislatively Mandated Courses

Existing POST requirements for Technical Courses specify that no presentation shall be certified for less than six hours. This general rule, expressed in Commission Procedure D-6, should be retained so as to not proliferate course certifications and to maintain cost effective training. However, two exceptions are recommended for consideration.

Legislative training mandates, such as the recently enacted training requirements relating to the handling of missing persons cases, suggest the need for the first exception to the six-hour minimum for Technical Courses. For example, the missing persons training requirement for in-service officers and dispatchers is two hours. Without an exception this training would have to be made part of a larger course causing some trainees to complete more training than is required.

The second recommended exception concerns the desirability of presenting live teleconference training using satellite or microwave technology. Studies have shown this is an effective means of delivering training and that it is effective for up to 2-3 hours of duration. With an exception, POST can selectively present this form of instruction that would make training increasingly more accessible to law enforcement.

If the Commission concurs, the appropriate MOTION would be to approve modification of Commission Procedure D-6 authorizing exceptions to the six-hour minimum length of technical courses for legislatively mandated training or teleconference training.

EXECUTIVE OFFICE

H. Progress Report on Feasibility of POST Responsibility to Disseminate Information on AIDS

In November 1988, the Commission directed staff to research the feasibility of compiling factual information on the exposure of AIDS to peace officers and other first line public safety persons. It was further recommended that any information compiled should be reviewed by a medical advisory committee to ensure accuracy.

Prior to the study, POST involvement with AIDS training has included participation in a Red Cross sponsored committee. This committee trained approximately 170 trainers in the subject. In addition, two ongoing courses in AIDS issues

have been certified and one of the 12 roll call video tapes recently distributed to the field included the subject of AIDS.

As a result of the study, staff has found that there are a number of competent and reliable sources (e.g., U.S. Public Health Service, California Department of Health Services, NIJ, National Sheriffs, and the Personnel Journal) which currently provide on-going and up-to-date AIDS information. If the Commission would want to make use of these existing resources, POST could: (1) act as gatherer and disseminator of information from these sources to the field; or (2) simply make the field aware by bulletin of these existing sources which can be contacted directly for AIDS information.

On the other hand, if the Commission desires to explore a more direct role, the staff would examine costs and procedures in obtaining legal, medical, and scientific expertise necessary to support that level of participation and report back at a future meeting.

If the Commission feels existing sources are sufficient, an appropriate MOTION might be to approve the study at this stage and issue a bulletin advising the field of existing AIDS information services, and of the availability of POST certified training courses.

I. Recommendation to Amend the Existing Arthur Young and Company Contract to Provide VAX-Specific Programming Expertise and the Development of a Computer Operations Manual in the Amount of \$16,960

The existing contract with Arthur Young and Company has assisted POST in the implementation of the new VAX 8350 minicomputer system including the development of necessary programming applications. To recover time lost due to Fourth Generation Language software related time delays and help speed full implementation of the new computer system, it is recommended that POST expand Arthur Young services to include: (1) a modest but very important increase in VAX-specific programming expertise; and, (2) development of a Program Operations Manual. The proposed increased cost for these services amounts to \$16,960. This would increase total contract cost from the current \$170,820 to \$187,780.

If the Commission concurs, the recommended action would be a MOTION to authorize the Executive Director to negotiate the amendment of the contract with Arthur Young and Company to include provision of document preparation and other programming and testing services at an additional cost not to exceed \$16,960. (ROLL CALL VOTE)

J. Augmentation of Contract with Brain Designs, Inc. for Enhancements to Basic Course Automated Testing System Software

In 1985 POST entered into a \$90,000 contract with Brain Designs, Inc. to develop computer software for an automated test generation and tracking system for the basic course. The product of that contract was demonstrated at the November 1988 Commission meeting, is currently being used by 14 basic course presenters, and has generally been well received. There are, however, a number of enhancements including test scoring, scheduling, user help screens, color, etc. which would make the system more effective and easier to use. The specific improvements are listed in the full agenda report. The total cost for these improvements would be a cost effective \$9,000.

If the Commission concurs, the appropriate action would be a MOTION to approve an augmentation of \$9,000 to the original \$90,000 contract with Brain Designs, Inc. (ROLL CALL VOTE)

K. Proposed Grace Period for Reimbursement of Dispatcher Training

Regulations required to implement the Public Safety Dispatcher Program became effective January 1, 1989. Pursuant to these Regulations, requests of agencies to participate in the dispatcher program are now being received and processed.

Law enforcement agencies already participating in the POST peace officer program must, under provisions of the law, submit a new participation request for the dispatcher program. In November 1987, the Commission acted to authorize continuing reimbursement for dispatcher training in those law enforcement agencies pending implementation of the formal dispatcher program.

With the dispatcher program now established in Regulations, there is need to set a date certain for termination of reimbursement without a participation agreement. It is proposed that July 1, 1989 be set as that date. If Commissioners concur, POST would continue to reimburse for dispatcher training commencing prior to that date. After that date, no reimbursement for dispatcher training would be provided until an agency is accepted into the dispatcher program.

This "grace period" of six months appears reasonable in that it can require up to 90 days for enactment of local

ordinances. If the Commissioners approve, a bulletin will be mailed immediately to all affected agencies. This should allow sufficient time for adoption of enabling ordinances.

If the Commission concurs, the appropriate action would be a MOTION to approve a grace period for reimbursement of dispatcher training until July 1, 1989.

COMMITTEE REPORTS

L. Finance Committee - Proposed Contracts for FY 1989/90

At each January meeting, the Commission receives a report on major training and administrative contracts planned for the upcoming fiscal year. Information regarding these contracts is presented in order to obtain the Commission's approval to negotiate and return the proposed contracts for final approval at the April 1989 Commission meeting. The Finance Committee has met and recommends that the Commission authorize the Executive Director to negotiate contracts for services as outlined below. The contracts will be brought back for approval to sign at the April meeting.

The appropriate action if the Commission concurs, would be a MOTION to authorize the Executive Director to negotiate the contracts and return them to the April meeting for formal approval.

Proposed contracts to be negotiated for Fiscal Year 1989/98:

a. Management Course

This course is currently budgeted at \$301,316 for 22 presentations by 5 presenters.

California State University - Humboldt
California State University - Long Beach
California State University - Northridge
California State University - San Jose
San Diego Regional Training Center

Course costs are consistent with Commission guidelines, and performance by all five presenters has been satisfactory. Staff anticipates some increases over FY 1988/89 due to increased costs for instructors, coordination, facilities, and materials, although no additional presenters are planned for 1989/90.

b. Executive Development Course

This course is currently presented by California State Polytechnic University, Pomona, at a cost of \$71,260 for five presentations. Course costs are consistent with POST guidelines, and the performance of the presenter has been satisfactory. Staff anticipates some increases over FY 1987/88 expenses due to increased costs for instructors, coordination, facilities, and materials which may be allowable by tuition guidelines. Upon approval, a new contract will be negotiated for FY 1989/90.

c. San Diego Regional Training Center - Support of Executive Training including the Command College

The San Diego Regional Training Center serves as the chief contractor for a variety of training activities of the Commission conducted by the Center for Executive Development. Curriculum development as well as instructional and evaluation costs for these training activities for FY 1988/89 came to \$321,589. Upon authorization, a new contract will be negotiated for FY 1989/90.

d. Department of Justice - Training Center

The Department of Justice has provided training to local law enforcement through an Interagency Agreement with POST since 1974. During Fiscal Year 1988/89, the amount allocated to this training was \$743,190. For this amount, the Department of Justice agreed to make 189 combined presentations of 31 separate courses.

It is proposed that the Department of Justice conduct generally the same training programs in Fiscal Year 1989/90 for a similar financial commitment by POST.

e. Cooperative Personnel Services - Basic Course Proficiency Test

Cooperative Personnel Services (CPS) has administered the Basic Course Proficiency Test for POST for the past seven years. CPS has demonstrated the ability to effectively administer the test at less cost than would be possible if POST staff were to administer the test.

The current year contract is for \$27,992. The proposed contract for FY 1989/90 is not expected to exceed this amount.

f. POST Entry-Level Reading and Writing

For each of the last four years, POST has contracted with Cooperative Personnel Services (CPS) and the State Personnel Board (SPB) to administer the POST entry-level reading and writing testing program. The overall quality and level of services provided by CPS and SPB over the years has been quite good.

Current fiscal year contracts total \$113,264. The proposed contracts for FY 89/90 are expected to total no more than \$90,000. The reduction is made possible by the recent acquisition of a high speed scanner as part of POST's new computer system which will permit POST staff to perform test answer sheet scanning and other selected services currently performed under contract.

g. State Controller's Office - Agreement for Auditing Services

Each year POST has negotiated an Interagency Agreement with the State Controller's Office to conduct audits of selected local jurisdictions which receive POST reimbursement funds. The Commission approved an agreement not to exceed \$85,000 for the current fiscal year.

Approval is requested to negotiate a similar agreement to maintain current level of service for Fiscal Year 1989/90.

h. Computer Services Contract - Third Party Maintenance Company

POST purchased its Four Phase computer in June of 1986 at the expiration of the lease with Motorola/Four Phase. The purchase was the most cost effective method of continuing computer services at POST during the period of procurement of new computer equipment. POST currently has a contract with the Third Party Maintenance Company for maintenance of the Four Phase Computer. The current year contract is for \$14,000.

Approval is requested to negotiate a similar agreement with Third Party Maintenance Company for maintenance services during Fiscal Year 1989/90.

i. Computer Services Contract - Teale Data Center

POST has an Interagency Agreement with Teale Data

Center (a State Agency) for computer services. The contract provides for a link between POST's computer and the Data Center's mainframe computer. This allows POST to utilize the mainframe's power for complex data processing jobs and the storage of large data files that require more resources than POST's minicomputer can provide. The current year contract is for \$89,000.

Approval is requested to negotiate an Interagency Agreement with the Teale Data Center for computer services in 1989/90 for an amount similar to the current year's cost.

j. CALSTARS Contract, 1989/90

The mandated California Accounting and Reporting Systems (CALSTARS) requires an agreement with the Health and Welfare Data Center to provide computer linkage and necessary data processing services. The Commission approved a current year contract in an amount not to exceed \$25,000.

Approval is requested to negotiate a similar agreement to maintain the current level of required service for Fiscal Year 1989/90.

M. Accreditation Committee

Commissioner Wasserman, Chairman of the ad hoc Accreditation Committee, will report on the results of the Committee meeting held December 8, 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 December 8, 1988 in Ontario.

O. Advisory Liaison Committee

Commissioner Maghakian, Chairman of the POST Advisory Liaison Committee, will report on the Committee meetings held Thursday, December 15, 1988 via telephone conference call, and Wednesday, January 18, 1989 in San Diego.

P. Legislative Review Committee

Commissioner Block, Chairman of the Commission's Legislative Review Committee, will report on the Committee meeting held January 19, 1989 in San Diego.

Q. Advisory Committee

Ron Lowenberg, Chairman of the POST Advisory Committee, will report on the Committee meeting held January 18, 1989 in San Diego.

OLD/NEW BUSINESS

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

April 20, 1989 - Hilton Inn - Sacramento
July 20, 1989 - Marriott Hotel - San Diego
November 2, 1989 - Holiday Inn Capitol Plaza - Sacramento
January 18, 1990 - San Diego

ADJOURNMENT

COMMISSION MEETING MINUTES
November 3, 1988
Holiday Inn Capitol Plaza
Sacramento, CA 95814

The meeting was called to order at 10:05 a.m. by Chairman Pantaleoni.

Commissioner Raquel Montenegro led the flag salute.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

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

POST Advisory Committee Members Present:

William Shinn, Chairman
Don Forkus
Dolores Kan
Joe McKeown
Carolyn Owens
Bruce Rayl

Staff Present:

Norman C. Boehm	- Executive Director
Glen Fine	- Deputy 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
Doug Thomas	- Bureau Chief, Special Projects
George Williams	- Bureau Chief, Information Services
Vera Roff	- Executive Secretary

VISITOR'S ROSTER

Rick Baratta, PORAC
Robert J. Benson, SBRPCA
Avery Blankenship, Butte Community College
Bud Canady, San Bernardino Sheriff's Department
Irene Carroll, City of San Jose
Norm Cleaver, Santa Rosa Training Center
Kati Corsant, Department of Justice
Kim Denton, Constable, Tehama County
Ed Doonan, Sacramento Sheriff's Department
Larry Malmberg, PORAC
Don Menzmer, California Highway Patrol Academy
Rodney Pierini, CPOA
Richard Propster, Gardena Police Department
George Straka, Concord Police Department
Victor Theen, Rio Dell Police Department
Jeff White, California State Judges, Marshals and Constables Association

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

MOTION - Maghakian, second - Montenegro, carried to approve the minutes of the July 21, 1988 Commission meeting held at the Holiday Inn Embarcadero in San Diego.

B. Approval of Consent Calendar

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

B.1 Course Certification Report

Since the July meeting, there have been 42 new certifications, 20 decertifications, and 34 modifications.

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

The first quarter financial report provided information relative to the local assistance budget through October 31, 1988. The report was presented and accepted and is on file at POST headquarters.

B.3 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.

B.4 Resolution Commending Management Fellow Gary Sorg

A resolution commending Sergeant Gary Sorg of the Merced County Sheriff's Department for his service as a POST Management Fellow was approved.

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

A resolution commending former Assistant Executive Director Don Beauchamp for his service to POST was approved.

PRESENTATION

Chairman Pantaleoni presented a resolution to former Management Fellow Gary Sorg commending him for his work on Missing Persons Guidelines and Curriculum.

APPEALS

C. Request from Victor Then, Chief of Police, City of Rio Dell, to Allow Equivalencies for Supervisory, Management and Executive Courses

Commission policy is to disallow equivalency or alternatives to the training courses required for award of the Supervisory, Management and Executive Certificates for persons appointed to supervisory and higher positions after January 1, 1980.

Chief Victor Then, Rio Dell Police Department, requested a waiver to Commission policy, based upon claim of equivalent training, largely through completion of college courses.

After considering Chief Then's oral statements on the issue and the staff report, the following action was taken:

MOTION - Grande, second - Wasserman, carried unanimously to deny the appeal of Chief Victor Then.

COMPLIANCE AND CERTIFICATES

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

Staff reported that 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.

Staff recommended that Specialized Certificates be awarded to persons who are otherwise qualified and the minimum requirements of law are met (Government Code Sections 1029 through 1031.5 re requirements for selection, P.C. 832 course for training). Regular Basic Certificates would be awarded if constables have completed the Regular Basic Course.

Constable Jeff White, Executive Director of California State Judges, Marshals and Constables Association, spoke in favor of the proposal.

MOTION - Tidwell, second - Block, carried unanimously to schedule a public hearing for the January 19, 1989 Commission meeting to amend Regulations and Procedures to issue Basic Certificates to appointed constables and deputy constables and to other peace officers who are required by law to obtain Basic Certificates and re employed by agencies that do not participate in the POST program) as required by P.C. 832.4.

TRAINING PROGRAM SERVICES

E. Approval of Electronic Surveillance Course and Augmentation of DOJ Advanced Training Center Contract

Staff reported that 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 certification under this legislation.

MOTION - Maghakian, second - Wasserman, carried unanimously by ROLL CALL VOTE to: (1) approve curriculum for the Electronic Surveillance 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.

F. Approval of Basic Course Curriculum Modifications - Radio Procedures

Staff recommended that curriculum regarding law enforcement radio procedures 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.

The proposed curriculum would require the student to:
(1) demonstrate the use 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.

MOTION - Block, second - Montenegro, carried unanimously 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

At its October 12, 1988 meeting, the Long Range Planning Committee considered the recommendation to increase the mandated basic course hours for policy issues relating to the Basic Course. The suggested increase was based on new requirements in the form of additional performance objectives and for additional skills testing hours.

The Long Range Planning Committee recommended that the Commission not schedule a public hearing on increasing the length of the Basic Course prior to the April 1989 Commission meeting. Staff will prepare a report on basic course reimbursement alternatives for review by the Committee in December.

The Committee also 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 scheduled to begin after the first of the year.

MOTION - Wasserman, second - Tidwell, carried unanimously to table action on the issue pending review and recommendation by the Long Range Planning Committee at its December Committee meeting, with a report back at the January 1989 Commission meeting.

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

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.

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 P.C. 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, POST agreed to pay the contractor \$312,000.

After demonstration of the P.C. 832 interactive videodisc training program, the following action was taken:

MOTION - Grande, second - Maghakian, carried unanimously by ROLL CALL VOTE to:

1. Approve the Introduction to Law Enforcement interactive videodisc course for final payment, subject to initial pilot testing, as provided in the contract.
2. Approve payment of \$8,000 beyond the current \$312,000 contract costs 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 the mastering of videodiscs, storage, copying, and packaging 100 sets of courseware.
4. Authorize staff to proceed with thorough field testing of Introduction to Law Enforcement Course.

STANDARDS AND EVALUATION

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

At its October 1985 meeting, 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 modems. A pilot test conducted for two years at three academies has produced encouraging results. A demonstration of the system was provided for the Commission.

J. Extending and Expanding 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. Under the new method, the basic course performance objectives are organized into content areas called "knowledge domains" for purposes of evaluating student mastery.

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. 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. Student scores on a comprehensive test of the academy curriculum are higher compared to previous classes at the academies where the knowledge domain method was introduced and tested.

MOTION - Vernon, second - Hicks, carried unanimously to extend the period for pilot testing the "knowledge domain" method to January 1990, and expand participation to all interested academies.

K. In-service Physical Fitness Program

Various alternatives for the development and implementation of an in-service physical fitness programs were discussed. Staff was directed to develop a program in which 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.

MOTION - Van de Kamp, second - Vernon, carried unanimously by ROLL CALL VOTE to present the proposed program for review at the July 1989 Commission meeting. The Executive Director was authorized to enter into a contract for a POST Management Fellow in an amount not to exceed \$68,000 to develop the program.

EXECUTIVE OFFICE

L. CPOA Broadcast Contract

For the last five years, the California Peace Officers' Association 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. The major advantage of the training presentation approach is that it permits participation of law enforcement personnel from remote areas without the need for travel.

Staff recommended extending 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.

MOTION - Vernon, second - Grande, carried unanimously by ROLL CALL VOTE to authorize the Executive Director to sign a contract with CPOA to provide teleconferencing legislative update training in an amount not to exceed \$13,445.

COMMITTEE REPORTS

M. Accreditation Committee

Commissioner Wasserman, Chairman of the ad hoc Accreditation Committee, reported that the Committee met on August 18, 1988 in Ontario. A list of accreditation

advantages and disadvantages was developed along with the components of a model accreditation program. The Committee will meet prior to the January Commission meeting to continue the study of the accreditation concept.

N. Long Range Planning Committee

Chairman Pantaleoni, who also chairs the Long Range Planning Committee, reported that the Committee met on October 12, 1988 in the City of San Bernardino. In addition to issues discussed earlier, the Committee recommended that 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 recommended that the Commission assign the Advisory Committee responsibility to work with staff and Commission and the Advisory Committee's constituent organizations to plan for and achieve this purpose.

It was the consensus of the Commission to accept the recommendations of the Long Range Planning Committee.

O. Advisory Liaison Committee

Commissioner Maghakian, Chairman of the Advisory Liaison Committee, reported that the Committee met on September 28, 1988 via telephone conference call. The Committee unanimously recommended that no changes be made to the current 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.

The Committee also discussed ways of improving Advisory Committee input on Commission meeting agenda items and recommended that the Commission be informed in advance of items on which the Advisory Committee wants to comment. When those agenda items come before the Commission, the Chairman can call on the Advisory Committee representative to make comments as appropriate.

Following the Advisory Liaison Committee report, there was discussion concerning the structure of the Advisory Committee. The Advisory Liaison Committee will research methods for adding ethnic minority groups to the membership of the Committee as vacancies occur. A report on its findings will be made at the January Commission meeting.

P. Legislative Review Committee

Commissioner Block, Chairman of the Legislative Review Committee, reported that the Committee met just prior to the Commission meeting and reviewed the results of the 1988 legislative session.

The Committee also discussed possible legislation for the upcoming session and made the following recommendations:

1. Amend P.C. 13510 to clarify that communications departments established by joint powers agreements are eligible to participate in the dispatcher program.
2. Amend P.C. 13522 to clarify that eligible agencies not empowered to enact ordinances may agree to participate in the POST program by resolution rather than by ordinance.
3. Undertake an effort to increase POST's share of the Penalty Assessment Fund and to involve law enforcement more actively in this effort.
4. Seek a Senate Concurrent Resolution that would require POST to study law enforcement training facility/equipment needs in the State.

MOTION - Block, second, Wasserman, carried unanimously to adopt the recommendations of the Legislative Review Committee.

P. Advisory Committee

Bill Shinn, Chairman of the POST Advisory Committee, reported that the Committee met on November 2, 1988 in Sacramento and reviewed the agenda for the Commission meeting. The Committee pledged its support to assist in seeking funding for law enforcement training facilities and equipment.

The Committee observed a moment of silence in memory of Committee member J. Winston Silva who passed away recently. Mr. Silva served as a representative for the Community Colleges since the inception of the Advisory Committee in 1969.

Chairman Shinn expressed appreciation to former Assistant Executive Director Donald Beauchamp for assistance provided as staff liaison to the Advisory Committee.

Lieutenant Dolores Kan and Lieutenant Bruce Rayl were welcomed as newly appointed members to the Advisory

Committee. Dolores Kan is a Lieutenant with the Bay Area Rapid Transit Police Department and represents the Women Peace Officers' Association of California. Bruce Rayl is a Lieutenant with the East Bay Regional Parks District's Department of Public Safety and represents the California Association of Police Training Officers.

The Advisory Committee held election of officers at the November 2, 1988 meeting. Ron Lowenberg was elected as Chairman and Don Brown was elected as Vice Chairman.

CORRESPONDENCE

R. The letter from South Bay Regional Public Communications Authority Board of Directors was discussed earlier by the Legislative Review Committee.

OLD/NEW BUSINESS

Staff was directed to research the feasibility of compiling factual information on the exposure of peace officers to AIDS. It was further suggested that information should be reviewed by a medical advisory committee to be sure it is the latest and most accurate information available. A report will be presented at the January Commission meeting.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

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

ADJOURNMENT - 1:20 p.m.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Course Certification/Decertification Report		Meeting Date January 19, 1989
Bureau Training Delivery Services	Reviewed By Ronald T. Allen, Chief	Researched By Rachel S. Fuentes
Executive Director Approval <i>Mouvan C. Boehm</i>	Date of Approval 12-22-88	Date of Report December 21, 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 for details) <input checked="" type="checkbox"/> No

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

The following courses have been certified or decertified since the November 3, 1988 Commission meeting:

CERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1.	Reserve Training Module C	College of the Siskiyou	Reserve	N/A	-0-
2.	Semi-Automatic Pistol Training	Butte Center	Technical	IV	5,400
3.	POST Supervisory Leadership Inst.	Commission on POST Supv. Trng.		IV	242,000
4.	Fingerprint Pat-tern Recog.-Basic	Sacramento Public Safety Center	Technical	IV	7,200
5.	Dispatcher & Critical Incidents	CSTI	Technical	III	7,898
6.	Traffic Accident Inv. - Intermed.	Evergreen Valley College	Technical	IV	12,000
7.	Interview & Inte-rogation Tech.	San Mateo College	Technical	III	56,000
8.	Skills & Knowledge Modular Training	Evergreen College	Technical	IV	800
9.	High Technology Crime Invest.	Los Angeles Co. Sheriff's Dept.	Technical	III	35,000
10.	Skills & Knowledge Modular Training	Chabot College	Technical	IV	1,200
11.	Supervisory Update	William Penn Mott P&R	Supv. Trng.	IV	-0-
12.	Water Safety/Victim Rescue	Los Angeles Co. Sheriff's Dept.	Technical	IV	3,240

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
13.	AIDS/Infectious Diseases	American Red Cross-Sacto Chpt.	Mgmt. Sem.	IV	5,000
14.	AIDS-Emerg. Workers/Update	American Red Cross-Sacto Chpt.	Technical	IV	5,000
15.	Vessel Theft Inv.	Sacramento Public Safety Center	Technical	IV	5,040
16.	Drug Influence - 11550 H&S	Evergreen College	Technical	IV	14,000
17.	Electronic Surveillance	DOJ Advanced Training Center	Technical	IV	30,950
18.	Driver Awareness	Irvine Police Department	Technical	IV	1,560
19.	Driving Under the Influence (DUI) Enforcement	Allan Hancock College	Technical	IV	9,358
20.	Career Ethics/ Integrity Facil.	Birge & Associates	Technical	III	54,000

TOTAL CERTIFIED 20

TOTAL DECERTIFIED 0

TOTAL MODIFICATIONS 47

912 courses certified as of 12/21/88
162 presenters certified as of 12/21/88

COMMISSION AGENDA ITEM REPORT

Agenda Item Title San Jose Unified School District		Meeting Date January 19, 1989
Bureau Compliance and Certificate Services	Reviewed By Darrell L. Stewart	Researched By Bud Perry
Executive Director Approval <i>Manuel C. Beckman</i>	Date of Approval 11/18/88	Date of Report
Purpose: <input type="checkbox"/> Decision Requested <input checked="" 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.

ISSUE

The San Jose Unified School District Police Department has requested entry into the POST Regular Program.

BACKGROUND

Under the provisions of Penal Code Sections 831.31c and 13507 (e), the District Police Department is willing to participate in the POST Regular Reimbursement Program. The district passed a proper resolution on August 7, 1986, agreeing to adhere to POST objectives and regulations.

ANALYSIS

The department presently employs ten sworn members. Adequate selection standards and background investigations have been employed. The projected fiscal impact should be approximately \$5,000 annually.

RECOMMENDATION

The Commission be advised that the San Jose Unified School District Police Department has been admitted into the POST reimbursement program, consistent with Commission policy.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Sonoma County Junior College District Police Department		Meeting Date January 19, 1988
Bureau Compliance and Certificate Services	Reviewed By Darrell L. Stewart <i>DL</i>	Researched By Tom Farnsworth <i>TF</i>
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 12-13-88	Date of Report December 12, 1988
Purpose: <input type="checkbox"/> Decision Requested <input checked="" 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.

ISSUE

The Sonoma County Junior College Police Department has requested entry into the POST Regular Program.

BACKGROUND

The provisions of Section 830.31(c) Penal Code, permits a community college to create a police department. Section 13507(e) Penal Code places such a department into the Regular Reimbursement Program. The college Board of Trustees has passed a proper resolution supporting POST objectives and regulations.

ANALYSIS

The department presently employes three sworn officers. An inspection, by POST staff, reveals that adequate background investigations have been conducted and the department is complying with the POST selection standards. The projected financial impact should be less than \$1000 annually.

RECOMMENDATION

The Commission be advised the Sonoma (Santa Rosa) County Junior College District has been admitted into the POST reimbursement program, consistent with Commission policy.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Pasadena Unified School District		Meeting Date January 19, 1989
Bureau Compliance and Certificate Services	Reviewed By	Researched By George Fox
Executive Director Approval <i>Moumar C. Boehm</i>	Date of Approval 11/13/88	Date of Report November 3, 1988
Purpose: <input type="checkbox"/> Decision Requested <input checked="" 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.

ISSUE

The Pasadena Unified School District has requested that its Police Department be included in the POST program.

BACKGROUND

The department has peace officer authority per Section 830.4 Penal Code. The Board of Education passed Resolution No. 1038 on December 8, 1987, supporting POST objectives and Regulations.

ANALYSIS

The department currently employs one sworn officer. The fiscal impact should be less than \$1,000 per year.

RECOMMENDATION

The Commission be advised that the Pasadena Unified School District Police Department has been admitted into the POST reimbursement program, consistent with Commission policy.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Los Angeles County Medical Examiner and Coroner		Meeting Date January 19, 1989
Bureau Compliance and Certificate Services	Reviewed By	Researched By George Fox
Executive Director Approval <i>[Signature]</i>	Date of Approval 11-17-88	Date of Report
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 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

The Los Angeles County Medical Examiner and Coroner has requested that the agency's investigators be included in the POST program.

Background

The agency's sworn investigators are peace officers per Section 830.31(f) of the Penal Code. The required County Ordinance, Number 4099, has been received by POST and the agency's management has expressed support of POST objectives and Regulations.

Analysis

The department is authorized to employ 50 sworn investigators. The fiscal impact is minimal as to agency is not reimbursable.

Recommendation

The Commission be advised that the Los Angeles County Medical Examiner and Coroner's Office has been admitted into the POST Specialized Program consistent with Commission policy.



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

WHEREAS, J. Winston Silva served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) since its inception in 1969; and

WHEREAS, J. Winston Silva effectively represented the California Community College Chancellor's Office; and

WHEREAS, He demonstrated dedication and diligence in his service to the POST Advisory Committee; and

WHEREAS, California law enforcement and POST benefited from his advice relating to law enforcement training; now, therefore, be it

RESOLVED, That the members of the Commission on Peace Officer Standards and Training do hereby posthumously commend J. Winston Silva for his lengthy service and dedication to California law enforcement.

Chairman

Executive Director

January 19, 1989

Date

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Command College Tuition Annual Report		January 19, 1989
Bureau	Reviewed By	Researched By
Center for Executive Development	Ted Morton	Beverley Short
Executive Director Approval	Date of Approval	Date of Report
<i>Thomas C. Boehm</i>	1-3-89	December 23, 1988
Purpose:		Financial Impact:
<input type="checkbox"/> Decision Requested	<input checked="" type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input checked="" type="checkbox"/> No

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

Issue

At the January 1988 meeting, the Commission adopted a Command College tuition for all eligible non-reimbursable agencies of \$3,512. When the tuition was originally approved by the Commission in January, 1987, staff was instructed to report annually.

Background

At the October 1986 meeting, staff was directed to provide information on costs, cost recovery, and related issues. The cost study as figured per student was originally \$3,250. At the January 1988 meeting, the Commission approved an increase to \$3,512 per student for the 2-year program. The costs are broken down to include all areas except staff time, agency salary reimbursement, per diem, and travel.

Analysis

A review of the present Command College costs per student using the same categories as presented to the Commission January 1988 are as follows:

	<u>Per Student</u>
Faculty	\$2,344.00
Site Costs	200.00
Project Review Committee	135.00
Project Advisors	248.00
Project and Homework Grading	290.00
Lead Faculty Meetings	90.00
	<u>\$3,307.00</u>

The \$3,307 total is a decrease of \$205 compared to the fiscal year 88/89 tuition of \$3,512. The decrease occurred because of staff's efforts to reduce project and homework grader and advisor costs. The only non-reimbursable agencies accepted in the assessment center process have been the California Highway Patrol and the Department of Justice. They are the only agencies being charged a tuition.

C

COMMISSION AGENDA ITEM REPORT

Agenda Item Title PUBLIC HEARING- Certificates for Constables		Meeting Date January 19, 1989
Bureau Cert. & Comp. Serv.	Reviewed By	Researched By Darrell Stewart <i>DR</i>
Executive Director Approval <i>Monahan C. Boehm</i>	Date of Approval 12-16-88	Date of Report December 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 amended 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.

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.

This issue and the proposed amendments to Regulations and procedures were presented to the Commission at its November 3, 1988 meeting in Sacramento. After Commission approval to schedule the hearing, staff processed and mailed all required public hearing documents and notices (see Attachment B).

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 generally 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. 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 Basic 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 include 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 include 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 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 rather than the P.C. 832 Course, they attend the same training as marshals.
3. Establish existing Government Code Sections 1029 through 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 examinations.
5. Establish a probation requirement of satisfactory completion of probation that is at least 12 months in length.
6. Award the Specialized Basic Certificate to those who are otherwise qualified and who complete the P.C. 832 Course, and the Regular Basic Certificate to those who are otherwise qualified and 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. As proposed, the revisions will apply the Government Code selection standards and the 12-month probation to all peace officers, not just constables, who are required to acquire a basic certificate under P.C. 832.4, but are not employed by an agency in the program.

Recommendation

Subject to input at the public hearing, adopt the amended Regulation and procedures to permit issuance of Basic Certificates to appointed constables and deputy constables as required in P.C. 832.4.

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.)*

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

AMENDMENT OF COMMISSION REGULATIONS AND PROCEDURES

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested in Sections 13503 and 13506 of the Penal Code to interpret and make specific Section 832.4 of the Penal Code and Sections 1029 thru 1031.5 of the Government Code proposes to adopt, and amend or repeal the Commission Regulations, and incorporate Procedures by reference into 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 Commission on:

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

Notice is also hereby given that any interested person may present oral statements or arguments, relevant to the action proposed, during the public hearing.

INFORMATIVE DIGEST

Penal Code Section 832.4 was amended effective January 1, 1988 and now provides that all P.C. 830.1(a) peace officers (except sheriffs, elected marshals and elected constables) hired after January 1, 1988, must acquire the POST Basic Certificate upon completion of probation but within 24 months of employment to retain their peace officer powers. Prior to the amendment, the statute only applied to deputy sheriffs, city police and police officers of certain districts. POST does not include constables in either the Regular or Specialized Certificate programs, and the Commission has no established selection and training standards for constables. Without these standards, there is no basis on which to issue a basic certificate as required by Penal Code Section 832.4.

The Commission proposes to amend its Regulations to specify the minimum standards upon which a basic certificate will be issued to constables. The proposal before the Commission is to establish the selection standards for constables as those set forth in Government Code Sections 1029-1031.5; establish the training standard as the 40-hour P.C. 832 (Arrest and Firearms) course; and require satisfactory completion of probation that is at least 12 months in length.

As proposed, these changes would have the effect of establishing Government Code Sections 1029 through 1031.5 and the minimum 12-month probation requirement as minimum standards for all peace officers (not just constables) who are required by P.C. 832.4 to acquire a POST basic certificate and who are not

employed by an agency participating in the POST program. By these changes, basic training required of officers so affected by P.C. 832.4 would be as prescribed by the Commission for each particular peace officer class.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on January 2, 1989. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

ADOPTION OF PROPOSED REGULATIONS

After the hearing, and consideration of public comments, the Commission may adopt the proposals substantially as set forth without further notice. If the proposed text is modified prior to adoption and the change is related but not solely grammatical or nonsubstantial in nature, the full text of the resulting regulation will be made available at least 15 days before the date of adoption to all persons who testified or submitted written comments at the public hearing, all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the contact person at the above address. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Statement of Reasons and exact language of the proposed action may be obtained at the hearing or prior to the hearing upon request in writing to the contact person at the above address. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m.).

ESTIMATE OF ECONOMIC IMPACT

The Commission has determined that the proposed changes: (1) will have no effect on housing costs; (2) do not impose any new mandate upon local agencies or school districts; (3) involve no increased nondiscretionary costs of savings to any local agency, school district, state agency, or federal funding to the State; (4) will have no adverse economic impact on small businesses; and (5) involve no significant cost to private persons or entities.

In order to take this action, the Commission has determined that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Commission on Peace Officer Standards and Training

STATEMENT OF REASONS

Effective January 1, 1988, Penal Code 832.4 was revised to require all P.C. 830.1(a) peace officers (except sheriffs, elected marshals and elected constables) hired after that date to acquire the POST Basic Certificates upon completion of probation but in no case later than 24 months of their employment as a condition of retaining peace officer powers after that time. Previously, the statute applied only to deputy sheriffs, city police and police officers of certain districts. Now it also applies to appointed constables and deputy constables, appointed marshals and deputy marshals, and district attorney investigators.

Constables do not currently participate in the POST Regular or Specialized programs. The Commission has no established minimum selection and training standards for constables upon which to determine issuance of a basic certificate as required by P.C. 832.4. The Commission has previously adopted standards for the other peace officers categories still included in P.C. 832.4

Commission Procedure F-1, paragraph 2-c, currently permits issuance of a basic certificate to a peace officer of an agency which does not participate in the POST program if the peace officer is required by P.C. 832.4 to acquire a basic certificate. This provision has the effect of requiring that such peace officers have met all requirements specified in POST regulations for officers whose agencies do participate in the POST Program.

It is proposed that Procedure F-1-2(c) be amended to specify:

1. The selection standards which must be met by officers whose agencies do not participate in the POST Program shall be those standards imposed by existing law (Government Code Sections 1029 through 1031.5).

This amendment will establish a selection standards basis for certificate award pursuant to P.C. 832.4 for constables as well as all other peace officers enumerated in P.C. 832.4 whose agencies do not participate in the POST Program. Establishing the Government Code requirements as the standard serves to avoid imposing additional requirements contained in POST regulations, the costs of which would have to be borne by agencies that do not participate in the POST reimbursement program.

2. The basic training standard which must be satisfied is as specified by the Commission. This provision allows the Commission to set a training requirement based upon differing needs which may exist for differing peace officer classifications.
3. The probation requirement is satisfactory completion of probation that is at least 12 months in length. When a jurisdiction has established by ordinance, charter, or memorandum of understanding a

CONTACT PERSON

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probationary period of less than 12 months, the Executive Director shall grant a waiver of the 12-month requirement until a probation period of this length can be established.

These requirements are consistent with the provisions of P.C. 832.4(b) which is the basis for this action.

4. Specialized Basic Certificates will be awarded to those who otherwise are qualified and complete basic training other than the regular Basic Course; and that regular Basic Certificates will be awarded to those who otherwise are qualified and complete the regular Basic Course. This provision is necessary to maintain consistency with similar provisions for certificate awards for officers in participating agencies.

The Commission additionally proposes to amend Regulation 1005(a) (b) to specify that constables shall complete the course of training required by P.C. Section 832. This is necessary to provide for that training which satisfies a requirement for basic certificate award. That course is specified rather than some other course because of its uniform applicability and because of a desire not to impose a more costly requirement that might be bourn by agencies not participating in the reimbursement program.

Attachment C

Proposed Changes in Commission Regulation 1005

1005 (a) (5)

Every appointed constable or deputy constable, regularly employed and paid as such, of a judicial district shall complete the training requirements of the Penal Code 832 (Arrest and Firearms) Course.

Note: renumber current (5) and (6) to (6) and (7)

Proposed Changes in Commission Procedure F-1

1-2-c

Notwithstanding the provisions of subsections a and b, full-time, paid peace officer employees of cities, counties and districts authorized by statute to maintain police departments are eligible for award of a basic certificate if they are required by Penal Code Section 832.4 to ~~attain~~ obtain 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 ~~all other conditions for basic certificate award expressed elsewhere in law and the PAM~~ the applicable 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 officer's classification; probation/service requirements shall be consistent with the requirements for all officers in Commission Procedure F-1-5.

Regular Basic Certificates will be awarded to officers qualifying pursuant to this section who complete the Regular Basic Course referred to in Regulation 1005 a(1). Specialized Basic Certificates will be awarded to a qualifying officers who complete basic training referred to in Regulation 1005 (a)(2) thru (6).



COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Hearing: POST Program for Approval of Field Training Programs		Meeting Date January 19, 1989
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow <i>HS</i>
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 12-23-88	Date of Report December 14, 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.

ISSUE

A public hearing to consider changes to the POST voluntary program for approving law enforcement agency field training programs, including: 1) discontinuing pre-academy program approval; 2) adding separate during- and after-academy program approval; 3) modifying and adding some requirements for approval; and 4) making several technical changes and additions to Commission Regulation 1005 (a) and (j) and Procedure D-13.

BACKGROUND

The Commission first established a program of approving law enforcement agency field training programs in October 1974 after Penal Code Section 832.3 was enacted. This law required specified regular officers to complete the Basic Course except that they may exercise peace officer powers prior to completing the Basic Course provided they are participating in a supervised field training program approved by POST. Based upon this law, POST established a voluntary program of approving field training programs occurring for up to 90 days prior to a Basic Course. It was common practice at that time for agencies to employ officers for a short period prior to the starting dates of academies and assign them to various peace officer duties. Since then, POST has approved over 246 agency field training programs.

Inasmuch as Penal Code Section 832 now requires officers to complete an introductory course of training prior to exercising peace officer powers, it is not practical for law enforcement agencies to send officers to the PC 832 Course prior to field training. Such courses would be redundant with curriculum of the Basic Course. This change combined with increased concerns for agency liability has resulted in virtually all agencies discontinuing pre-academy field training and simply having the hiring date of new officers coincide with the starting dates of Basic Courses or assigning them to non-peace officer duties prior to a Basic Course.

The need to revise the basis upon which POST approves field training programs has been promoted primarily because of the discontinued use of pre-academy field training. However, other factors have contributed to the need for changes including requests for POST to approve after-academy field training programs and to update some of POST's requirements for approval.

ANALYSIS

The need to discontinue POST approval of pre-academy field training programs is evident by the lack of any known agencies using such programs. It could also be asserted that pre-academy field training programs pose some degree of agency or POST liability because of the minimal formalized training required of officers prior to this field training.

Assuming Regulation 1005 and Procedure D-13 are modified to discontinue authorizing approval of pre-academy programs, there remains a statutory basis for regulations concerning POST approval of field training including: a) Penal Code Section 832.3 providing for peace officer powers based upon POST approval of field training programs, and b) Penal Code Section 832.6 requiring reserve officers to participate in POST-approved field training. Therefore, there is a need for POST to formally articulate the requirements for this field training.

During-Academy Field Training

Only one or two academies currently schedule breaks during basic courses for officers to experience field training. Because these voluntary programs are considered a valuable learning experience, mid-course field training programs should continue to be approved by POST. It is proposed this be continued on the basis of POST approval of an academy's voluntary request for a POST-approved field training program that minimally requires trainees to: 1) have completed the training requirement of Penal Code Section 832 prior to field training, 2) be under supervision of a field training officer possessing a POST Basic Certificate and who has completed the POST Field Training Officer Course, and 3) participate in structured learning experience as specified in the POST Model Field Training Guide or its equivalent approved by POST. See Attachment A for proposed changes to Regulation 1005(a).

After-Academy Field Training

A new voluntary service of approving law enforcement agencies for their after-academy field training programs is highly desirable. There appears to be widespread interest on the part of local agencies in POST approval on a voluntary basis of their after-academy programs. Most law enforcement agencies have such programs because they are generally considered an essential element in the development and evaluation of officers. Field training that follows academy training is considered the most valuable because of the prerequisite knowledge and skills learned in the academy. As indicated in the 1986 POST Field Needs Survey, law enforcement agencies overwhelmingly (84%) support POST's establishing guidelines or requirements for these programs. There is considerable potential for improving the competence of officers with field training programs that voluntarily meet some minimum standards.

The maintenance of a voluntary program for approval of after-academy field training programs, also provides a means for responding to requirements of Penal Code Section 832.6(2). This law requires POST to approve a program for ride-along (Level II) reserve officers. Additionally, Level I reserve officers are required to complete a field training program in order to qualify for certificates. Accordingly, it is proposed Regulation Section 1005(j), Approval of Field Training Programs (Optional), be adopted and Procedure D-13 be modified to focus solely on POST approval of after-academy field training programs. See Attachment A for proposed language.

Proposed requirements for approval under this program would remain the same as they currently exist except for the following:

1. The program would be broadened to include all agencies and peace officers participating in the POST Regular and Specialized Certificate Programs. It is expected that law enforcement agencies participating in the POST Specialized Certificate Program could benefit from field training program approval.
2. Field training officers would, in addition to possessing the POST Basic Certificate, have to complete the 40-hour POST Field Training Officer Course prior to assignment. Currently, POST has no specific training requirement for field training officers (FTO's). The training and selection of FTO's is considered an essential element of any quality field training program.
3. The program must be based upon structured learning content as specified in the POST Model Field Training Guide or its equivalent approved by POST. In order for field training to be most effective, there must be structured learning content so that trainees progress from simple to more complex tasks and that the training is comprehensive.
4. Trainees would be required to be evaluated on at least a weekly basis instead of daily and evaluations reviewed with the trainee. Trainee evaluations on a weekly basis are more in line with contemporary practices. In some cases, daily evaluations have led to an over emphasis on evaluation to the detriment of training.
5. The program emphasis must be on both training and evaluation, which also is consistent with contemporary thinking about the nature and purpose of field training.
6. Appropriate documentation of trainee progress (usually in the form of a training guide) must be maintained. Maintenance of appropriate documentation can be a critical factor for agencies maintaining program accountability and defending against negligent training liability claims.

See Attachment A for proposed language changes to Procedure D-13.

There should be no fiscal impact upon law enforcement agencies because most already have field training programs, and the voluntary nature of these programs should alleviate any such concerns. Approval of individual field training programs will require an additional temporary staff workload but can be accommodated with existing staff. See Attachment A for Notice of Public Hearing.

RECOMMENDATION

Subject to input from the public hearing, the appropriate MOTION would be to adopt changes to the POST voluntary program for approving law enforcement

agency field training programs, including: 1) discontinuing pre-academy programs approval, 2) adding separate during- and after-academy program approval, 3) modifying and adding some requirements for approval, and 4) making several technical changes and additions to Commission Regulation 1005 (a) and (j) and Procedure D-13.

Attachments

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

POST APPROVAL OF FIELD TRAINING PROGRAMS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 and 13506 of the Penal Code to interpret, implement, and make specific Sections 832.3, 832.6, 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

Notice is also hereby given that any interested person may present oral statements or arguments, relevant to the action proposed, during the public hearing.

INFORMATIVE DIGEST

Commission Procedure D-13, Field Training Program, currently specifies POST requirements for approval of law enforcement agency field training programs which occur prior to a peace officer completing a POST-certified basic Course. Procedure D-13 is incorporated by reference in Commission Regulation 1005(a) related to Basic Training (required). Proposed changes include: (1) discontinuing pre-academy field training program approval; (2) adding separate during- and after-academy field training program approval; and (3) revising some of the requirements for approval. Agency participation in this program is voluntary.

These proposed changes are designed to reflect the needs of law enforcement. The Commission first approved law enforcement field training programs in October 1974, after enactment of Penal Code Section 832.3. This law required specified officers to complete the Basic Course before exercising peace officer powers. The law did allow an officer to exercise peace officer powers before completing the Basic Course while the officer participated in a supervised field training program approved by POST. POST, on request, began approving field training programs with a duration of no more than 90 days from date of hire and before an officer's beginning basic training.

Most agencies have discontinued pre-academy field training and simply hire new officers consistent with the starting dates of basic courses. Other agencies assign prospective peace officers to non-peace officer duties pending the start of an academy.

Statutory provisions obliged POST to approve during- and after-field training programs. PC 832.3 provides for peace officer powers based upon POST approval of field training programs, and PC 832.6 requires specified reserve peace officers to participate in POST-approved field training. There are at least two academies that schedule breaks in their basic training programs to allow trainees to participate in field training prior to completing basic training. There also is widespread interest by local law enforcement agencies in having the option of obtaining formal approval by POST of their after-academy field training programs.

To implement these changes, it is proposed that Commission Regulation 1005(a) be amended to authorize POST to approve during-academy field training and establish requirements for academies to make application and for trainees to: (1) have completed the training requirements of Penal Code Section 832 prior to assignment to field training; (2) participate in a structured learning experience as specified in the POST Model Field Training Guide or its equivalent approved by POST; and (3) be under the direct supervision of a peace officer who has been awarded a POST basic certificate and has completed a POST-certified field training officer course.

To implement the after-academy field training approval by POST, it is proposed Commission Regulation 1005(j), After-Academy Field Training Program Approval, be added which will incorporate by reference revised Procedure D-13, Approval of After-Academy Field Training Programs. In addition to the existing requirements for approval, proposed revisions applicable to after-academy field training programs include: (1) agencies eligible to participate in the program would be expanded to include all those in the POST Regular and Specialized Law Enforcement Certificate Programs; (2) adding the training requirement for field training officers, that they must complete the 40-hour POST-certified Field Training Officer Course prior to assignment; (3) requiring field training programs to be based upon structured learning content as specified in the POST Model Field Training Guide or its equivalent approved by POST; (4) requiring trainees to be evaluated on at least a weekly basis instead of daily; (5) requiring field training programs to give emphasis to both training and evaluation; and (6) requiring appropriate documentation of trainee progress (usually in the form of a training guide).

The after-academy Field Training Program described in Procedure D-13 would continue to serve as the field training program required for reserve peace officers; that field training is specified in PAM Procedure H-3(9).

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on January 2, 1989. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

ADOPTION OF PROPOSED REGULATIONS

After the hearing, and consideration of public comments, the Commission may adopt the proposals substantially as set forth without further notice. If the proposed text is modified prior to adoption and the change is related but not solely grammatical or nonsubstantial in nature, the full text of the resulting regulation will be made available at least 15 days before the date of adoption to all persons who testified or submitted written comments at the public hearing, all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. 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 text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Statement of Reasons and exact language of the proposed action may be obtained at the hearing or prior to the hearing upon request in writing to the contact person at the above address. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m.).

ESTIMATE OF ECONOMIC IMPACT

The Commission has determined that the proposed changes: (1) will have no effect on housing costs; (2) do not impose any new mandate upon local agencies or school districts; (3) involve no increased nondiscretionary costs of savings to any local agency, school district, state agency, or federal funding to the State; (4) will have no adverse economic impact on small businesses; and (5) involve no significant cost to private persons or entities.

In order to take this action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Georgia Pinola, Staff Services Analyst, at the above-listed address, or by telephone at (916) 739-5400.

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Commission on Peace Officer Standards and Training

PUBLIC HEARING: POST APPROVAL OF FIELD TRAINING PROGRAMS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on January 19, 1989, for the purpose of receiving comments on proposed changes to Commission Regulation 1005(a) and Procedure D-13 which would: (1) discontinue pre-academy field training program approval; (2) add separate during- and after-academy field training program approval; and (3) revise some of the requirements for approval. Agency participation in this program is voluntary.

Discontinue Pre-Academy Field Training Approval

The Commission first approved law enforcement field training programs in October 1974 after the enactment of Penal Code Section 832.3. This law required specified peace officers to complete the Basic Course before exercising peace officer powers, except while the peace officer participated in a supervised field training program approved by POST. POST, on request, began approving field training programs which occurred no more than 90 days before a peace officer's entry into an academy. A widespread hiring practice was to assign newly hired peace officers to pre-academy field training programs pending enrollment in an academy program. Over the years, this practice has changed, with the pre-academy field training program being no longer utilized and therefore unnecessary.

During-Academy Field Training Approval

PC 832.3 continues to provide for peace officer powers based upon POST approval of field training programs. There are academies that schedule breaks in their basic training programs to allow trainees to participate in field training prior to completing basic training. POST proposes to support these practices with specific enabling regulations, which would provide for approval of during-academy field training, consistent with provisions of PC 832.3.

After-Academy Field Training Approval

There appears to be widespread interest by local law enforcement agencies of having the option of obtaining approval by POST of their after-academy field training programs. Such programs are considered an essential part of the development and evaluation of newly hired/trained peace officers.

Additionally, provisions for approval of after-academy field training provides a basis for agencies to comply with PC 832.6 which requires field training for specified reserve peace officers.

Requirements for During-Academy Field Training Program Approval

Proposed requirements for approval of individual during-academy field training programs include that trainees: (1) have completed the training requirements of Penal Code Section 832 prior to assignment to field training; (2) participate in a structured learning experience as specified in the POST Model Field Training Guide or its equivalent approved by POST; and (3) are under the direct supervision of a peace officer awarded a POST Basic Certificate and who has completed a POST-certified Field Training Officer Course. The purpose for these minimal requirements is to ensure consistency with existing law and accepted practices for operating effective field training programs. The above certificate and training requirement for field training officers help ensure competency of trainers. The structured learning experience requirement ensures that there is objective training content presented in a logical sequence.

Requirements for After-Academy Field Training Approval

The program would be broadened to include all agencies and peace officers participating in the POST Regular and Specialized Law Enforcement Certificate Programs. It is expected that law enforcement agencies participating in the POST Specialized Law Enforcement Certificate Program could benefit from field training program approval.

Proposed requirements for after-academy field training program approval include the following:

1. Field training officers must have been awarded a POST Basic Certificate, and must complete the 40-hour POST Field Training Officer Course prior to assignment. Currently, POST has no specific training requirement for field training officers (FTO's). The training and selection of FTO's is considered an essential element of any well operated field training program.
2. The program must be based upon structured learning content as specified in the POST Model Field Training Guide or its equivalent approved by POST. In order for field training to be most effective, there must be structured learning content so that trainees progress from simple to more complex tasks and that the training is comprehensive.
3. Trainees must be evaluated on at least a weekly basis instead of daily, and evaluations reviewed with the trainee. Trainee evaluations on a weekly basis are consistent with contemporary practices. Daily evaluations can lead to over emphasis on evaluation to the detriment of training.
4. The program emphasis must be on both training and evaluation, which also is consistent with contemporary thinking about the nature and purpose of field training.
5. Appropriate documentation for trainee progress (usually in the form of a training guide) must be maintained. Maintenance of appropriate documentation can be a critical factor for agencies maintaining program accountability and defending against negligent training liability claims.

Specifically, the Commission proposes to:

- o Eliminate pre-academy approval of law enforcement agency field training programs.
- o Institute during- and after-academy approval of law enforcement agency field training programs.
- o Modify and add some requirements for field training program approval.
- o Make several technical changes and additions to Commission Regulation 1005(a) and (j) and Procedure D-13.

REGULATIONS

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 Basic Course before being assigned duties which include the exercise of peace officer power.

Requirements for the 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.~~

A basic course peace officer trainee is authorized to exercise peace officer powers while engaged in a field training program

conducted as an approved segment of a POST-certified basic course when the director of the basic training academy has received written approval from POST for a basic course field training program. Requirements for approval of a basic course field training program are:

(A) The trainee has completed the training requirements of Penal Code Section 832.

(B) The trainee is a participant in a structured learning activity under the direction of the basic training academy staff.

(C) The trainee is, during field training, under the direct supervision of a peace officer who has been awarded a POST basic certificate and who has completed a POST-certified field training officer course.

(D) The basic training director has secured the written commitment of the trainee's agency head to provide the trainee with the structured field training experience, as required by the director of the basic training academy, using a qualified field training officer as described in sub-paragraph C.

(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 these partici-~~
~~parting-in-a-POST-approved-field-training-program,~~ shall be re -
quired to satisfactorily meet the training requirements of the
District Attorney Investigators Basic Course, PAM Section D-1-4.
The standard may also shall be ~~satisfactorily met~~ satisfied 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, except while participating in a POST-approved field
training program as described in sub-paragraph 1. 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.

- (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 these 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, except while participating in a POST-
approved field training program as described in sub-paragraph 1.
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 appointed constable or deputy constable, regularly employed and paid as such, of a judicial district shall complete the training requirements of the Penal Code 832 (Arrest and Firearms) Course.
- (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.

(7) ~~(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) through (i)

(j) After-Academy Field Training Program Approval (Optional)

(1) POST approval of optional field training programs is directed at peace officers who have completed basic training described in Section 1005(a) or Procedure H-3 (Reserve Officers).

(2) Requirements for Approval of Field Training Programs are set forth in PAM, Section D-13.

APPROVAL OF FIELD TRAINING PROGRAMS

Purpose

13-1. Requirements-for-Approval-of-Field-Training-Program Purpose: This Commission procedure implements requirements for the POST-approval of field training programs established by law enforcement agencies pursuant to Section 1005(j), Approval of Field Training Programs (optional) and provides general guidelines for field training of specified reserve peace officers pursuant to Section 832.6 of the Penal Code. ~~the-Minimum-Standards-for-Training established-in-Section-1005(a)-of-the-Regulations-for-the-Field-Training Program---This-Commission-Procedure-also-specifies-the-design-of-a-field training-program-which-satisfies-the-provision-of-Penal-Code-Section-832.3~~ This field training is designed for peace officers who have completed basic training described in Regulation 1005(a) or Procedure H-3. POST recognizes the importance of such training, encourages the establishment of these training programs, and promotes the voluntary adoption of the described minimum requirements.

Specific-Requirements

13-2. Application-for-Approval---A-department-which-desires-to-grant-peace officer-powers-to-a-trainee-prior-to-the-trainee's-completion-of-a-certified

~~Basic-Course-must-apply-to-POST-for-approval-of-the-department's-field
training-plan-outlining-the-content-of-the-plan.~~

13-2. General Program Description: This program is based upon a law enforcement agency voluntarily requesting POST approval of its field training program as described in a field training plan and the attached application form. The agency must initially and continuously adhere to the established minimum requirements.

Field Training plans approved by POST under this program are restricted to supervised field training provided to peace officers regardless of assignment or status (regular or reserve) after they have completed the applicable basic training course. This field training does not extend to persons serving in ride-along, observer capacities.

A field training plan and application need be submitted only one time, and if not modified, once approved by POST, will remain in full force.

~~A-plan-is-not-required-to-be-submitted-and-approved-unless-the-agency-grants
peace-officer-powers-to-a-trainee-prior-to-the-trainee's-completion-of-a
certified-Basic-Course.~~

13-3. Field-Training-Plan-Content -- The field-training-plan shall contain the following:

- a. Description-of-the-selection-process-for-field-training officers.
- b. Description-of-the-specialized-training-provided-or-proposed-to enable-the-field-training-officers-to-properly-perform-this role.
- c. Description-of-the-evaluation-process-for-field-training officers-and-trainees,-including-formal-performance-check-sheets or-field-training-guides.

13-3. Specific Approval Requirements:

- a. A trainee must have satisfied the basic training requirements specified in Regulation 1005(a) or 1007(b)(1) and (2).
- b. A field training officer must have: (1) been awarded a POST Basic Certificate; (2) completed the POST-certified Field Training Officer Course; and (3) been selected based upon a supervisor's nomination.
- c. Trainees must be supervised depending upon their assignment:
 - (1) A trainee assigned to general law enforcement duties must

be under the direct and immediate supervision (physical presence) of a qualified "field training officer."

(2) A trainee assigned to non-peace officer, specialized functions (i.e., complaint/dispatcher, records, jail) does not require the immediate presence of a field training officer. Such trainees shall be considered engaged in an "approved field training program" while under normal supervision in the agency.

d. The field training plan must be based upon structured learning content as specified in the POST Model Field Training Guide or its equivalent approved by POST.

e. Each field training officer shall be evaluated by the trainee and supervisor.

f. Each trainee shall be evaluated on at least a weekly basis with written summaries of performance prepared and reviewed with the trainee. For a reserve trainee, evaluations shall be conducted on at least every third month basis.

g. The field training plan's emphasis must be on both training and evaluation of trainees.

h. Appropriate documentation of trainee performance (usually in the form of a training guide) must be maintained.

13-4. Trainees-Assigned-General-Law-Enforcement-Duties -- Newly-employed, sworn-personnel-assigned-to-general-law-enforcement-duties-must-have-completed PG-832-training-and-be-under-direct-and-immediate-supervision-(physical presence)-of-a-qualified-"field-training-officer."

13-5. Trainees-Assigned-Specialized-Functions -- Trainees-assigned-to, non-peace-officer, specialized-functions-(i.e., complaint/dispatcher, records, jail)-do-not-require-the-immediate-presence-of-a-field-training-officer.-- Such trainees-shall-be-considered-engaged-in-an-"approved-field-training-program" while-under-normal-supervision-in-the-agency.

13-6. Field-Training-Officers -- Designated-field-training-officers-shall-be carefully-screened-and-selected.-- Selection-standards-shall-include:

a. Possession-of-a-POST-Basic-Certificate.

b. Supervisors'-nominations-based-upon-the-officer's:

(1) Past-and-present-performance.

(2) Skill-in-interpersonal-relationships.

(3) Knowledge-of-training-responsibilities.

(4) Knowledge-of-teaching-techniques.

(5) Comprehension-of-coach-pupil-check-sheet-or-field-training guide.

13-7. Evaluation-of-Field-Training-Officers -- Field-training-officers-shall be-periodically-evaluated-by-trainees-and-supervisors.

~~13-8. --Evaluation of Trainees.-- Trainees shall be evaluated daily.-- Weekly summaries of progress or lack thereof shall also be prepared.~~

13-9 13-4. Department Agency Head Signature Required: Signature of the department agency head is required attesting to continued adherence to the field training plan which is submitted for approval. A ~~(R~~request for approval for changes in a previously approved plan may be submitted to POST at any time by in written writing request.)

Application Procedures

13-10 13-5. Application Procedures for POST Approval of a Field Training Plan:

- a. Evaluate ~~year~~ the agency's present (formal and or informal) field training plan or develop a proposed field training plan.
~~(Compare present policies and practices with POST standards for an Approved Field Training Program.)~~

- b. Institute Make changes or develop internal policies, if needed, to comply with POST minimum standards for an Approved Field Training Program.
- c. Confer with the POST Training Delivery Services Bureau area consultant if assistance is needed in designing and establishing a field training plan.
- d. Submit to POST an Application for POST Approved Field Training Program, POST form 2-229 (1/80), describing your the agency's field training plan. Application forms are available from POST.
- e. Submit supporting documentation (i.e., Field Training Guides, Policies and Procedures, or Evaluation Forms) with the application.
- f. Submit The application along with supporting materials will to be evaluated by POST for conformity with the minimum standards for approved approval of field training programs plans. Prompt Written notification of approval or other disposition will be forwarded to each the applying agency.

DEFINITIONS

1-2. a. thru d.

e. "Field training program approved by POST" means a formalized on-the-job training program with instruction presented by experienced officers who are deemed qualified to instruct by the department head. The program shall ~~should~~ be consistent with guidelines developed by POST for such programs in Commission Procedure D-13. (Applies only to Level II reserve officers.)

f. through i.

Historical Note:

Section H-I adopted and incorporated by reference into Commission Regulation 1007 on July 15, 1982, and amended on * .

*This date is to be filled in by OAL.

RESERVE OFFICER TRAINING

3-2. a.

- b. Each person prior to exercise of duties as a Level II reserve peace officer shall satisfactorily complete Module A Reserve Peace Officer Training Course (Penal Code Section 832 and Communications and Arrest Methods Course), and a POST-certified Module B Reserve Peace Officer Training Course. In addition, a Level II reserve peace officer must be continuously engaged in a field training program approved by POST, pursuant to Commission Procedure D-13 unless the reserve peace officer was appointed prior to January 1, 1979 and exempted by his or her department head from the provisions of Penal Code Section 832.6 (See PAM, Section H-3-3).
- c. Each person prior to exercise of duties as a "non-designated" Level I reserve peace officer (See PAM, Section H-1-2a) shall:
- (1) satisfactorily complete a POST-certified Reserve Peace Officer Training Course(s) consisting of at least 214 hours, (which includes Modules A, B, and C) and shall satisfactorily complete 200 hours of structured field training approved by POST pursuant to Commission Procedure D-13; OR (2) satisfactorily meet the training requirements of the POST-certified Basic Course for regular officers, as prescribed in PAM, Section D-1.

Between January 1, 1981 and January 1, 1984, the minimum 200 hours of non-designated Level I Reserve Peace Officer Training may also be fulfilled by satisfactory completion of any POST-certified reserve training course(s) of 200 or more hours and 200 hours of structured field training, provided the reserve peace officer's department head attests that all requirements of Modules A, B, and C have been met. (During this period, completion of less than 200 hours of POST-certified Reserve Peace Officer Training, that includes Modules A and B, shall in addition require completion of a POST-certified Module C Course to meet the minimum training standard for non-designated Level I reserves.)

3-2d. through 3-7.

3-8. Field Training: Field training is required for non-designated Level I reserve officers and Level II reserve officers, except when the reserve has been determined to be: (1) an exempt reserve as provided for in Penal Code Section 832.6(b), Stats. C. 987, effective January 1, 1979; (2) or has satisfactorily completed the training requirements of the regular Basic Course; (3) or possesses a regular POST Basic Certificate.

a. Persons prior to exercising duties as Non-designated Level I reserve officers, who have not satisfactorily completed the training requirements of the Basic Course (PAM, Section D-1), shall complete 200 hours of structured field training, in addition to the required classroom training, ~~prior to their assignment as Level I reserves.~~ The field training shall be

provided by the reserves' respective departments and designed on the concepts and appropriate subject matter included in the "POST Field Training Guide." Specific approval of the field training program is not required by POST.

3-8b. through 3-11.

Historical Note:

Section H-3 adopted and incorporated by reference into Commission Regulation 1007 on July 15, 1982, and amended on _____ *

*This date is to be filled in by OAL.

PAM-H-3.OAL

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Increase Length of Basic Course and Course Modifications Relating to Administration and Success Criteria		Meeting Date January 19, 1988
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval <i>William C. Boehm</i>	Date of Approval 12-23-88	Date of Report December 14, 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.

ISSUE

Should the Commission approve a public hearing to consider changes to Commission Procedure D-1 (Basic Training), including: 1) increasing the length of the District Attorney Investigators, Marshals, and Regular Basic Courses by 40 hours each, 2) establishing standardized testing methodology for these Basic Course performance objectives including requiring an additional 24 hours of Practical Exercise/Scenario Testing as part of the above 40 hours, 3) requiring that a 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, and 4) making various technical changes to Procedure D-1 and Regulation 1013.

BACKGROUND

POST's minimum 520-hour requirement for the Basic Course was last updated in July 1985 when the Commission increased the hours from 400 based upon curriculum additions and hours allocated by academies at the time. Since July 1985, there have been significant curriculum additions which have caused academies to increase their hours. The minimum hours for the District Attorney Investigators and Marshals Basic Courses have also not been updated since July 1985. As Commissioners recall, these two courses are not presented as the incumbents attend the Regular Basic Course as a matter of practice.

POST's testing requirements for the Basic Course currently specify a minimum of 35 hours of examinations with no standards for how each performance objective will be tested. This report presents a proposal for standardizing testing methodology which also impacts upon the minimum length of the basic courses.

At the January 1985 meeting, the Commission approved the requirement 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. Due to a technicality, the Office of Administrative Law did not approve this proposal, and it is recommended these provisions be re-approved.

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 1985 survey result. This indicates there has been a 123.4 average increase in actual instruction/testing hours since July 1985. Some of this increase is the result of factors not related to POST's minimum curriculum standards. POST research on curriculum added since 1985 as presented in Attachment A suggests the need to increase minimum hours by 20.

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). In addition, standardized testing can be supported because of its concurrent training value; that is, learning occurs during testing.

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

BULLETIN: 88-

SUBJECT: PUBLIC HEARING - BASIC TRAINING STANDARDS

A public hearing has been scheduled in conjunction with the April 20, 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) formalize existing requirements for physical conditioning and ability testing, and 4) various technical changes related to the Basic Course and the structure of Procedure D-1. The proposed changes would become effective July 1, 1989.

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. 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 changes to Procedure D-1 include: 1) add clarifying language that successful completion of basic training requires completing an entire course at a single academy except for POST authorized contractual agreements between academies, 2) requiring the Law Enforcement Code of Ethics to be administered to peace officer trainees, and 3) various technical changes.

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

NORMAN C. BOEHM
Executive Director

Attachment

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	18.25 (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)		580	[+40]
LOCALLY DETERMINED SUBJECTS		92		61.4			

() = Testing Hours

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

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 related changes to Procedure D-1 and Regulation 1013 as described.

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 requirements 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 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 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.

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 fiscal year and to allow academies sufficient time for implementation. Attachment E provides a draft Notice of Public Hearing and suggested language changes to Commission Procedure D-1.

Fiscal Impact

Should the minimum hours be increased following public hearing and if the Commission increase reimbursement accordingly, the fiscal impact for travel and per diem would be \$230,000. The impact of salary reimbursement would depend upon percentage rate. The Commission sets the beginning salary reimbursement rate for the Basic Course at its July meeting for each fiscal year. The rate is a function of available resources and estimated trainees within the framework of Commission policy.

RECOMMENDATION

Approve scheduling a public hearing for the April 20, 1989 meeting to: a) increase the Regular Basic Course minimum hours from 520 to 560, the District Attorney Investigators Basic Course from 422 to 462, and the Marshals Basic Course from 446 to 486, b) establish standardized testing methodology for Basic Course performance objectives and include 24 hours of Practical Exercise

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 test items. 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	25	4.4
Locally Determined		

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.

Results of Classifying Basic Course
Performance Objectives According
To Minimum Testing Methodology

ATTACHMENT C

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.

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 requires attendance of an entire course at a single academy except where POST has approved a contractual agreement 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, performance 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.~~

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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	52--50 hours
4.0 Laws of Evidence	20 hours
5.0 Communications	32 -30 hours
6.0 Vehicle Operations	24 hours
7.0 Force and Weaponry	54 50 hours
8.0 Patrol Procedures	125 116 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	87 85 hours
<u>Practical Exercise/Scenario/Testing</u>	<u>24</u> <u>hours</u>
Examinations:	31 35 hours
Total Minimum Required Hours	560 520 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	<u>11</u>	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	<u>54</u>	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	<u>11</u>	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

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: April 20, 1989
Time: 10 a.m.
Place: Sacramento Hilton Hotel
Sacramento, 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 April 20, 1989, 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 486. 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).

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) 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

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

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.

Other technical changes proposed for Procedure D-1 include: 1) labeling the basic course described in paragraph 1-3 as the Regular Basic Course to distinguish it from other basic courses, 2) requiring the Law Enforcement Code of Ethics to be administered to all peace officer trainees because of its proximity in time with instruction on ethics, 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, and 4) 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.

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.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Scheduling a Public Hearing to Adopt Curriculum and Testing Requirements for PC 832 Course	Meeting Date January 19, 1989	
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval <i>Houman C. Rehm</i>	Date of Approval 1-4-89	Date of Report December 15, 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 checked="" 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 schedule a public hearing for the April 1989 meeting to consider: (1) approving as regulation a performance objective-based curriculum for the PC 832 Course - Introduction to Law Enforcement, (2) establishing testing requirements and procedures pursuant to Senate Bill 138, and (3) converting all past approved curriculum for legislatively mandated training to the status of regulation?

BACKGROUND

Penal Code Section 832 requires peace officers to complete the Arrest and Firearms (Introduction to Law Enforcement) Course approved by POST. The Commission first developed and approved the 40-hour curriculum in 1972 with the latest revision in 1985. The minimum course hours are 40, presented in two parts: a 24-hour Arrest Course and a 16-hour Firearms Course. Peace Officers who do not carry firearms are not required to complete the firearms portion. (The Commission also recommends, but does not mandate, that peace officers who are subject to making arrests complete an additional 16-hour course in Communications and Arrest Methods.) The course outline is expressed in a topical outline with selected Basic Course performance objectives recommended but not required.

In 1987, Senate Bill 138 (Chapter 157) was chaptered into law modifying Penal Code Section 832(a) by specifying that, on or after July 1, 1989, satisfactory completion of the Course shall be demonstrated by passage of an appropriate examination developed or approved by the Commission. See Attachment A. To serve as a basis for test item development, there is need to establish precisely specified course curriculum. Hence, a staff study has been completed recommending the adoption of specific, required performance objectives consistent with the current topical outline for the PC 832 Course. A PC 832 Curriculum Advisory Committee, Attachment B, composed of subject matter experts and organizational representatives was formed to provide input. In addition to proposed revised curriculum, proposed regulation changes to implement the required testing are recommended.

Commission Procedure D-7, Attachment C, describes the minimum curriculum standards for courses required by State law. Over the years these courses have been approved by the Commission as policy, not as regulation subject to public hearing. The Office of Administrative Law has recommended these be included in regulations.

Therefore, the PC 832 curriculum not only should be revised into performance objectives but also adopted as regulation subject to the public hearing process. It also appears timely to propose that other previously approved curriculum standards for legislative training mandates be adopted as regulation. Other mandated training courses described in Procedure D-7, which have not previously been formally adopted as regulations, concern: Aviation Security, Chemical Agents for Peace Officers, Chemical Training for Private Security, State Agency Peace Officers, Sex Crime Investigation, Child Abuse and Neglect, Domestic Violence, Traffic Accident Investigation, Humane Officer Firearms, Missing Persons, and Electronic Surveillance Investigation.

ANALYSIS

Analysis of SB 138 suggests that POST testing should be mandated only for the POST-required PC 832 Course (40 hours), not for the recommended 16-hour Communications and Arrest Techniques Course. Based upon an analysis of previously identified recommended performance objectives for the PC 832 Course and input from the PC 832 Curriculum Advisory Committee, a revised course outline (Attachment D) is proposed for Commission consideration. The course outline recommends adoption of specific Basic Course performance objectives including 85 for the Arrest Course and five for the Firearms Course. It is highly desirable for the required performance objectives identified for PC 832 to be identical to those in the Basic Course so as to assist with future updating of curriculum and test items. As Basic Course objectives and supporting unit guide information are routinely updated, those applicable to the PC 832 Course would also be updated. With the exception of the Performance Objective 7.15.1 relating to firearms qualification, all objectives are identical to those of the Basic Course. It is anticipated that once the proposed, revised curriculum is implemented, PC 832 presenters will be routinely provided updated performance objectives and unit guides along with instructor orientation on performance-based instruction.

Following an analysis of the proposed curriculum it is recommended that mandated course hours remain at 40. Certainly, added hours would be desirable. But, it is believed that minimal proficiency can be attained with these hours of instruction. The primary obligation is to set a minimum requirement. Additionally, increasing the hours would create a probable obligation for the State to reimburse for local costs associated with mandates.

Proposed testing requirements have been developed pursuant to SB 138. As part of a new regulation relating to PC 832 Testing Requirements (Attachment E), it is proposed that persons who receive PC 832 training in any POST-certified course, other than the POST Regular Basic Course, must take and pass a POST-developed or POST-approved examination. In addition to PC 832 Courses, this would thus apply to all reserve courses and the Basic Specialized Investigator Course. A paper/pencil test will be developed for the cognitive or knowledge portions of the Course. For POST testing on the Firearms Course, which is primarily a skill demonstration, a POST-specified course of fire with a specific passing score has been developed. The course of fire, subject to further testing and evaluation, requires trainees to fire 36 rounds and hit a target a specific number of times from distances three to fifteen yards using a variety of combat stances.

Proposed testing procedures, as outlined in Attachment E, require: (a) all examinations be administered as part of and immediately following the conclusion of the required PC 832 instruction, (b) all examinations be scored pass/fail, (c) administration and scoring of the written examination may be delegated to qualified course presenters who have received training in the administration of the examination and who agree to abide by the terms of a formal testing security agreement (the firearms examination is proposed to be administered and scored by the firearms instructor(s) in accordance with specified procedures), and (d) all examination results shall be forwarded to POST within two working days of testing. Various procedures for notification, retesting, and approving alternatives to the POST-developed examination are also described in the proposed new regulation (see Attachment E).

Attachment E provides recommended changes to Commission Regulation 1005(g) referencing a new regulation relating to Standards for Approved Courses. Attachment E also provides the required Notice of Public Hearing and Statement of Reasons. These changes would make POST's curriculum standards, including that proposed for the PC 832 Course, regulatory and subject to the public hearing process. It is proposed a public hearing be set for the April 1989 meeting for the purpose of considering these changes.

RECOMMENDATION

Schedule a public hearing for the April 1989 meeting to: (1) approve as regulation a performance objective-based curriculum for the PC 832 Course, (2) establish testing requirements and procedures pursuant to Senate Bill 138, and (3) convert all past-approved curriculum for legislatively mandated training to the status of regulation.

PROGSERV
12-22-88

Senate Bill No. 138

CHAPTER 157

An act to amend Sections 832, 15000, 15002, and 15004 of the Penal Code, relating to peace officers, and making an appropriation therefor.

[Approved by Governor July 10, 1987. Filed with Secretary of State July 10, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

SB 138, Presley. Peace officers.

(1) Existing law describes those persons who are designated as peace officers. Existing law provides that every person so described shall receive a course of training prescribed by the Commission on Peace Officer Standards and Training.

This bill would require every person described as a peace officer to satisfactorily complete, rather than receive, an introductory course of training prescribed by the commission. The bill also would specify that, on or after July 1, 1989, the satisfactory completion of a course shall be demonstrated by passage of an appropriate examination developed or approved by the commission.

(2) Existing law allows certain peace officers to fulfill the course requirement described in (1) above as part of a prescribed training program.

This bill would include within this provision peace officer members of the California Highway Patrol.

(3) Under existing law, there is in state government a Peace Officers' Memorial Commission with specified membership and duties. Existing law also provides for a Peace Officers' Memorial Account in the General Fund, which is continuously appropriated. Under existing law, both the provisions establishing the commission and the account are to remain in effect only until January 1, 1988, and as of that date are repealed.

This bill would extend the effective date of these provisions one year by postponing the repeal date from January 1, 1988, to January 1, 1989. To the extent that the bill would continue for one year the Peace Officers' Memorial Account, a continuously appropriated fund, the bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 832 of the Penal Code is amended to read:
832. (a) Every person described in this chapter as a peace officer, shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards

and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b) (1) Every such peace officer described in this chapter, within 90 days following the date that he or she was first employed by any employing agency, shall, prior to the exercise of the powers of a peace officer, have satisfactorily completed the course of training as described in subdivision (a).

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a) as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

(d) Any peace officer who on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from this section.

SEC. 2. Section 15000 of the Penal Code is amended to read:

15000. There is in state government the Peace Officers' Memorial Commission, hereinafter referred to as the commission, composed of nine members. Five of the members shall be appointed by the Governor, two shall be appointed by the Speaker of the Assembly, and two shall be appointed by the Senate Committee on Rules. The members of the commission shall elect a chairperson.

Members of the commission shall receive no compensation, but shall receive *per diem* and expenses while engaged in commission activities.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

SEC. 3. Section 15002 of the Penal Code is amended to read:

15002. With respect to the design and construction of the memorial, the commission may do all of the following:

(a) Establish a schedule for the design, construction, and dedication of the memorial.

(b) Implement procedures to solicit designs for the memorial and devise a selection process for the choice of the final design.

(c) Select individuals or organizations to provide *fundraising* services and to construct the memorial.

(d) Review and monitor the design and construction of the memorial and establish a program for the dedication of the memorial.

(e) Report to the Legislature through the Senate Judiciary

Committee biannually on the progress of the memorial.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

SEC. 4. Section 15004 of the Penal Code is amended to read:

15004. (a) The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated from the General Fund to the commission as a loan for purposes of this part. The commission shall reimburse the amount of the appropriation, plus interest at the same rate of interest as that earned by moneys in the Pooled Money Investment Account during the term of the loan, from the first contributions received by the commission under this part.

(b) The Peace Officers' Memorial Account in the General Fund, hereinafter referred to as the account, is hereby established. All funds received by the commission under Sections 15001 and 15002, and subdivision (a) of this section shall be deposited in the account. Notwithstanding Section 13340 of the Government Code, the moneys in the account are hereby appropriated to the commission for purposes of this part without regard to fiscal years.

This section shall remain in effect only until January 1, 1989, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

O

PC 832 CURRICULUM ADVISORY COMMITTEE

Leslie Clark, Director
Sacramento Criminal Justice
Training Center

Ron Kilpatrick, Coordinator
Administration of Justice

Barry Dingen, Coordinator
Rio Hondo College

Gary Lee
Tactics Training Section
Los Angeles Police Academy

Don Farmer
Chief Probation Officer
Monterey County Probation Dept.

James Lombardi
CRPOA
Los Angeles Police Department

Officer Robert I. Gilbert
Academy Training Officer
San Diego Law Enforcement
Training Center

Duane Lowe, Chief
Division of Investigation
Department of Consumer Affairs

Pete Hardy, Coordinator
Santa Rosa Center

Sergeant Bob McCrary
Los Angeles Police Department

Sergeant Mike Johnson
Los Angeles County Sheriff's
Department Academy

Dominick Rivetti
Chief of Police
San Fernando Police Department

Deputy Marcella Jones
Los Angeles County Sheriff's
Department Academy

William Spencer, Lieutenant
Department of Corrections

Sergeant Jeff Kermode
PC 832 Coordinator -
Golden West College

Chief Norwood Williams
Porterville Police Department

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 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.

POST Prescribed
Training Courses

July-1, 1986
July 1, 1989

ARREST AND FIREARMS TRAINING REQUIREMENT - P.C. 832
Course Outline

POST ADMINISTRATIVE MANUAL REFERENCE

Law
Commission Procedure D-7

LEGAL REFERENCE

Penal Code Section 832(a) (added by Statutes 1971) requires every person described in Chapter 4.5, Title 3 of Pt. 2, of the Penal Code as a peace officer to complete a course of training prescribed by the Commission on Peace Officer Standards and Training. P.C. Section 832(b)(1) requires such training to be completed within 90 days following date of employment and prior to the exercise of peace officer powers.

Civil Code Section 607(f) requires humane officers who carry firearms to complete a course of training approved by the Commission. The firearms portion of the P.C. 832 Arrest and Firearms Course was approved by the Commission to satisfy these requirements of the law.

BACKGROUND

The course curriculum was approved by the Commission in 1972 and revised in 1985. The course is certified for 40 hours, presented in two parts--24 hours in laws of arrest and 16 hours in firearms. Peace officers who do not carry firearms are not required to complete the firearms portion. The Commission also recommends, but does not mandate, that peace officers who are subject to making arrests complete an additional 16-hour course in Communication and Arrest Methods. The course curriculum was updated July 1, 1989 to require specific

CERTIFICATION INFORMATION

The P.C. 832 Course is certified to community colleges and law enforcement agencies in blocks of 40 or more hours only. The course, ~~in Learning Goal/ Performance-Objective-format, is also~~ curriculum consists of a topical outline and selected required performance objectives included in the POST-certified Basic Course. Refer to POST publication Performance Objectives for the Basic Course.

TOPICAL OUTLINE*

Arrest Course (24 Hours)
(Required for all peace officers)

A. Professional Orientation (4 Hours)

1. Professionalism (1.2.1)
2. Ethics/Unethical Behavior (1.3.1-2) (1.4.1-4)
3. Administration of Justice Components (1.7.1-2)
4. California Court System (1.9.1-2)
5. Discretionary Decision Making (1.11.1-4)

B. Law (12 Hours)

1. Introduction to Law (3.1.1-3)
2. Crime Elements (3.2.1-3)
3. Intent (3.3.1)
4. Parties to a Crime (3.4.1-2)
5. Defenses (3.5.1-2)
6. Probable Cause (3.6.1-2)
7. Obstruction of Justice (3.8.1-7)
8. Constitutional Rights Law (3.37.1,3,4)
9. Laws of Arrest (3.38.1-9,12-13)
10. Effects of Force (7.1.1-2)
11. Reasonable Force (7.2.1-3)
12. Deadly Force (7.3.1-5)
13. Illegal Force Against Prisoners (11.3.1-2)

C. Laws of Evidence (4 Hours)

1. Concepts of Evidence (4.1.1-5)
2. Rules of Evidence (4.6.1-3)
3. Search Concept (4.7.1-2,4)
4. Seizure Concept (4.8.1-5)

D. Investigation (3 Hours)

1. Preliminary Investigation (10.1.4)
2. ~~Crime-Scene-Notes~~
2. Interrogation (8.8.1)
3. Identification, Collection, and Preservation of Evidence
(10.6.1-3,6-7)
4. Chain of Custody (10.7.1-2)

Examination (1 Hour)

*Note that required performance objectives are included in parenthesis.

Firearms Course (16 Hours)
(Required for peace officers
who carry firearms)

- A. Firearms Safety (7.5.1)
- B. Handgun Familiarization (7.6.1)
- C. B. Firearms Care and Cleaning (7.7.1)
- D. G. Firearms Shooting Principles (7.10.1)
- E. D. Firearms Range (Combat) (7.15.1) *
*Modified for P.C. 832 Course

Communications and Arrest
Methods Course (16 Hours)
(Recommended for peace officers
who make arrests)

- A. Community Relations (2 Hours)
 - 1. Community Service Concept (2.1.1)
 - 2. Community Attitudes and
Influences (2.2.1-4)
- B. Communications (5 Hours)
 - 1. Interpersonal Communication (5.5.1-3)
 - 2. Note Taking (5.2.1-3)
 - 3. Introduction to Report
Writing (5.3.1-3)
 - 4. Interviewing Techniques (10.8.1)
- C. Arrest and Control (8 Hours)
 - 1. Weaponless Defense/Control
Techniques (12.6.1-5) (12.7.2-3,7)
 - 2. Person Search Techniques (8.14.1-4)
 - 3. Restraint Devices (8.19.1-2)
 - 4. Prisoner Transportation (8.20.1-3)

Examination (1 Hour)

Total (56 Hours)

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

PC 832 COURSE CURRICULUM AND TESTING 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 II of the California Administrative Code. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: April 20, 1989
Time: 10 a.m.
Place: Sacramento Hilton Hotel
Sacramento, California

INFORMATIVE DIGEST

Minimum hour and curriculum standards for courses required by state law are currently approved as Commission policy in Procedure D-7-Approved Courses. The course of training specified by Section 832 of the Penal Code provides for 40 hours of instruction and testing including a 24-hour Arrest Course and a 16-hour Firearms Course. Existing POST specifications require a topical outline with recommended selected performance objectives of the Basic Course as more detailed guidance to course presenters. Proposed changes include establishing these course requirements as regulation and making the performance objectives mandatory for the PC 832 Course. Making POST's standards for the Course more specific by mandating specific performance objectives is necessary because of the enactment in 1987 of Senate Bill 138 (Chapter 157) which modified Penal Code Section 832(a) by specifying that, on or after July 1, 1989, satisfactory completion of the Course shall be demonstrated by passage of an appropriate examination developed or approved by POST. To serve as a basis for developing this test, there is need to establish more precisely specified curriculum standards with course hours remaining the same as described above.

To implement Senate Bill 138, there is need to establish a regulation specifying testing requirements and procedures. As part of a new regulation relating to PC 832 Testing Requirements, it is proposed that persons who receive PC 832 training in any POST-certified course, other than the POST Regular Basic Course, must take and pass a POST-developed or POST-approved examination. In addition to PC 832 courses, this would apply to all reserve courses and the Basic Specialized Investigators Course. A

paper/pencil (multiple choice and true/false) test will be developed for the Arrest Course. For POST testing on the Firearms Course, which is primarily skill demonstration, a POST-specified course of fire with a specific passing score has been developed. All examinations are to be scored pass/fail and are to be administered as part of and immediately following the conclusion of the PC 832 instruction. Administration and scoring of the written examination may be delegated to qualified course presenters. Other testing requirements and procedures are identified as part of the proposed new regulation.

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 law enforcement agencies or training presenters. All courses currently meet or exceed existing 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 March 1, 1989.

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: PC 832 COURSE CURRICULUM AND
TESTING STANDARDS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on April 20, 1989, for the purpose of receiving comments on proposed changes to Commission Regulations 1005(g), Procedures D-7, and adoption of new regulations. These proposed changes would: 1) establish as regulation a performance objective-based curriculum for the PC 832 Course - Introduction to Law Enforcement (Arrest and Firearms, 2) establish testing requirements and procedures pursuant to Senate Bill 138 of 1987, and 3) converting all past approved curriculum for legislatively mandated training to the status of regulation.

Performance Objective-Based Curriculum for the PC 832 Course

POST's standards for the PC 832 Course include minimum hours and content in the form of a topical outline with recommended or illustrative performance objectives from the Regular Basic Course. In 1987, Senate Bill 138 (Chapter 157) was chaptered into law modifying Penal Code Section 832(a) by specifying that, on or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the Commission. To develop such a test requires that the course curriculum standards be made specific. Hence, a staff study has been completed recommending the adoption of specific, required performance objectives consistent with the current topical outline for the PC 832 Course. In addition to test development, performance objective-based curriculum will increase standardization of instruction and facilitate the updating process. With the exception of Performance Objective 7.15.1 relating to firearms qualification, all other recommended objectives are identical to those of the Regular Basic Course which are routinely reviewed and updated.

Testing Requirements and Procedures Pursuant to Senate Bill 138

To implement Senate Bill 138, there is need to establish a regulation specifying testing requirements and procedures. As part of a new regulation relating to PC 832 Testing Requirements, it is proposed that persons who receive PC 832 training in any POST-certified course, other than the POST Regular Basic Course, must take and pass a POST-developed or POST-approved examination. In addition to PC 832 courses, this would apply to all reserve courses and the Basic Specialized Investigators Course. Penal Code Section 13503 provides authority to the Commission to extend PC 832 testing to these other courses. The rationale for doing so is based upon the need to ensure uniformity of instruction and student competency, which is the intent behind SB138. A paper/pencil examination to measure the cognitive portion of the

course (Arrest) is recommended because this is the most effective and time efficient method of testing. A specified course of fire with a specific passing score has been developed to test for firearms proficiency. A skill demonstration such as this course of fire is considered the most valid and effective method of testing. All testing is to continue to be administered as part of the course so as not to increase the training hours. Delegation of test administration and scoring under specified conditions is recommended to achieve cost efficiencies in not having POST send out exam proctors. Reasonable retest provisions are recommended to afford students a fair opportunity to complete the training requirement. Reporting procedures for course presenters are recommended to enable POST to carry out its responsibilities for trainee notification and record keeping.

Converting Curriculum for Legislative Training Mandates to Regulation

Existing Commission Procedure D-7 (Approved Courses) identifies legislatively mandated training courses which POST has responsibility to establish. Until now these standards have held the status for Commission policy. It is recommended these standards be included into a new regulation subject to the public hearing process for adoption and modification because these could be construed as underground regulations. As a result of establishing such a new regulation, existing Regulation 1005(g) should be modified to reference the new regulation.

BULLETIN: 89-

SUBJECT: PUBLIC HEARING - CURRICULUM AND TESTING REQUIREMENTS
FOR PC 832 COURSE

A public hearing has been scheduled in conjunction with the April 20, 1989 Commission meeting in Sacramento for the purpose of considering proposed changes in POST regulations that would: 1) establish as regulation a performance objective-based curriculum for the PC 832 Course - Introduction to Law Enforcement (Arrest and Firearms), 2) establish testing requirements and procedures for the PC 832 Course pursuant to Senate Bill 138 of 1987, and 3) convert all existing approved curriculum standards for legislatively mandated training to the status of regulation. The proposed changes would become effective July 1, 1989.

POST is required to specify a course of training pursuant to Penal Code Section 832. Existing POST standards specify 40 hours of instruction and testing and a topical outline with recommended selected performance objectives of the Regular Basic Course as more detailed guidance to course presenters. Proposed changes include establishing these course requirements as regulation and making the performance objectives mandatory. Making POST's standards more specific for this course is necessary because of the enactment in 1987 of Senate Bill 138 (Chapter 157) which modified Penal Code Section 832(a) by requiring that, on or after July 1, 1989, satisfactory completion of the Course shall be demonstrated by passage of an appropriate examination developed or approved by POST. To serve as a basis for developing this test, there is need to establish more precisely specified curriculum standards with course hours remaining the same.

To implement Senate Bill 138, there is also need to establish a regulation specifying testing requirements and procedures. It is proposed that persons who receive PC 832 training in any POST-certified course, other than the POST Regular Basic Course, must take and pass a POST-developed or POST-approved examination. In addition to PC 832 courses, this would apply to all reserve and the Basic Specialized Investigators Course. A paper/pencil examination is being developed for the Arrest Course and a POST-specified course of fire with a specific passing score has been developed. All examinations are to be scored pass/fail with opportunity for retesting within 90 days at the same training institution. Administration and scoring of the written examination may be delegated to qualified course presenters. Other requirements for reporting and approving alternative examinations are identified as part of the proposed new regulation.

Also recommended is a proposal to convert all existing POST-approved curriculum standards for legislatively mandated training to the status of regulation. Currently, there are ten such

courses and no curriculum or hourly changes are proposed. Specifically proposed is a revision to Regulation 1005(g) to reference a new regulation relating to Standards for Approved Courses.

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

NORMAN C. BOEHM
Executive Director

Attachment

Commission on Peace Officer Standards and Training
PUBLIC HEARING: PC 832 COURSE CURRICULUM AND TESTING STANDARDS

Proposed Language

1005. Minimum Standards for Training (continued)

(g) Approved Courses

- (1) Approved courses pertain only to training mandated by the Legislature for various kinds of peace officers and other groups. The Commission may designate training institutions or agencies to present approved courses.
- (2) Requirements for Approved Courses are set forth in PAM, Section D-7, Regulation XXXX.

(h) Seminars (Optional)

- (1) Seminars are designed to disseminate information or study and solve current and future problems encountered by law enforcement.
- (2) Requirements for Seminars are set forth in PAM, Section D-8.

(i) Field Management Training (Optional)

- (1) Field Management Training is designed to assist in the solution of specific management problems within individual Regular Program departments.

Proposed New Regulation on Approved Courses

XXXX. Minimum Standards for Approved Courses

Approved courses, as specified in Commission Regulation 1005(g), pertain to training mandated by the Legislature for various kinds of peace officers and other groups for which the Commission has responsibility to establish minimum standards. Approved courses shall meet the following minimum content and hours. More detailed minimum curricula content is contained in the document "POST Prescribed Curricula Manual."

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

*Arrest (24 hours)
(Required)

- A. Professional Orientation
- B. Law
- C. Laws of Evidence
- D. Investigation Examination

*Firearms (16 hours)
(Required for peace officers carrying firearms)

- A. Firearms Safety
- B. Handgun Familiarization
- C. Firearms Care and Cleaning
- D. Firearms Shooting Principles
- E. Firearms Range (Target)

*Communications and Arrest (16 hours)
(Recommended for peace officers who make arrests)

- A. Community relations
- B. Communications
- C. Arrest and Control Examination

* Specific Basic Course performance objectives are required and specified in the POST Prescribed Curricula Manual

- (2) Aviation Security (Penal Code Section 832.1) - 20 Hours
(Certified Course)

- A. Introduction and Background
- B. Civil 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
Examination and Critique

- (3) Basic (Regular) (Penal Code Section 832.3)
(Certified Course) - 520 Hours

See PAM, Section D-1

- (4) Chemical Agent for Peace Officers (Penal Code
Section 12403)
(Requirement satisfied by the Basic Course) - 8 Hours

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.

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

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

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

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

- 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

(7) Domestic Violence (Penal Code Section 13519) - 8 Hours

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

(8) Humane Officer Firearms (Civil Code Section 607f) - 15 Hours

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

(9) Missing Persons (Penal Code Section 13519.1) - 4 Hours

- *A. Benefits for Law Enforcement Involvement and sensitivity
- B. Initial Response Procedures
- C. Locating Missing Persons
- *D. Legal Requirements for Initial Response and Follow-up

*For in-service officers completing basic training prior to 1-1-89, supplementary training consists of 2 hours emphasizing the indicated topics.

(10) Reserve Peace Officer (Penal Code Section 832.6) (Certified course; requirement satisfied by the Basic Course.) - 214 Hours

Level III Reserve (56 Hours)

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

Level II Reserve (90 Hours) (Prerequisite - Level III Reserve Course)

- A. First Aid and CPR
- B. Role of Back-up Officer

1. Orientation
2. Officer Survival
3. Weaponless Defense and Baton
4. Traffic Control
5. Crime Scene Procedures
6. Shotgun
7. Crowd Control
8. Booking Procedures

- 9. Community Relations
- 10. Radio and Telecommunication
- 11. Examination
(Module B is required for Level II and non-designated Level I Reserve Officers.)

Level I Reserve (68 Hours) (Prerequisite - Level III & II Reserve Course)

- 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 and Defense Techniques
- L. Examination
(Level I Reserve is required for non-designated Level I Reserve Officers.)

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

- (11) Sex Crime Investigation (Penal Code Section 13516) - 24 Hours
(Certified Course)

Preliminary Sexual Assault Investigation and Sexual Exploitation; 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

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

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

- (13) Traffic Accident Investigation (Vehicle Code Section 40600)
(Certified Course.)

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

- (14) Wiretap Investigation (Penal Code Section 629 et seq.) - 14 Hours

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

PROPOSED NEW REGULATION ON PC 832 TESTING
REQUIREMENTS AND PROCEDURES

YYYY. PC 832 COURSE Testing Requirements

Pursuant to Section 832(a) of the Penal Code, persons who receive PC 832 training in a POST-certified course other than the POST Regular Basic Course shall demonstrate satisfactory completion of the training by passage of a POST-developed or POST-approved examination or examinations. Passage of a written examination shall be required for the arrest procedures curriculum; passage of a skills examination shall be required for the firearms curriculum.

(a) Examination Procedures:

- (1) All examinations shall be administered as part of and immediately following the conclusion of the required PC 832 instruction in the POST-certified course.
- (2) All examinations shall be scored pass/fail.
- (3) Administration and scoring of the written examination shall be delegated to qualified course presenters who have received training in the administration of the examination and who agree to abide by the terms of a formal test security agreement; the firearms examination shall be administered and scored by the firearms instructor(s) in accordance with POST-prescribed test administration procedures.
- (4) All examination results shall be forwarded to POST within 2 working days of the date of testing.

(b) Notification Procedures: Administrators of the examinations shall provide examinees with preliminary notification of examination results within 24 hours after the time of testing. Formal POST notification of examination results shall be forwarded to each examinee within 3 working days of receipt of the examinee's test materials by POST.

(c) Retesting: Persons failing an examination shall be permitted one retest and shall be permitted reasonable time to prepare for the retest. Retests shall be administered at the same location as the original examination within 90 days of the date of the original examination. Persons who fail to achieve a passing score upon retesting shall be required to repeat the appropriate training. Persons who repeat the appropriate training shall again have two opportunities to pass the examination.

(d) POST-Approved Examinations: Alternatives to the POST-developed examinations may be approved by POST. Course presenters seeking POST approval to use alternative examinations shall present evidence that such alternative tests were developed in accordance with recognized professional standards, and that such examinations are equivalent to the POST-developed examinations with respect to curriculum validity and test reliability. Test score equating evidence shall also be required.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Minimum Length of Technical Courses - Modifying Commission Procedure D-6		Meeting Date January 19, 1989
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow <i>HS</i>
Executive Director Approval <i>Thomas C. Boehm</i>	Date of Approval 12-16-88	Date of Report December 14, 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 checked="" type="checkbox"/> No

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

ISSUE

Should POST's six-hour minimum requirement for technical courses be modified to permit exceptions for legislatively mandated training requirements and teleconference training?

BACKGROUND

Commission Procedure D-6 relating to technical courses was modified effective January 1985 to require that no presentation shall be certified for less than six hours. In 1987, Assembly Bill 1073 (Chapter 705) was passed into law requiring POST to develop investigative guidelines and mandatory training in the handling of missing persons cases for recruit and in-service officers as well as dispatchers. At the July 1988 meeting, the Commission approved these guidelines and training requirements. Two-hour supplementary training courses were identified for in-service officers and existing dispatchers which must be completed by January 1, 1991. The above legislation requires this training to be POST-certified. To make this conveniently available as stand alone POST-certified training separate from and not part of longer courses, an exception for the minimum six-hour requirement is recommended. In addition, future POST-certified teleconference training presented by satellite or other means suggests the need to also make this an exception to the minimum six-hour requirement.

ANALYSIS

The minimum six-hour requirement for technical courses was established to reflect longstanding POST practice of not certifying exceptionally short technical courses that would have the effect of proliferating course certifications and increase trainer and POST staff workloads to unmanageable levels. Until now this requirement has been useful and should be retained for most training.

Providing short blocks of training for in-service officers as part of a longer POST-certified Advanced Officer or Modular Technical Course is generally acceptable to law enforcement agencies. An exception is where in-service officers have already been sent to needed courses which do not contain the required missing persons training but satisfy POST's continuing Professional Training Requirement. If there were no separately certified two-hour technical courses on Missing Persons, these officers would have to complete another Advanced Officer or Technical Course containing the required missing

For in-service dispatchers, the problem is even more serious. Unless POST establishes an exception to the six-hour minimum for technical courses, the only existing courses available to in-service dispatchers are one of three Complaint Dispatchers Update Courses; which range from 16-24 hours. It would be unreasonable to provide only these or a six-hour Technical Course when the training requirement is only two hours.

Therefore, a modification to Commission Procedure D-6 is recommended to establish an exception to the six-hour minimum that would permit technical courses to be less than six hours for legislatively mandated training when fewer than six hours are required.

Another exception to the six-hour minimum length of technical courses concerns presenting live teleconference training using satellite or microwave technology. Studies have consistently shown this is an effective means of delivering training and that it is effective for up to 2-3 hours in duration. It is recommended another exception to the six-hour minimum length be considered as POST continues to become more deeply involved in this form of training delivery.

See Attachment A for proposed language.

RECOMMENDATION

Effective immediately, approved modification to Commission Procedure D-6 authorizing an exception to the six-hour minimum length of technical courses for legislatively mandated training or teleconference training.

Attachment

kh

Commission on Peace Officer Standards and Training

POST Administrative Manual

COMMISSION PROCEDURE D-6
Revised: January 24, 1985

TECHNICAL COURSES

Purpose

6-1. Specifications for Technical Courses: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(f) of the Regulations for Technical Training.

Content and Minimum Hours

6-2. Technical Courses Subjects and Minimum Hours: Technical Courses may vary in length and subject matter and are designed to satisfy local needs in specialized subjects or where additional expertise is required. Subjects may include, but are not limited to, evidence gathering and processing, narcotics, law enforcement procedures, data processing and information systems, riot control, jail operations, criminal investigation, crime prevention, community relations, and others. The length of these courses for which reimbursement may be granted shall be determined by the Commission. No course presentation shall be certified for less than six hours, except when the certified presentation is legislatively mandated training and fewer than six hours are required or teleconference training is presented by satellite or other means.

6-3. Job Specific Training: Job specific training courses are technical courses and are defined as courses of instruction which teach the basic skills required to perform peace officer or non-peace officer jobs in law enforcement agencies. Training courses excluded by this definition are advanced technical courses and those courses which teach only a single skill or technique, unless it involves the entire job of an individual.

6-4. POST Prescribed Curricula: For selected technical courses, POST specifies the course curricula. Certified presenters of such courses shall use the course curriculum specified by POST. In order to meet local needs, flexibility in curriculum may be authorized with prior POST approval at least 30 days in advance of course presentation. Copies of the POST specified curricula for individual courses are available upon request from POST.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Compiling of AIDS Information	Meeting Date January 19, 1989	
Bureau Executive Office	Reviewed By Glen Fine	Researched By D. Thomas
Executive Director Approval <i>Morgan C. Behm</i>	Date of Approval 12-23-88	Date of Report November 23, 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 checked="" 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 compile factual information on AIDS for dissemination to peace officers and first line public safety personnel?

BACKGROUND

An alarming number of AIDS cases are being reported throughout the State. News releases and rumors about AIDS in society add to the confusion and fear by public safety personnel over possible contamination by this dreaded disease. As a result, law enforcement personnel need access to factual information about AIDS.

In response to this need, the Commission, in November 1988, directed staff to research the feasibility of compiling factual information on the exposure of AIDS to peace officers and other first-line public safety personnel. It was suggested that this type of material should also be reviewed by a medical advisory committee to ensure the information was the latest and most accurate available.

ANALYSIS

In California, the need for AIDS training for emergency response personnel was the focus of Senate Bill 1251 by Senator Roberti in 1985 (see Attachment A). With the passage of that bill, the Department of Health Services was directed to provide grants in aid for training the specific groups affected by the AIDS disease. These groups were later interpreted to include nurses, firemen, ambulance drivers, and law enforcement officers. A grant was subsequently awarded to the Sacramento Office of the American Red Cross to provide AIDS training. An advisory committee was formed by the American Red Cross to establish the dissemination of information and training. The Committee included, among others, members of POST, CPOA, and PORAC.

Since 1986, this grant has been responsible for training 170 trainers to provide AIDS information to law enforcement personnel.

In addition, POST has recently certified the ARC to present one-day training seminars on two different AIDS topics in order to provide authoritative information to law enforcement personnel around the State. One seminar is an update on AIDS information for emergency response personnel. The second seminar, on AIDS policy development, is designed for managers. Each of these seminars will be presented a total of six times throughout the year.

The recent Roll Call Video Mailout Program completed by POST contained twelve video tapes on various topics. One of the video tapes, which was provided to requesting agencies and Basic Academies, was entitled: "Medical AIDS - The Dying Fear". The video tape was produced by the Anaheim Police Department and addressed how AIDS is transmitted and the protective measures available to officers.

At the national level, the National Institute of Justice (NIJ) established a clearinghouse in 1986 to provide a centralized source of information about AIDS and its effects on criminal justice professionals and their work (see Attachment B). A number of publications and videos on AIDS are available to law enforcement personnel through the clearinghouse.

The National Sheriffs' Association under a grant from the U. S. Department of Justice, Bureau of Justice Assistance, has announced in November 1988 that it is now also equipped with the resources and the expertise to provide the "most up-to-date AIDS policy information as well as training and technical assistance" (see Attachment C).

The Personnel Journal has established an AIDS in the Workplace Information Clearinghouse to provide services and information in seven categories for the private sector (see Attachment D). The seven categories include company policy, directories, employee education, health care workers, insurance coverage, legal issues and public policy.

A number of AIDS Hotlines also have been established to provide up-to-date AIDS information. The U. S. Public Health Service National AIDS Hotline is 1-800-342-7514. The Northern California AIDS Hotline is 1-800-367-2437.

These organizations, just described, offer a variety of AIDS related information to public safety personnel. Establishment of another clearinghouse within POST would duplicate the services already provided by these other organizations.

Because of the availability of AIDS information from the sources described, it can be concluded that further efforts by the Commission in this regard are not needed. If Commissioners concur, staff will initiate steps to further publicize the availability of information through the described sources.

Should Commissioners decide that a formal clearinghouse role should be established, further analysis will need to be conducted regarding staffing needs and related costs.

RECOMMENDATION

Because the existing organizations which regularly and routinely release accurate and timely information on AIDS exposure to public safety personnel, the Commission may not need to establish a similar clearinghouse activity in POST. Instead, the Commission could instruct staff to promulgate information to the field on the AIDS information sources and how they can be contacted.

Memorandum

To : Glen Fine
Executive Office
Via: Ron Allen, TDSB

JOHN B. DAVIDSON, Senior Consultant
Training Delivery Services Bureau

TRAINING DELIVERY SERVICES BUREAU	
Date:	Nov. 15, 1988
Area 1	_____
Area 2	_____
Area 3	_____
Area 4	Area 9 _____
Area 5	Area 10 _____

From : **Commission on Peace Officer Standards and Training**

STATUS OF AIDS AND COMMUNICABLE DISEASE EDUCATION PROJECT FOR EMERGENCY WORKERS

Subject:

This is in answer to your request for information on the AIDS training for emergency workers that is currently certified by POST.

The need for training for emergency workers in the area of AIDS and other communicable diseases was focused in a bill sponsored by Senator Roberti in 1985 (Senate Bill 1251). That bill directed the Department of Health Services to provide grants in aid for the training of specific groups which were affected by the AIDS problem. The intent of the bill was subsequently interpreted to include nurses, firemen, ambulance drivers, and law enforcement officers.

Following passage of the bill, the Office of AIDS in the Department of Health Services put out requests for proposal to provide the training to emergency workers. Grants were subsequently awarded to the California Nursing Association to provide training for the nurses, and to the Sacramento Office of the American Red Cross to provide training for law enforcement, firemen and ambulance attendants.

Following the award of the grant, Sacramento ARC hired a project director. An advisory committee was formed, aims of the project were defined (see attached overview) and over the last two years a lot of work has been accomplished.

During the first phase of the project, POST participated by sponsoring special seminars which resulted in the training of 170 trainers to provide current AIDS information to law enforcement personnel. We are continuing our participation by our continued attendance at committee meetings, and by our certification of courses to the Sacramento Red Cross on policy development and trainer update training.

At the present time, Sacramento Red Cross has had the original grant extended once (a second two year extension is pending). Post has supported this extension of the grant as the personnel involved in the project and the products it has so far produced have both been very effective in getting AIDS information out to law enforcement. I would recommend that we continue to look to this project as a clearinghouse for AIDS information.

ATTACHMENT "A"

AIDS EDUCATION

for

EMERGENCY WORKERS

A Project of the American Red Cross and the California Firefighter Foundation

Monte Blair, M.A.
Project Director

Advisory Committee:

Christ Black
Chairwoman

Ronald Allen
Commission on Peace Officers
Standards and Training

Pet Baker
American Red Cross, Orange Co. Chapter
Chief Hal Barker
California Peace Officers Association

Mitch Ben
San Francisco AIDS Foundation
Vinnie Biberdorf
American Red Cross, Sacramento Chapter
William Braden
American Red Cross, Los Angeles Chapter

Phil Davis
Office of the State Fire Marshal

Bruce B. Decker
California AIDS Strategic
Planning Committee

Len Delaney
Peace Officers Research Association of CA
Sergeant James Duckworth
California Highway Patrol Academy

Dave Elder
Fire Training Consultant
Neil Flynn, M.D.
UC Davis Medical Center
Clinic for AIDS & Related Disorders

Michael Gay, M.D.
Firefighters Association of California
Sacramento AIDS Foundation

John Harrell
American Red Cross, State Relations
John Kirby
American Red Cross, Western Operations
Kenneth W. Kizer, M.D.
California Department of
Health Services

Kim Mueller
California Firefighter Foundation
Marian Richie, R.N., C.I.C.
American Red Cross
Judy Spiegel, M.P.H.
AIDS Project-Los Angeles

Bill Tele
California Fire Chiefs Association
Daniel A. Terry
Federated Firefighters
of California
Kathleen Trueblood, R.N., M.S.N.
UC San Diego
Michael Warren
Sacramento Valley Ambulance Association

P.O. Box 160167
Sacramento, CA 95816
(916) 452-6541

Project Overview

Acquired Immune Deficiency Syndrome (AIDS) has raised some serious concerns in the Emergency Service Community. The firefighter, peace officer and ambulance service personnel who are responding on a daily basis to emergency calls from the general public have a concern for their own safety. This issue may create confusion and uncertainty in the minds of emergency workers who, in the line of duty, may find themselves in contact with carriers of the AIDS virus.

Funded by the California Department of Health Services, the AIDS Education for Emergency Workers Project has been awarded to the American Red Cross Sacramento Chapter with the California Firefighter Foundation serving as sub-contractor. The project is designed to provide training for firefighter, law enforcement and ambulance service personnel. The aims of this project are to disseminate clear and accurate information on the possibilities of infection, clearly define the most satisfactory and safe methods of providing care, and provide a way to keep that information current for participants.

An advisory committee has been created to assist project staff in key areas such as training methods and infection control procedures. Members of the committee are drawn from the target audiences to include management and labor. It also includes representatives from health care involved in AIDS research and/or care and AIDS education organizations.

The first phase of the project involved holding a series of day long workshops for the leadership of the emergency service community. The workshops involved presentations by eminent physicians and infection control authorities, a representative from the state legislature, an attorney who addressed issues of liability and worker's compensation and county health officers.

During the second phase of the project we are training more than twenty pairs of Master Trainers from throughout the state. Each Master Trainer team is made up of an experienced trainer from the target audience and a health educator. The teams will be trained to deliver a curriculum developed through the project to more than two hundred professional trainers from law enforcement, fire service and ambulance service organizations. These professional trainers will then train thousands of first line emergency personnel.

Using this model we believe we are contributing to the standardization of AIDS Education and infection control programs in the emergency service community. We are also providing a model that can inform and educate all from leadership to line personnel.

Additionally, we have published: EMERGENCY WORKERS AND THE AIDS EPIDEMIC - A guidebook for Law Enforcement, Fire Service and Ambulance Service Personnel.

Questions may be directed to:

Monte Blair, M.A.
Project Director
AIDS Education for
Emergency Workers
P. O. Box 160167
Sacramento, CA 95816
(916) 452-6541

11/86

POST
LIBRARY

**EMERGENCY WORKERS
AND THE
AIDS EPIDEMIC**

**A GUIDEBOOK FOR LAW ENFORCEMENT, FIRE SERVICE,
AND AMBULANCE SERVICE PERSONNEL**

Originally prepared as part of a Special Project
"AIDS Education for Emergency Workers"

A Joint Effort
of
American Red Cross, Sacramento Area Chapter
and the
California Firefighter Foundation

Funded by the California Department of Health Services

Second Edition
June 1987*

**The information in this guidebook is based on research conducted by public health officials around the world; it is current as of June 1987. If you have any questions, you may wish to check with one of the professional organizations listed in the Resource Directory (Section X).*

NIJ AIDS Clearinghouse . . . leads you to answers about AIDS and your job.

The NIJ AIDS Clearinghouse is the only centralized source of information about how AIDS affects criminal justice professionals and their work. It keeps you informed, distributes materials to answer your questions, and refers you to other sources of information.

Here are some recent questions the Clearinghouse has received:

"Can you send us AIDS training materials?"

This correctional facility received copies of NIJ's *AIDS in Correctional Facilities* and the AIDS Bulletin *The Cause, Transmission, and Incidence of AIDS*, and was referred to several other sources of good training materials.

"How do people get AIDS?"

This sheriff received a copy of NIJ's first AIDS Bulletin, *The Cause, Transmission, and Incidence of AIDS* and was put on the mailing list to receive future AIDS Bulletins.

"Can you refer me to other departments that have instituted AIDS policies?"

This police department received copies of NIJ's *AIDS and the Law Enforcement Officer*, which contains examples of policies from the Los Angeles Police Department, the Baltimore Police Department, and the Washington, D.C., Metropolitan Police Department.

Accurate information about AIDS is a prerequisite for rational policy decisions and can calm unrealistic fears about the disease.

Call the NIJ AIDS Clearinghouse at 301-251-5500.

You can receive these NIJ publications from the Clearinghouse:

AIDS in Correctional Facilities: Issues and Options, Second Edition with 1986 update, by Theodore M. Hammett. NCJ 105204. Free single copies. Check no. 36 on the order form.

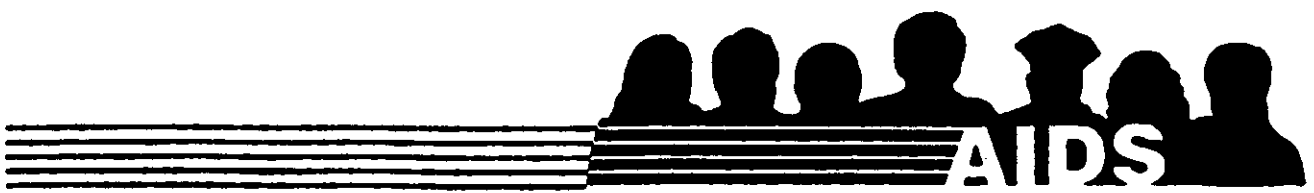
1986 Update: AIDS in Correctional Facilities by Theodore M. Hammett. NCJ 104065. This update is included in the second edition of *AIDS in Correctional Facilities* (see above). Free single copies. Check no. 37 on the order form.

AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett. NCJ 105196. 1986. Free single copies. Check no. 35 on the order form.

Aids in Prisons and Jails by Theodore M. Hammett. NCJ 100221. 1986. Part of the NIJ Research in Brief series. Free single copies. Check no. 49 on the order form.

The Cause, Transmission, and Incidence of AIDS by Theodore M. Hammett, Harold Jaffe, and Bruce Johnson. NCJ 106678. First in a series of NIJ AIDS Bulletins. Free single copies. Check no. 38 on the order form.

Upcoming issues in the NIJ AIDS Bulletin series include the following topics: transmission through exposure to blood, precautionary methods for infection control, AIDS and the intravenous drug user, legal and liability issues, technical requirements of testing, and training and education. To be placed on a list to receive future issues of the Bulletin, check no. 76 on the order form.



The National Institute of Justice announces the NIJ AIDS Clearinghouse

AIDS-related publications of interest for criminal justice professionals

Publications

AIDS in Corrections Facilities: Issues and Options. 2nd edition with 1986 update. by Theodore M. Hammett. NCJ 105204. Free single copies. Check no. 41 on the order form.

1986 Update: AIDS in Correctional Facilities by Theodore M. Hammett. NCJ 104065. Free single copies. Check no. 42 on the order form.

AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett. NCJ 105196. 1986. Free single copies. Check no. 40 on the order form.

AIDS in Prisons and Jails by Theodore M. Hammett. NCJ 100221. 1987. Part of the NIJ Research in Brief series. Free single copies. Check no. 43 on the order form.

Morbidity and Mortality Weekly Report. Centers for Disease Control. Available as annual subscription from the Government Printing Office, Washington, DC 20402. 202-783-3238. \$62.00 1st class, \$49.00 2nd class.

AIDS Information Guide by New York Division of Parole. NCJ 103139. 1986. Available through the NCJRS Document Loan Program or on microfiche. See p. 17 for more information.

AIDS: Improving the Response of the Corrections System by Anna Laszlo and Marilyn Ayres. NCJ 103102. 1986. Single copies \$10.00; 2 to 99 copies \$7.50; more than 100 copies \$6.00. Write or call the National Sheriff's Association, 1450 Duke Street, Alexandria, VA 22314-3490. 703-836-7827.

U.S. Public Health Service publications: "Surgeon General's Report on AIDS," "What Everyone Should Know About AIDS," "Why You Should Be Informed About AIDS," "What Gay and Bisexual Men Should Know About AIDS," "Lo que TODOS deben saber sobre AIDS," and "Facts About AIDS, January 1985." Contact U.S. Public Health Service, Room 721-H, 200 Independence Avenue SW., Washington, DC 20201. 202-245-6867

Videos

"Key Facts for Inmates" by Capital Communications Systems, Inc. NCJ 104047. 1986. 30-minute color videocassette. "Key Facts for Staff of Detention and Correctional Facilities" by Capital Communications Systems, Inc. NCJ 104047. 1986. 35-minute color videocassette. Write or call the American Correctional Association, 4321 Hartwick Road, College Park, MD 20740. 301-699-7600.

"Beyond Fear" by the American Red Cross. Three 20-minute videocassettes. "Part 1: The Virus"; "Part 2: The Individual"; "Part 3: The Community." Order no. 813-541-5763 from Modern Talking Picture Service, 500 Park Street North, St. Petersburg, FL 33709. For more information contact the American Red Cross, AIDS Public Education Program, Washington, DC 20006. 202-639-3223.

Additional information

U.S. Public Health Service
National AIDS Hotline
800-342-7514

(continued from previous page)

Accurate knowledge about AIDS is a prerequisite for rational policy decisions and can calm unrealistic fears about the disease.

Recommendations

NIJ advises that it is dangerous to take either a complacent or an alarmist approach to the issues AIDS presents for the criminal justice system.

Agencies should assess the situation in their departments and seek out both educational materials and examples of how other jurisdictions are responding before making any decisions that have political, social, and public health implications.

NIJ also recommends that criminal justice professionals:

- Provide training and education to law enforcement personnel, correctional staff, and inmates—the cornerstone response to the AIDS challenge.
- Develop specific policy guidelines that will ensure the safety of criminal justice system personnel, as well as protect the rights and health of those within the jurisdiction of the system.
- Counsel caution and follow recommended precautions when involved in incidents where transmission may occur.

The National Institute of Justice continues to keep pace with the rapidly developing AIDS situation.

"The problem presents great challenges, but it can be effectively managed through reliable information rather than speculation," said James K. Stewart, Director of the National Institute of Justice. The Clearinghouse will serve this function by keeping criminal justice professionals informed of the latest developments and recommended procedures for handling arrestees, offenders, and inmates who exhibit high-risk behavior.

To reach the NIJ AIDS Clearinghouse, call 301-251-5500.

ATTACHMENT "B"

National Institute of Justice



National Institute of Justice

AIDS
Bulletin

October 1987

Risk of infection with the AIDS virus through exposures to blood

Theodore M. Hammett, Ph.D., Abt Associates, Inc.
Walter Bond, M.S., Centers for Disease Control

Introduction

It is now well known that human immunodeficiency virus (HIV)—the AIDS virus—is spread in three ways: through homosexual and heterosexual activity; infected mother to fetus or infant; and through blood-to-blood exposure such as occurs in needle sharing by intravenous drug abusers, in blood transfusions, and in provision of blood products to hemophiliacs.

In recent months, health-care workers, police officers, and members of other occupational groups have become concerned that infection may be possible

through more superficial surface contact with contaminated blood. While these fears may be understandable, they greatly exaggerate the risks present when appropriate protective or basic hygienic measures are taken. This AIDS Bulletin summarizes what is known about the risks associated with the types of exposures to blood which might be experienced by personnel in law enforcement and criminal justice agencies as they perform their duties. It also summarizes the standard precautionary measures which should be taken to minimize the risk of infection with HIV.

Needlesticks and punctures with sharp instruments

Accidental needlesticks and punctures with sharp instruments pose greater risks for actual blood-to-blood contact than open-wound exposures. Needlesticks and punctures involving instruments contaminated with HIV-infected blood bear some similarity to needle sharing among IV drug abusers. However, there are critical differences which make the risk associated with these accidental injuries much lower than the risk involved in purposeful needle-sharing activity.

From the Director

Acquired Immunodeficiency Syndrome—AIDS—has been called the most serious public health problem in the United States and worldwide today. Since it first appeared in 1981, there has been an enormous amount of uncertainty and fear about this fatal disease. Because they may be in contact with intravenous drug users and others at high risk for the disease, criminal justice professionals understandably are concerned about becoming infected with the AIDS virus while carrying out their duties.

Until a vaccine or cure for AIDS is found, education is the cornerstone of society's response to this deadly disease. Accurate information can help

calm unwarranted fears about the disease and its transmission, thus enabling criminal justice personnel to continue to perform their duties in a safe and professional manner.

Since 1985, the National Institute of Justice has worked with the Centers for Disease Control and other public health officials to provide important authoritative medical information about AIDS to criminal justice professionals.

Two special reports on AIDS—as it relates to corrections and law enforcement agency procedures—have been published and widely disseminated. This AIDS bulletin is part of a new series designed to inform criminal justice professionals about the disease

and its implications for criminal justice agencies. Future bulletins will summarize agency policies relating to AIDS, education programs, and legal and labor relations issues.

President Reagan has said that the AIDS crisis "calls for urgency, not panic... compassion, not blame... understanding, not ignorance." The National Institute of Justice is working to ensure that criminal justice professionals have the accurate information they need to understand and deal with the risks created by AIDS. Until medical science can bring this deadly disease under control, our best defense is a well-informed citizenry.

James K. Stewart
Director



National Institute of Justice

AIDS
Bulletin

James K. Stewart, Director

February 1988

AIDS and intravenous drug use

Don Des Jarlais, Ph.D., Division of Substance Abuse Services, State of New York
Dana E. Hunt, Ph.D., Abt Associates, Inc.

Since the first cases were diagnosed in 1981, acquired immunodeficiency syndrome (AIDS) has received more media attention and been the focus of more public concern than any other disease. Human immunodeficiency virus (HIV), the virus that causes AIDS, is spread through the exchange of blood and body fluids and occurs most commonly during intimate sexual contact, through sharing injection equipment during intravenous (IV) drug use and through perinatal contact between infected mother and fetus or infant. Intravenous drug users constitute a particularly important conduit for the spread of the virus,

since they may spread AIDS through all three routes.

Despite the intense media attention focused on AIDS, the role of the second method of transmission, intravenous drug use, is not well understood by the public. IV drug users represent the second largest group of AIDS cases. It is especially important for criminal justice professionals to have accurate information about AIDS and IV drug use because of their frequent contact with IV drug users. Increased awareness about AIDS and IV drug use may help those working in the field reach this user

population with important educational messages. The purpose of this bulletin is to examine the relationship between IV drug use and the spread of AIDS and to describe some educational and prevention strategies currently being used with IV drug users.

HIV infection and AIDS among IV drug users

IV drug users represent the second largest group of persons to have developed AIDS in both the United States and Europe. In the U.S., 17

From the Director

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James K. Stewart
Director



National Institute of Justice

AIDS
Bulletin

James K. Stewart, Director

February 1988

Precautionary measures and protective equipment: Developing a reasonable response

Theodore M. Hammett, Ph.D., Abt Associates, Inc.

Introduction

Personnel in criminal justice agencies are becoming concerned that a range of job-related incidents may place them at risk of being infected with human immunodeficiency virus (HIV)—the AIDS virus. These include assaultive and disruptive behaviors by suspects and offenders (including biting and spitting), providing CPR and first aid, body removal,

evidence collection, and evidence handling in crime laboratories.

This Bulletin delineates a reasonable response to the actual level of risk of infection with HIV present in the performance of criminal justice duties. In developing policies and procedures, the objective is to be sufficiently and appropriately careful without overreacting; in other words, to take all necessary steps to reduce the risk of

HIV transmission without compromising effective performance of duties.

General issues: The need for specific AIDS policies and effective educational programs

Before summarizing specific precautionary measures and protective

From the Director

Acquired Immunodeficiency Syndrome—AIDS—has been called the most serious public health problem in the United States and worldwide today. Since it first appeared in 1981, there has been an enormous amount of uncertainty and fear about this fatal disease. Because they may be in contact with intravenous drug users and others at high risk for the disease, criminal justice professionals understandably are concerned about becoming infected with the AIDS virus while carrying out their duties.

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James K. Stewart
Director



NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

L. CARY BITTICK
EXECUTIVE DIRECTOR

November 10, 1988

Mr. Norman C. Boehm
Executive Director
California Commission on Peace Officer
Standards & Training
1601 Alhambra Blvd
Sacramento, CA 95616-7083

Dear Mr. Boehm:

Under a recent grant funded by the U.S. Department of Justice, Bureau of Justice Assistance, entitled "Criminal Justice Management of High Risk Populations" the National Sheriffs' Association is equipped with the resources and the expertise to provide the most up-to-date AIDS policy information as well as training and technical assistance to:

- o Help you develop model policies;
- o Assist in reviewing your existing policies;
- o Put you in touch with valuable resources at the local, state and national levels;
- o Provide formal training curricula;

Should you require information on topics such as housing of high-risk individuals, testing/screening considerations for clients and employees, confidentiality issues, etc., please call Theresa Seemiller, Technical Assistance Coordinator, at (703) 836-7827 or (800) 424-7827 or indicate your areas of interest on the enclosed brochure and mail it to: National Sheriffs' Association, 1450 Duke Street, Alexandria, VA 22314.

Sincerely,

Anna T. Laszlo
Director
Research and Development

Enclosure

ATTACHMENT " C "

THIS DOCUMENT IS MADE FOR
THE...
MICROFILM...
BY...
(1981, 1982, 1983)

THE WORKPLACE & AIDS

PERSONNEL JOURNAL's "The Workplace & AIDS: A Guide to Services and Information" is the first phase of an ongoing AIDS in the Workplace Information Clearinghouse — a directory of organizations, education programs, consultants and articles focusing on AIDS in the workplace.

The services and information are listed under seven categories:

- Company Policy
- Directories
- Employee Education
- Health Care Workers
- Insurance Coverage
- Legal Issues
- Public Policy.

As new resources are developed, they will be added to the Clearinghouse data base and made available to the public and to readers of PERSONNEL JOURNAL.

To submit information or ask questions, please contact Margaret Magnus, Editor, or Allan Halcrow, Managing Editor, at 714/751-1883, or write to: PERSONNEL JOURNAL, 245 Fischer Ave. B-2, Costa Mesa, CA 92626.

A GUIDE TO SERVICES AND INFORMATION

icy statements and discusses items that could be included in a corporate AIDS policy.

AIDS: The Workplace Issues
(Booklet)

\$7.50 members, \$10 non-members
American Management Association
Publications Division
135 W. 50th St.
New York, NY 10020-1201
(Tel.) 518/891-1500

An 80-page booklet that addresses the issues confronting managers responding to AIDS in the workplace: discrimination, legal aspects, educating employees, insurance costs and medical answers about AIDS.

AIDS & Business: Problems of Cost and Compassion
(Article)

Fortune (September 15, 1986, pp. 122-127)
Margot Keltner
Time & Life Building
Rockefeller Center
New York, NY 10020
(Tel.) 212/586-1212

A straightforward look at the need for AIDS policies to be in place before a company gets its first case of AIDS. Also: Discharge of a stricken employee, insurance costs, NLRA section protecting employees afraid of working with an AIDS victim. Includes related articles on AIDS and insurance.

AIDS and the Employer: Guidelines on the Management of AIDS in the Workplace
(Book)

\$15
New York Business Group on Health
622 Third Ave., 34th Fl.
New York, NY 10017
(Tel.) 212/808-0550

Focuses on the employee-employer rela-

tionship. Four introductory sections include: What are the issues for employers; medical overview; availability and cost of care; and legal background. Also includes the proceedings of a panel of experts as they deal with scenarios of AIDS in the workplace — screening, confidentiality, benefits, blood donation campaigns. Includes a listing of AIDS educational materials and a directory of local and national AIDS resources.

AIDS at Work: Fighting the Fear
(Article)

Training (June 1, 1987, p. 60)
Lakewood Publications, Inc.
50 S. Ninth St.

Minneapolis, MN 55402

(Tel.) 612/333-0471

Deals with establishing policy, education, discrimination and privacy.

AIDS Epidemic and Business: A Frightening Disease Poses Delicate Questions for Employers, The
(Article)

Business Week (March 23, 1987, pp. 122-132)

Business Week Reprints
PO Box 457

Hightstown, NJ 08520

(Tel.) 609/426-5494

Includes related articles on how San Francisco has coped with the disease, BankAmerica and Levi Strauss' AIDS policies, an editorial, and the latest medical facts and most promising treatments for AIDS as of March 1987.

AIDS in the Workplace
(Information Packet)

Available to agency members only
International Personnel Management Association
1617 Duke St.
Alexandria, VA 22314

(Tel.) 703/549-7100

Information packet covering legal issues, legislation and workplace policy.

AIDS in the Workplace
(Article)

Employee Relations Law Journal (Spring 1986, pp. 678-690)

22 W. 21st St.

New York, NY 10010-6904

(Tel.) 212/645-7880

A general background article, including the basic facts about the disease and its transmission, CDC guidelines, discrimination laws, duties to other employees, the need to relieve AIDS anxiety and suggestions for employers.

AIDS in the Workplace
(Program)

\$40-60; \$25 for rental

AIDS Project Los Angeles

Attn: Workplace Training

3670 Wilshire Blvd., Ste. 300

Los Angeles, CA 90010

(Tel.) 213/738-8244

A short videotape describing the spread of AIDS and what companies can do about it. The tape's main points are that it is safe to work with an AIDS victim, and that AIDS will impact the workplace. The tape introduces a four-phase program involving management and policy development as well as company-wide education. Suggestions include using established AIDS service organizations for education, distributing AIDS education material, and establishing a pro-active program to deal with the problem before it arises.

AIDS in the Work Place
(Article)

Personnel (March 1987, pp. 56-64)

American Management Association

135 W. 50th St.

New York, NY 10020-1201

AIDS in the Workplace: A Three-Hour Teleconference
(Videotape)

\$345 plus \$15 shipping
Public Broadcasting System Video
1320 Braddock Pl.
Alexandria, VA 22314-1698
(Tel.) 800/344-3337

Videotape of the teleconference sponsored in March 1986 by PBS and The Bureau of National Affairs, Inc. Covers legal, medical, human resources and insurance issues. For videotape contact 800/344-3337. For resource materials contact 800/372-1033.

AIDS in the Workplace: What Can Be Done?
(Article)

Personnel (July 1987, pp. 57-60)
American Management Association
135 W. 50th St.
New York, NY 10020-1201
(Tel.) 518/891-1500

Reviews some statistics on the incidence of AIDS and encourages companies to develop policies and an educational program under their employee assistance programs (EAPs). Also suggests that companies use EAPs to help AIDS patients and their families. Mentions use of case management to cut treatment costs.

AIDS Policy & Law
(Newsletter)

\$387 per year
Buraff Publications, Inc.
The Bureau of National Affairs, Inc.
2445 M St. NW, Ste. 275
Washington, DC 20037
(Tel.) 202/452-7889

A biweekly newsletter on legislation, regulation and litigation concerning AIDS. Designed to help employers, insurers, attorneys and public officials develop guidelines about AIDS. Tracks

developments at the federal, state and local levels.

American Corporate Policy: AIDS and Employment
(Booklet)

\$15; volume discounts
National Gay Rights Advocates
540 Castro St.
San Francisco, CA 94114
(Tel.) 415/863-3624

The National Gay Rights Advocates published this study, which surveyed the Fortune 1000 employers on their policies on AIDS. 67% prohibit AIDS discrimination, virtually all reject mandatory HIV testing. This 34-page booklet provides detailed listings of individual companies and their responses as well as a summary of the results.

Anatomy of an AIDS Dispute
(Article)

Across the Board (September 1, 1986, pp.62-63)
The Conference Board, Inc.
845 Third Ave.
New York, NY 10022
(Tel.) 212/759-0900

Tells of an East Coast financial services firm that allowed an AIDS victim to return to work. One supervisor worried so much that when the company refused to transfer her away from the AIDS patient, she quit.

Assisting Employees with Life-Threatening Illnesses
(Policy Statement)

Free
Bank of America
Ms. Ernie Soto
180 Montgomery
San Francisco, CA 94101
(Tel.) 415/953-6261

Bank of America was one of the first large companies to establish a policy dealing with employees with AIDS.

Since that time, the policy has been expanded to cover all life-threatening illnesses. The basics of the policy are: 1) non discrimination; 2) accomodation; and 3) education.

Coping with AIDS
(Article)

Association Management (September 1, 1986, p. 39)
American Society of Association Executives
1575 Eye St. NW
Washington, DC 20005
(Tel.) 202/626-2722

AIDS is a specter that touches associations as surely as other employers. To date, there are no clear medical or legal guidelines. Includes related articles on AIDS and AIDS cases. Covers fair employment practices, potential liability, suggestions for employer actions

Employment Discrimination Against Persons with AIDS
(Article)

Clearinghouse Review (March 1, 1986, p. 1292)
Commerce Clearing House
4025 W. Peterson Ave.
Chicago, IL 60646
(Tel.) 312/583-8500

Employment Discrimination Against Persons with AIDS
(Article)

University of Dayton Law Review
(Spring 1985, pp. 681-703)
300 College Pk.
Dayton, OH 45469
(Tel.) 513/229-3642

This article focuses on the facts about AIDS as they relate to employment rights, and demonstrates the degree to which laws forbidding employment discrimination on the basis of physical disability or handicap provide protection for persons with AIDS.

St. Louis, MO 63130
(Tel.) 314/863-0128

The Paradigm Group provides consulting to businesses regarding AIDS policy. Its standard format is a three-hour briefing, covering the background of the disease, policy, costs, testing, legal issues and education.

Practical Guide for Dealing with AIDS at Work, A

(Article)

\$3

Personnel Journal (August 1987, pp.135-138)

245 Fischer Ave. B-2
Costa Mesa, CA 92626
(Tel.) 751-1883

Discusses practical considerations for employers as they relate to such issues as applicant and employee testing; termination; co-worker complaints; liability; and confidentiality.

Privacy in the Workplace: Health and Liability

(Article)

Human Rights (Summer 1987, pp. 45-47)

American Bar Association
750 N. Lake Shore Dr.
Chicago, IL 60611
(Tel.) 312/988-5000

Hospitals are trapped between the right of the patient to privacy and the right of their employees to a safe working environment. This article examines both sides of the issue and tries to describe a reasonable policy for hospital administrators to follow.

Sandra Shohen Associates, Ltd.

(Consultant)

240 Central Park S.
New York, NY 10019
(Tel.) 212/581-3031

Consulting services include lectures,

seminars and conferences addressing real and imagined fears. Programs are targeted at employees in all levels of the company.

Twenty Questions About AIDS in the Workplace

(Article)

\$5

Business Horizons (July/August 1986, p. 36)

Graduate School of Business
Indiana University
Bloomington, IN 47405
(Tel.) 812/335-6342

Basic background on transmission, discrimination, education. Useful both as a general background on AIDS and as a starting point for developing a specific policy for dealing with the disease.

When AIDS Struck: Two Firms' Responses Might Be Role Models

(Article)

Industry Week (May 12, 1986, pp.18-19)

Penton Publishing
1100 Superior Ave.
Cleveland, OH 44114
(Tel.) 216/696-7000

The story of John Coffee, a hemophiliac who contracted AIDS from a blood product. Coffee worked for Ogilvy & Mather Advertising, and his wife works for Marketing Corporation of America. Both firms reacted rationally and with compassion, supporting the couple in any way they could.

Where 'Boss' Stops and 'Friend' Begins

(Article)

Working Woman (February 1987, p. 70+)

342 Madison Ave.
New York, NY 10173
(Tel.) 212/309-9800

Author's experiences as boss of an AIDS patient — includes related manager's guide to AIDS in the office.

DIRECTORIES

AIDS Resource Guide, The
(Bibliography)

\$14.95

AIDS Resource Guide

c/o FAFTP

PO Box 13372, University Station
Gainesville, FL 32604
(Tel.) 904/375-6848

A spiral-bound bibliography of pamphlets, books, tapes, and more. Includes a short description of each item, including price and ordering information. Indexes brochures by organization and intended audience, and has separate listings for brochures in foreign languages and for audiovisual material.

AIDS Services Profiles: The 86-87 National AIDS Directory

(Book)

\$25/non-members

National AIDS Network

Chris Hall

1012 14th St. NW, Ste. 601
Washington, DC 20005
(Tel.) 202/347-0390

Lists 70 organizations throughout the US. Includes data on staff size, budget, goals and services provided.

Computerized AIDS Information Network (CAIN)

(Data Base)

\$49.95 lifetime membership in California

\$61.95 lifetime membership outside California

1213 N. Highland
Los Angeles, CA 90038
(Tel.) 213/464-7400

A consumer on-line data base with electronic communication capabilities including professional conferencing,

Sandy Mackintosh
Vice President of Health Services
5205 Leesburg Pike, Ste. 400
Falls Church, VA 22041-3898
(Tel.) 703/671-3360

The National Institute on Drug Abuse (NIDA) is sponsoring these workshops in conjunction with National Capitol Systems, Inc. The workshops are customized for the host state, the audience and local time constraints of the state's correctional system. NIDA covers the expenses of training materials and provides the training personnel. Local correctional agencies are responsible for facilities and recruitment of participants. Contact: Rebecca Ashery, PhD, DCR/CR, Room 37A, National Institute on Drug Abuse, Parklawn Building, 5600 Fishers Ln., Rockville, MD 20857, 301/443-6500.

AIDS Project Los Angeles
(Organization)

7362 Santa Monica Blvd.
West Hollywood, CA 90046
(Tel.) 213/876-8951

AIDS Project Los Angeles was one of the first organizations of its kind in the country. Many resources and services are available.

AIDS in the Workplace (English and Spanish)
Booklet

Free/less than 50

Background pamphlet, dealing primarily with transmission by casual contact. Covers precautions to be taken when there may be contact with blood. Illustrated with photos from old monster movies.

Phil Shely, Training Specialist
Provides AIDS education and designs programs for employers and employees in the workplace.

American Red Cross
(Organization)

National Headquarters/AIDS Education Office
1730 D St. NW
Washington, DC 20006
(Tel.) 202/737-8300

Working Beyond Fear

Based on the same format developed by the American Red Cross for its CPR and first aid courses, this is a two-hour video presentation and guided discussion, presented by a trained American Red Cross instructor. In addition to the film, role-playing scenarios allow employees to deal with situations as they might occur in the workplace. The program is designed for groups of 20-30 employees, and presents current, reliable, non-sensationalized information on AIDS. For more information, contact your local chapter or the national headquarters of the American Red Cross.

Beyond Fear

An hour-long film designed to give members of the general public an accurate background on AIDS. Includes three 20-minute segments: the virus, the individual and the community. Available on tape or 16mm film. Includes poster announcing the showing of film and summary handouts. The tape is available on free loan from: Modern Talking Pictures, Attn: Film Scheduling, 5000 Park St. N., St. Petersburg, FL 33709.

Latest Facts About AIDS

Series of pamphlets for general education on AIDS issues. Titles are: "AIDS and Your Job — Are There Risks?"; "AIDS, Sex and You"; "AIDS and Children"; "Facts About AIDS and Drug Abuse"; "AIDS and the Safety of the Nation's Blood Supply"; "If Your Test for Antibody to the AIDS Virus Is

Positive"; "Gay and Bisexual Men and AIDS"; and "Caring for the AIDS Patient at Home." Contact your local Red Cross chapter or the national headquarters of the American Red Cross.

AIDS: The Facts

This generic pamphlet gives basic background on the disease and its transmission. Free from your local Red Cross chapter or available at cost in larger quantities.

Public service ads

Public service ads for employee publications. Each includes the national AIDS hotline number and a fact about the transmission of the disease. They answer the questions: "Should You Worry About Getting AIDS?" and "Should You Worry About AIDS and the Workplace?" Free. Contact your local Red Cross chapter or the national headquarters of the American Red Cross.

Channing L. Bete Co., Inc.
(Booklets — Titles Below)

Free sample, inexpensive in quantity
200 State Rd.
South Deerfield, MA 01373
(Tel.) 413/665-7611

A series of short booklets with informal text and graphics. Titles on AIDS include: "What Everyone Should Know About AIDS" (English or Spanish); "About Protecting Yourself from AIDS"; "What Gay and Bisexual Men Should Know About AIDS"; "Why You Should Be Informed About AIDS" (for Health Care Workers); and "About AIDS and Shooting Drugs." Another booklet, "About AIDS in the Workplace," will be available in December 1987.

Understanding and Preventing AIDS
AIDS — How You Can Prevent Its Spread

(Booklets)
Free samples
Krames Communications
Dept. AIDS/BUS
312 90th St.
Daly City, CA 94015-1898
(Tel.) 415/994-8800
"Understanding and Preventing AIDS" is a full-color, six-page booklet that gives a general background on the disease and its transmission. "AIDS — How You Can Prevent Its Spread," an eight-page booklet, discusses transmission and prevention of AIDS. Personnel managers can get free samples by writing on their letterhead or including a business card.

HEALTH CARE WORKERS

Advice About AIDS: For Public Safety, Health and Emergency Personnel

(Booklet)
\$.15
Seattle-King County Department of Public Health
The AIDS Prevention Project
1116 Summit Ave., Ste. 200
Seattle, WA 98101
(Tel.) 206/587-4999
Focuses on the low risk health and emergency personnel have of contracting AIDS in their work. Deals with the precautions needed in dealing with trauma, performing CPR, belligerent citizens, handling blood. Discusses the precautions that should be taken when dealing with any member of the public, not just those suspected of carrying AIDS.

AIDS: Information for Health Care Employees

(Booklet)
Free sample
University of Massachusetts Medical Center
Martin J. Barrett
Assoc. Vice Chancellor — Human Resources
55 Lake Ave. N.
Worcester, MA 01605-2397
(Tel.) 617/856-3223
Causes, risk groups, transmission, symptoms and precautions. A basic background for health care professionals. Includes Massachusetts hotline numbers.

AIDS: It Has Forever Changed the Course of Dental Care

(Article)
AGD Impact (May 1986, p. 1)
Academy of General Dentistry
211 E. Chicago Ave., Ste. 1200
Chicago, IL 60611-2670
(Tel.) 312/440-4300
Discusses dentists' attitudes about AIDS, transmission, prevention, research by the National Institute of Dental Research, and responsibilities of dentists in dealing with AIDS-infected patients

AIDS Alert

(Newsletter)
\$99 per year
67 Peachtree Park Dr. NE
Atlanta, GA 30309
(Tel.) 404/351-4523
Monthly newsletter for health professionals.

AIDS and the Health Care Worker

(Booklet)
\$.10; \$.08 each for more than 50
AID Atlanta
811 Cypress St.
Atlanta, GA 30308

(Tel.) 404/872-0600
Discusses infection control procedures that ensure safety yet do not compromise care. Also discusses risk groups, transmission.

AIDS and the Health Care Worker

(Videotape)
\$425; \$85 for rental
Coronet/MTI Film and Video
108 Wilmot Rd.
Deerfield, IL 60015
(Tel.) 312/940-1260
A program intended to allay the fears of caregivers who come into contact with AIDS patients. The film deals with the physical risks and the emotional trauma of dealing with AIDS victims.

AIDS and the Health Care Worker

(Booklet)
\$.10/single free
Service Employee International Union
1313 L St. NW
Washington, DC 20005
(Tel.) 202/898-3200
One page, background pamphlet aimed at health care workers.

AIDS in the Workplace

(Booklet)
Free/limited quantities
Ontario Public Education Panel On AIDS
(OPEPA)
15 Overlea Blvd., Fifth Fl.
Toronto, Ontario, Canada, M4H 1A9
Transmission and casual contact. Addresses specific concerns of personal service workers and health care workers.

AIDS: Updated Information for Dentists and Dental Auxiliaries

(Booklet)
Free
Massachusetts Department of Public Health

INSURANCE COVERAGE

AIDS: The Challenge to Life and Health Insurers Freedom to Contract (Article)

Drake Law Review (Fall 1986)

Drake University

Drake Law School

Des Moines, IA 50311

(Tel.) 515/271-2824

Looks at the difficulties AIDS presents to the life and health insurance industry. Includes discussion of risk classification procedures, factors that could be used to classify persons at risk of AIDS, the impact of public accommodation statutes, and the options available to insurers.

AIDS and Insurance: The Rationale for AIDS-Related Testing (Article)

Harvard Law Review (May 1987, pp. 1806-1825)

Gannett House

Cambridge, MA 02138

(Tel.) 617/495-7889

Argues insurers must be allowed to continue AIDS-related testing to determine insurability. Discusses fundamental principles of insurance and how they apply to individuals at risk for AIDS, legal and medical rationales for testing, dangers of prohibiting AIDS-related testing, and alternative means of financing AIDS-related costs for individuals denied insurance.

AIDS Insurance Crisis: Underwriting or Overreaching?, The (Article)

Harvard Law Review (May 1987, pp. 1782-1805)

Gannett House

Cambridge, MA 02138

(Tel.) 617/495-7889

Analyzes the legal and public policy im-

plications of underwriting on the basis of sexual orientation. Explores the current debate over the use of the HIV antibody test by insurers. Concludes by arguing the financial interests of insurers are not sufficient to outweigh the social, medical and moral costs of sexual orientation discrimination or HIV antibody testing.

AIDS-HIV Mortality and Life Insurance (Study)

(Study)

\$5

Society of Actuaries

Attn: AIDS Report

500 Park Blvd.

Itasca, IL 60143

(Tel.) 312/532-0370

Estimate of the impact of AIDS in terms of life insurance, both individual and group coverage.

Comp Board Rejects AIDS Disability Pay (Article)

(Article)

Business Insurance (May 25, 1987, p.11)

Crain Communications, Inc.

740 Rush St.

Chicago, IL 60611-2590

(Tel.) 312/649-5275

A California workers' compensation appeals board overturned a ruling granting disability benefits to a construction worker who contracted AIDS-related complex while working in Zaire for a US-based civil engineering company.

Cost Impact of AIDS on Employee Benefits Programs, The (Article)

(Article)

\$2

Compensation & Benefits Management

Panel Publishers, Inc.

14 Plaza Rd.

Greenvale, NY 11548

(Tel.) 516/484-0006

Corporations are just beginning to address the potentially catastrophic impact of AIDS. Because the total cost impact on employee benefits programs will be significant, the authors argue that management must begin to focus on altering existing plans to manage this risk more effectively.

Who Will Pay the Bill for AIDS Treatment? (Article)

(Article)

Los Angeles Times (June 4, 1987, pt. 5, p. 1)

Times Mirror Square

Los Angeles, CA 90053

(Tel.) 213/273-5000

Report on a RAND Corp. study that says costs could reach as much as \$112.5 billion by 1991.

LEGAL ISSUES

AIDS: Does It Qualify as a "Handicap" Under the Rehabilitation Act of 1973? (Article)

(Article)

\$4

Notre Dame Law Review (Summer 1986, pp. 572-595)

PO Box 486

Notre Dame, IN 46556

(Tel.) 219/239-7097

Part I gives a broad overview of the disease's symptomatology and communicability. Part II examines the Rehabilitation Act, legislative intent, case law and history. Part III analyzes whether AIDS fits the definition of handicap, and Part IV concludes that AIDS patients deserve the protection of the Act.

AIDS: An Employer's Dilemma (Article)

(Article)

Personnel (February 1986, pp. 58-63)

association of gay men, mandatory testing and reporting requirements, public employment prohibitions and bans on public school attendance.

Developing Law on AIDS in the Workplace, The
(Article)

Maryland Law Review (Winter 1987, pp. 284-319)

University of Maryland School of Law
500 W. Baltimore St.
Baltimore, MD 21201
(Tel.) 301/328-7414

First focuses on whether AIDS victims are protected under state, federal and local statutes that prohibit discrimination on the basis of handicap or other characteristics, such as national origin or sexual orientation. Second, it examines the extent to which the accumulation and disclosure of data about an AIDS victim violates his or her common law constitutional rights, and whether the employer of an AIDS victim who fails to disclose the plight of an AIDS patient to either the victim or to co-workers runs any legal risks. Third, it looks at other potential sources of employer liability, such as unemployment compensation and common law torts, and finally examines the rights of the co-workers under the NLRA, the Labor Management Relations Act, the Occupational Safety and Health Act, and others.

Employee Privacy Rights: Everything You Always Wanted to Know — But Shouldn't

(Article)

Michigan Bar Journal (October 1985, pp. 1104-1111)

Michigan State Bar Association
306 Townsend
Lansing, MI 48933
(Tel.) 517/372-9030

Covers disclosure by an employer of

"private" information about employees, as well as maintaining non-job-related requirements for employment. Although the article does not address the issues of AIDS directly, it is a good overview of the legality of disclosure and privacy.

Employment Discrimination: AIDS Victims

(Article)

Harvard Journal of Law & Public Policy
(Summer 1986, pp. 739-751)

Harvard Law School
Cambridge, MA 02138

A review of the decision in *Shuttleworth vs. Broward County Office of Budget and Management Policy*.

Employment Discrimination Against the Handicapped and Sec. 504 of the Rehabilitation Act

(Article)

Harvard Law Review (February 1984, pp.997-1015)

Gannett House
Cambridge, MA 02138

(Tel.) 617/495-7889

"An Essay on Legal Evasiveness," takes the view that Section 504 suffers from the ambiguity of statutory language, a refusal to make a stand on fundamental questions of values, and ultimately leaves the handicapped and employers without meaningful guidelines.

Environmental Mediation

International

(Consultant)

Robert E. Stein, President
1775 Pennsylvania Ave. NW, Ste. 400
Washington, DC 20006

(Tel.) 202/457-0457

Canadian Office:

43 Florence St.
Ottawa, Canada K2P 0W6

(Tel.) 613/232-2244

EMI helps corporations assess and de-

velop policies covering AIDS in the workplace and develops training programs for employees. EMI was established to facilitate the use of mediation for settling environmental, natural resource and health disputes, including AIDS-related issues. Has produced several reports, including "The Settlement of AIDS Disputes," "Strategies to Avoid and Settle AIDS Disputes in the Workplace."

Is AIDS a Disability?

(Article)

\$4.75

Practical Lawyer (September 1986, pp. 13-24)

4025 Chestnut St.
Philadelphia, PA 19104

(Tel.) 215/243-1628

Looks at Section 504 of the Rehabilitation Act, and attempts to determine the applicability of the act to AIDS and ARC victims, those who test positive, and those who are or who are perceived to be members of high-risk groups.

Legal Aspects of AIDS

(Booklet)

Free

Gay Men's Health Crisis
PO Box 274, 132 W. 24th St.

New York, NY 10011

(Tel.) 212/807-7035

Discusses some of the legal problems that the GMHC Legal Services Division has encountered. Includes discrimination, wills, transfer of assets and liabilities. Not available in bulk.

Legal Issues Involved in Private Sector Medical Testing of Job Applicants and Employees

(Article)

Indiana Law Review (Spring 1987, pp. 517-537)

Indiana University School of Law —

I

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Expansion of Arthur Young and Company Contract Services		Meeting Date January 19, 1988
Bureau Information Services	Reviewed By	Researched By George W. Williams <i>GW Williams</i>
Executive Director Approval <i>Mouwau C. Boehm</i>	Date of Approval 12-22-88	Date of Report December 20, 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

Expand the services to be performed and the amount to be spent on the contract with Arthur Young and Company.

BACKGROUND

In the current contract Arthur Young and Company has assisted POST in the implementation of the new VAX 8350 minicomputer including the development of critical programming applications for the new computer. Due to circumstances beyond the control of Arthur Young and Company and POST some of the work to be performed by the contractor during the time period established in the contract could not be completed. This work still must be performed in order for the implementation of the new computer system to continue. The implementation of the new computer system can be further expedited by the provision of additional services to be provided by the contractor; heretofore these services were not described in the contract.

ANALYSIS

It is necessary as a part of the establishment of a new computer system to write various operations manuals. Because POST's data processing staff-time is consumed in the maintenance of the old Four Phase minicomputer, and the implementation of the new system, the scheduling of the writing of these manuals by POST staff can not be set until far into the future. The detailed nature of the manuals requires that they be written contemporary with the development of the new computer system. Also, the manuals should be readily available to the users of the new system. Arthur Young and Company proposes to produce these manuals and train POST staff regarding the procedures addressed in them.

These operations manuals would include, but would not limited to, the following: Manual Overview, User Unit Responsibilities, Operator Procedures, System Configuration, Change Management, Tape Storage Management, Problem Management, Problem Escalation, Utilities, Naming Conventions, System Logon, Backup and Recovery Procedures.

In the implementation/conversion process extensive ad hoc system programming applications and related testing must be developed and is necessary to ensure the reliability and safety of complete dependance on the new computer's systems

applications. The contractor can provide the assistance of consultants who are experienced in this conversion from an old computer -- specifically to a new VAX computer. This assistance would be invaluable to POST in speeding up the process and reducing the possibility of avoidable errors.

The provision of these services by the contractor would supplement POST staff in the achievement of implementation tasks that are necessary regarding the new computer system, and at the same time provide needed expertise in the conversion from the old Four Phase minicomputer to the new VAX 8350 minicomputer. These would be services that have heretofore not been listed in the contract.



The current contract with Arthur Young and Company is for \$170,820.00. The cost of the additional services to be performed by the contractor would not exceed \$16,960. The total cost of the contract would be increased to \$187,780.

RECOMMENDATION

Authorize the Executive Director to negotiate the provision of additional services as described above at an increased cost not to exceed \$16,960.

INFOSERV
12/20/88

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Augmentation of the Basic Course Automated Testing System Contract			Meeting Date January 19, 1989		
Bureau Standards & Evaluation		Reviewed By 		Researched By Jim Norborg	
Executive Director Approval 		Date of Approval 12/20/88		Date of Report December 20, 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.					

ISSUE

Should POST augment its contract with Brain Designs, Inc. by \$9,000 to pay for enhancements to the basic course automated test development and tracking system developed under the contract?

BACKGROUND

On December 24, 1985, POST entered into a \$90,000 contract with Brain Designs, Inc. to develop an automated test development and tracking system for the basic course academies. The system was demonstrated to the Commission at its meeting on November 3, 1988.

The contractor has completed the work described in the contract and has provided a functional product which is being used by 14 of the State's 34 academies. There are, however, a number of enhancements that could be made which would increase the value of the system to the academies and decrease the staff time required to maintain the system. Specifically, a contract augmentation in the amount of \$9,000 would result in the following system improvements:

1. The technical quality of tests would be improved by allowing academies to select the most appropriate method for scoring tests. Cost: \$1,150.
2. An additional report would be provided to aid academy administrators in scheduling test administrations. Cost: \$900.
3. A mechanism would be provided for electronically transferring information on basic course curriculum changes directly to academy microcomputers. Cost: \$2,100.
4. A more flexible system would be provided for retesting students who fail to demonstrate mastery of the basic course curriculum when first tested. Cost: \$700.

5. The on-line help system available to users would be substantially improved. Cost: \$2,400.
6. The user interface would be improved by adding color to the screen displays. Cost: \$1,750.

ANALYSIS

The contractor has produced a functional product which has been evaluated favorably by academy administrators where the program has been tested. If the additional work is authorized, the value of the system to the academies will increase and the staff effort required to maintain the system will decrease.

RECOMMENDATION

Approve an augmentation of \$9,000 to the original \$90,000 contract with Brain Designs, Inc. of Berkeley, California.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Proposed Grace period for Dispatcher Training Reimb.		Meeting Date January 19, 1989
Bureau Comp. & Certificate Services Bureau	Reviewed By	Researched By Darrell Stewart <i>DS</i>
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 12-23-88	Date of Report Dec. 20, 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 establish a "grace period" for reimbursement of dispatcher training until July 1, 1989, to permit currently participating agencies more time to enroll in the new Public Safety Dispatcher Program?

BACKGROUND

Penal Code Section 13510(c), which requires the Commission to establish selection and training standards, and is the legal authority for the Public Safety Dispatcher Program, was adopted in late 1987 and became effective on January 1, 1988.

Dispatcher training, as with other types of non-sworn employee training, has been reimburseable for law enforcement agencies in the POST program for many years. With implementation of the new dispatcher program, reimbursement is provided only to departments which have specifically applied and been accepted into the dispatcher program.

At the November 1987 Commission Meeting, the Commission adopted a policy to continue reimbursement for dispatcher training of participating reimbursable agencies until adoption of Regulations and implementation of a Public Safety Dispatcher Program. The Regulations were adopted and became effective on January 1, 1989.

ANALYSIS

There are a considerable number of law enforcement agencies which are currently participating in the peace officer program and wish to participate in the dispatcher program. Many of these agencies will not be able to enter the dispatcher program for some time because of legal and procedural delays in passing the required local ordinances.

The normal time frame for a local department to pass an ordinance through the governing board, newspaper notifications, public

hearings, etc., is 90 days. This does not include drafting the document and legal review which sometimes takes weeks.

Additionally, in the various communications on the Public Safety Dispatcher Program, such as articles in the PostScripts newsletter, it has not been unequivocally clear that reimbursement for dispatcher training will be lost unless the agency has specifically applied and is accepted into the dispatcher program. There is a need to clearly communicate this to the concerned agencies statewide, and establish a date when reimbursement will be limited to only the agencies in the dispatcher program. A POST Bulletin is proposed for distribution to clarify this point.

The Commission can extend the time period for reimbursing all non-sworn personnel attending dispatcher courses, regardless of whether the agency is enrolled in the Public Safety Dispatcher Program. Providing such a "grace period" will permit agencies more time to pass ordinances, officially apply, and be accepted into the program, without losing needed reimbursement.

RECOMMENDATION

If the Commission concurs, appropriate action would be a MOTION to approve a grace period to continue reimbursement of dispatcher training for all agencies participating in the peace officer program until July 1, 1989.

Memorandum

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To : POST Commissioners

December 23, 1988

Floyd Tidwell, Chairman
Commission Finance Committee

From : **Commission on Peace Officer Standards and Training**

Subject: FINANCE COMMITTEE REPORT

A telephonic conference meeting of the Finance Committee was held on December 14, 1988. Conferees included Committee Chairman Floyd Tidwell, Committee members Raquel Montenegro and Robert Wasserman, Executive Director Norman Boehm and staff members Otto Saltenberger, Tom Liddicoat and Vera Roff.

Ten proposed contracts to be negotiated for Fiscal Year 1989/90 were reviewed by the Committee. The contracts are continuations of existing year agreements with anticipated minimum, if any, increase in current expenditure levels. The Committee recommends that the Commission authorize the Executive Director to negotiate the contracts which will be brought back to the Commission for final approval at its April 1989 meeting.

FINANCE COMMITTEE MEETING
Wednesday, December 14, 1988
2:00 P.M.
Conference Call

AGENDA

A. CALL TO ORDER - Chairman Floyd Tidwell

1. PROPOSED CONTRACTS TO BE NEGOTIATED FOR FISCAL YEAR 1988/89

In January of each year, the Commission receives a recommendation from the Finance Committee to authorize the Executive Director to negotiate certain contracts for the upcoming fiscal year. This agenda explains the proposed contracts. The action before the Committee is to form a recommendation to be made to the full Commission at the January 19, 1989 meeting.

Proposed contracts to be negotiated for Fiscal Year 1989/90:

a. Management Course

This course is currently budgeted at \$301,316 for 22 presentations by 5 presenters.

California State University - Humboldt
California State University - Long Beach
California State University - Northridge
California State University - San Jose
San Diego Regional Training Center

Course costs are consistent with Commission guidelines, and performance by all five presenters has been satisfactory. Staff anticipates some increases over FY 1988/89 due to increased costs for instructors, coordination, facilities, and materials, although no additional presenters are planned for 1989/90.

b. Executive Development Course

This course is currently presented by California State Polytechnic University, Pomona, at a cost of \$71,260 for five presentations. Course costs are consistent with POST guidelines, and the performance of the presenter has been satisfactory. Staff anticipates some increases over FY 1987/88 expenses due to increased costs for instructors, coordination, facilities, and increased costs for instructors, coordination,

facilities, and materials which may be allowable by tuition guidelines. Upon approval, a new contract will be negotiated for FY 1989/90.

- c. San Diego Regional Training Center - Support of Executive Training including the Command College

The San Diego Regional Training Center serves as the chief contractor for a variety of training activities of the Commission conducted by the Center for Executive Development. Curriculum development as well as instructional and evaluation costs for these training activities for FY 1988/89 came to \$321,589. Upon authorization, a new contract will be negotiated for FY 1989/90.

- d. Department of Justice - Training Center

The Department of Justice has provided training to local law enforcement through an Interagency Agreement with POST since 1974. During Fiscal Year 1988/89, the amount allocated to this training was \$743,190. For this amount, the Department of Justice agreed to make 189 combined presentations of 31 separate courses.

It is proposed that the Department of Justice conduct generally the same training programs in Fiscal Year 1989/90 for a similar financial commitment by POST.

- e. Cooperative Personnel Services - Basic Course Proficiency Test

Cooperative Personnel Services (CPS) has administered the Basic Course Proficiency Test for POST for the past seven years. CPS has demonstrated the ability to effectively administer the test at less cost than would be possible if POST staff were to administer the test.

The current year contract is for \$27,992. The proposed contract for FY 1989/90 is not expected to exceed this amount.

- f. POST Entry-Level Reading and Writing

For each of the last four years, POST has contracted with Cooperative Personnel Services (CPS) and the State Personnel Board (SPB) to administer the POST entry-level reading and writing testing program. The overall quality and level of services provided by CPS and SPB over the years has been quite good.

Current fiscal year contracts total \$113,264. The proposed contracts for FY 89/90 are expected to total no more than \$90,000. The reduction is made possible by the recent acquisition of a high speed scanner as part of POST's new computer system which will permit POST staff to perform test answer sheet scanning and other selected services currently performed under contract.

g. State Controller's Office - Agreement for Auditing Services

Each year POST has negotiated an Interagency Agreement with the State Controller's Office to conduct audits of selected local jurisdictions which receive POST reimbursement funds. The Commission approved an agreement not to exceed \$85,000 for the current fiscal year.

Approval is requested to negotiate a similar agreement to maintain current level of service for Fiscal Year 1989/90.

h. Computer Services Contract - Third Party Maintenance Company

POST purchased its Four Phase computer in June of 1986 at the expiration of the lease with Motorola/Four Phase. The purchase was the most cost effective method of continuing computer services at POST during the period of procurement of new computer equipment. POST currently has a contract with the Third Party Maintenance Company for maintenance of the Four Phase Computer. The current year contract is for \$14,000.

Approval is requested to negotiate a similar agreement with Third Party Maintenance Company for maintenance services during Fiscal Year 1989/90.

i. Computer Services Contract - Teale Data Center

POST has an Interagency Agreement with Teale Data Center (a State Agency) for computer services. The contract provides for a link between POST's computer and the Data Center's mainframe computer. This allows POST to utilize the mainframe's power for complex data processing jobs and the storage of large data files that require more resources than POST's minicomputer can provide. The current year contract is for \$89,000.

Approval is requested to negotiate an Interagency

Agreement with the Teale Data Center for computer services in 1989/90 for an amount similar to the current year's cost.

j. CALSTARS Contract, 1989/90

The mandated California Accounting and Reporting Systems (CALSTARS) requires an agreement with the Health and Welfare Data Center to provide computer linkage and necessary data processing services. The Commission approved a current year contract in an amount not to exceed \$25,000.

Approval is requested to negotiate a similar agreement to maintain the current level of required service for Fiscal Year 1989/90.

ADJOURNMENT

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Management Course Contracts - Fiscal Year 1989/90		January 19, 1989
Bureau	Reviewed By	Researched By
Center for Executive Development	<i>Ted Morton</i>	Ted Morton
Executive Director Approval	Date of Approval	Date of Report
<i>William C. Becken</i>	12/6/88	November 23, 1988
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

Issue

Commission review and approval of Management Course contracts as proposed for Fiscal Year 1989/90 are required to authorize the Executive Director to negotiate contracts with presenters.

Background

These courses are currently budgeted at \$301,316 for twenty-two (22) presentations by five (5) presenters:

- California State University - Humboldt
- California State University - Long Beach
- California State University - Northridge
- California State University - San Jose
- San Diego Regional Training Center

No other educational institutions have expressed interest in presenting the Management Course. In addition, there are two (2) certified Management Course presenters who offer training to their own personnel at no cost to the POST fund:

- California Highway Patrol
- State Department of Parks and Recreation

Analysis

Course costs are consistent with POST tuition guidelines. Required learning goals are being satisfactorily presented by each contractor.

It is estimated that twenty-two (22) presentations will again be required in FY 1989/90. Staff anticipates some increases over FY 1988/89 due to increased costs for instructors, coordination, facilities, and materials, although no additional presentations are expected.

Recommendation

Appropriate action of the Commission would be a motion to authorize the Executive Director to negotiate contracts with the current five (5) contractors to present twenty-two (22) presentations of the Management Course during Fiscal Year 1989/90. Negotiated contracts will be returned for commission approval at the April 1989 meeting.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Executive Development Course Contract - FY 1989/1990		January 19, 1989
Bureau	Reviewed By	Researched By
Center for Executive Development	<i>Ray Minton</i>	Russ Kindermann
Executive Director Approval	Date of Approval	Date of Report
<i>Thomas C. Buchan</i>	12/6/88	November 18, 1988
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

Issue

Commission review and approval of the Executive Development Course contract as proposed for Fiscal Year 1989/1990 are required to authorize the Executive Director to negotiate contracts with presenters.

Background

The single contractor for the Executive Development Course currently provides training for 100 trainees in 5 presentations per year. The contract costs for FY 1988/1989 are \$71,260.

Commission Regulation 1005(e) provides that every regular officer who is appointed to an executive position may attend the Executive Development Course, and the jurisdiction may be reimbursed provided the officer has satisfactorily completed the training requirements of the Management Course.

Analysis

The California State Polytechnic University, Pomona, has been under contract to present the Executive Development Course since October, 1979. The presentations have been well received by law enforcement executives. The presenter has developed a special expertise in presenting POST executive and management training. Because of this expertise, the presenter has attracted a high quality group of instructors and coordinators. Even so, staff anticipates some modification of the course necessary to keep the curriculum current and relevant.

It is estimated that 5 presentations will again be required in FY 1989/1990. Staff anticipates some increase over FY 1988/1989 due to increased costs for instructors, coordination, facilities, and materials as may be allowable by tuition guidelines.

Recommendation

Appropriate action of the Commission would be a motion to authorize the Executive Director to negotiate a contract with Cal-Poly Kellogg Foundation to present 5 presentations of the Executive Development Course during FY 1989/1990. The negotiated contract will be returned for Commission approval at the April 1989 meeting.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Contract for Command College and Executive Training		January 19, 1989
Bureau	Reviewed By	Researched By
Center for Executive Development	<i>Ted Morton</i>	Ted Morton
Executive Director Approval	Date of Approval	Date of Report
<i>Howman C. Bachan</i>	12/6/88	November 23, 1988
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

Issue

Commission review and approval of the Command College Executive Training contract for Fiscal Year 1989/90 are required to authorize the Executive Director to negotiate with the presenter.

Background

Since the inception of the Command College in 1984, the Commission has approved a contract with the San Diego Regional Training Center to provide the services of faculty, facilitation, coordinators, facilities, materials, course development, and related activities for the Command College and seminars for chiefs, sheriffs, and senior law enforcement managers.

The first class of the Command College graduated January 31, 1989. Two classes commence annually. During the 1989/90 Fiscal Year, twenty Command College workshops will be presented for Classes 9, 10, 11, 12, 13 and 14.

Executive training has been designed to meet the stated needs of chiefs, sheriffs, and senior managers. In 1989/90, CED staff will develop, coordinate, and present 15 executive seminars.

Current contract costs for FY 1988/89 are \$321,589.

Analysis

To support the activities of the Command College and Executive Training, funds will be required for two Assessment Centers, several Command College planning and project committee meetings, continuing Command College and executive seminar course developments, Executive Development Course redesign, and continuing development of Emergency Preparedness training.

Recommendation

Appropriate action of the Commission would be a motion to authorize the Executive Director to contract with the San Diego Regional Training Center to provide expert management consultants, educators, faculty, training sites, and materials for Command College programs and seminars for law enforcement executives and senior managers for Fiscal Year 1989/90. It is anticipated that the amount of the negotiated contract will approximate the 1988/89 contract. This matter will be returned for Commission approval at the April 1989 meeting.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date	
POST/DOJ Interagency Agreement for Training		January 19, 1989	
Bureau	Reviewed By	Researched By	
Training Delivery Svcs.	Ronald T. Allen, Chief	John B. Davidson	
Executive Director Approval	Date of Approval	Date of Report	
<i>Norman C. Bachman</i>	12/6/89	November 18, 1988	
Purpose:		Financial Impact:	
<input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		<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.

ISSUES

The Commission and the Department of Justice Advanced Training Center have provided training to local law enforcement agencies during 1988-89 through an Interagency Agreement.

Department of Justice is agreeable to a continuation of this agreement during Fiscal Year 1989-90.

BACKGROUND ANALYSIS

The Department of Justice has been contracting with POST to provide training to local law enforcement since 1974. During Fiscal Year 1988-89, the amount allocated to this training was \$743,190 (includes an amendment of \$30,950 to cover cost of Electronic Surveillance Training). For this amount, the Department of Justice agreed to make 189 combined presentations of 31 separate courses.

The department of Justice proposes to conduct a similar training program in Fiscal Year 1989-90, subject to any adjustments required by the Commission, and subject also to a similar financial commitment on the part of the Commission.

Staff recommends acceptance by the Commission and will analyze the proposal to ensure that it meets current needs and is within our cost guidelines prior to presentation for fiscal approval at the April Commission Meeting.

RECOMMENDATION

Authorize the Executive Director to negotiate an Interagency Agreement with the Department of Justice for Fiscal Year 1989-90.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Contract for Administration of POST Proficiency Examination		Meeting Date January 19, 1989
Bureau Standards & Evaluation	Reviewed By <i>John G. Rosen</i>	Researched By Diane Hrepich
Executive Director Approval <i>Norman C. Becken</i>	Date of Approval 12/7/89	Date of Report December 6, 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.

ISSUE

Continuation of the POST contract with Cooperative Personnel Services (CPS) to administer the POST Basic Course Proficiency Examination.

BACKGROUND

Penal Code Section 832(b) requires POST to develop and administer a basic training proficiency test to all academy graduates. POST has contracted with Cooperative Personnel Services (CPS) for the administration of the examination each of the last seven years.

ANALYSIS

CPS has done an acceptable job of administering the POST Basic Course Proficiency Examination. Moreover, CPS can administer the examination for less than it would cost if POST staff were to assume this function.

The amount of the fiscal year 1988/89 contract is \$27,992. The proposed contract for fiscal year 1989/90 is not expected to exceed \$29,000, and assumes an increase of 750 Basic Course graduates over fiscal year 1988/89.

RECOMMENDATION

Authorize the Executive Director to negotiate a contract with CPS for services during fiscal year 1989/90 for an amount not to exceed \$29,000.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Contract: POST Entry-Level Reading and Writing Tests		Meeting Date January 19, 1989
Bureau Standards & Evaluation	Reviewed By <i>John D. Brown</i>	Researched By Richard Honey
Executive Director Approval <i>Norman C. Bachus</i>	Date of Approval 12/7/88	Date of Report December 5, 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.

ISSUE

Continuation of the POST contract with Cooperative Personnel Services (CPS) to administer the POST entry-level test battery during fiscal year 1989/90.

BACKGROUND

For the past several years, the Commission has authorized that the POST entry-level test battery be made available to agencies in the POST program free of charge. During this period, all test administration and scoring services associated with the testing program have been provided under contracts with CPS and the State Personnel Board (SPB). In fiscal year 1988/89, the contract amounts were \$103,264.90 and \$10,000.00 respectively for CPS and SPB.

ANALYSIS

All contract services have been acceptable. The acquisition and implementation of a high-speed scanner will permit POST to assume functions previously contracted to CPS and SPB. By scanning its own test documents, and conducting its own mailing of test results, POST will be able to reduce its contract with CPS and eliminate completely its contract with SPB. These contract savings, in combination with no anticipated substantial increase in testing volume and unchanged CPS billing rate schedules for fiscal year 1989/90, will result in an anticipated reduction in contract costs of approximately \$25,000. The proposed contract with CPS for fiscal year 1989/90 will not exceed \$90,000.

RECOMMENDATION

Authorize the Executive Director to negotiate a contract with CPS for administration of the POST test battery during fiscal year 1989/90 for an amount not to exceed \$90,000.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title State Controller's Office/Agreement for Auditing Services		Meeting Date January 19, 1989
Bureau Administrative Services Bureau	Reviewed By <i>[Signature]</i> Otto H. Saltenberger	Researched By Staff
Executive Director Approval <i>[Signature]</i> Norman C. Bachon	Date of Approval 12/6/88	Date of Report November 23, 1988
Purpose: <input 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.

ISSUE

Continuation of the Commission on Peace Officer Standards and Training agreement with the State Controller's Office to provide auditing services.

BACKGROUND

Each year for the past several years, the Commission on Peace Officer Standards and Training has negotiated an Interagency Agreement with the State Controller's Office to conduct necessary audits of selected local jurisdictions which receive POST reimbursement funds.

ANALYSIS

The State Controller's Office continues to do an acceptable job in conducting the audits of several selected jurisdictions yearly to assure that reimbursement funds are being appropriately expended.

The Commission approved an agreement not to exceed \$85,000 for the current fiscal year. Approval is requested to negotiate a similar agreement for Fiscal Year 1989-90 for an amount to maintain current level of service.

RECOMMENDATION

Authorize staff to negotiate an Interagency Agreement with the Controller's Office for services during Fiscal Year 1989-90.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Computer Contract with Third Party Maintenance		Meeting Date January 19, 1989
Bureau Information Services	Reviewed By Glen Fine	Researched By George Williams <i>GWMS</i>
Executive Director Approval <i>Norman C. Bachman</i>	Date of Approval 12/7/88	Date of Report December 5, 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.

ISSUE

Authorize staff to negotiate a contract with Third Party Maintenance Company for computer maintenance services during Fiscal Year 1989/90.

BACKGROUND

POST purchased its Four Phase computer in June of 1986 at the expiration of the lease with Motorola/Four Phase. The purchase was the most cost effective method of continuing computer services at POST during the period of procurement and installation of the new DEC computer equipment. POST currently has a contract with the Third Party Maintenance Company for maintenance of the Four Phase computer. The current year contract is for \$12,312.

ANALYSIS

Use of the Four Phase computer will be required until the new DEC computer is fully operational and all applications have been developed and/or converted to the new system. This is scheduled to occur in 1989. The new VAX 8350 minicomputer is now scheduled to be fully operational early in 1989; however, system development and the need for parallel testing and checking of data and reports could extend the use of the Four Phase equipment into Fiscal Year 1989/90. This would necessitate the extension of the maintenance contract for another year.

RECOMMENDATION

Authorize the Executive Director to negotiate an agreement with Third Party Maintenance Company for maintenance services during Fiscal Year 1989/90 for an amount not to exceed \$14,000.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Interagency Agreement with Teal Data Center		Meeting Date January 19, 1989
Bureau Information Services	Reviewed By Glen Fine	Researched By George Williams <i>GW</i>
Executive Director Approval <i>Thomas C. Barber</i>	Date of Approval 12/7/88	Date of Report December 5, 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.

ISSUE

Authorize the Executive Director to negotiate an Interagency Agreement with the Teale Data Center for Fiscal Year 1989/90, for computer services.

BACKGROUND

POST has an Interagency Agreement with Teale Data Center (a State Agency) for computer services. The contract provides for a link between POST's computer and the Data Center's mainframe computer. This allows POST to utilize the mainframe's power for complex data processing jobs and the storage of large data files that require more resources than POST's minicomputer can provide. The current year contract is \$89,000.

ANALYSIS

POST is currently installing a new DEC VAX 8350 minicomputer which will replace its Four Phase equipment. The new computer is scheduled to be fully operational early in 1989. During training, software testing, data conversion, and system development, POST will need to use the Teale Data Center and in the future will utilize the computing power of the Teale facilities for large statistical jobs. These costs should decrease as more routine computer jobs are converted to run on the VAX 8350.

RECOMMENDATION

Authorize the Executive Director to negotiate an Interagency Agreement with the Teale Data Center for computer services in Fiscal Year 1989/90 for an amount not to exceed \$89,000.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Health and Welfare Data Center - CALSTARS Support		Meeting Date January 19, 1989
Bureau Administrative Services Bureau	Reviewed By <i>Otto H. Salteberger</i> Otto H. Salteberger	Researched By Staff
Executive Director Approval <i>Thomas C. Boehm</i>	Date of Approval 12/16/88	Date of Report November 23, 1988
Purpose: <input 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.

ISSUE

Continuation of the Commission on Peace Officer Standards and Training agreement with Health and Welfare Agency Data Center for computer linkage in support of the State Accounting System (CALSTARS).

BACKGROUND

The mandated California Accounting and Reporting System (CALSTARS) was implemented at POST on July 1, 1986. Although first year costs were paid by the Department of Finance, it is required that POST enter into subsequent yearly contracts with the Health and Welfare Data Center to provide data processing services during the year. The Commission approved an agreement not to exceed \$25,000 for current Fiscal Year 1988-89.

ANALYSIS

Without the continuation of an agreement with the Health and Welfare Data Center, POST will not be able to perform necessary state accounting functions and will be out compliance with accounting requirements. Approval is requested to negotiate a similar agreement for Fiscal Year 1989-90 for an amount to maintain required level of service.

RECOMMENDATION

Authorize staff to negotiate an interagency agreement with the Health and Welfare Agency Data Center for computer services during Fiscal Year 1989-90.

Memorandum

M

To : POST Commissioners

Date January 19, 1988¹⁹⁸⁹Robert Wasserman, Chairman
Accreditation CommitteeFrom : **Commission on Peace Officer Standards and Training**

Subject: ACCREDITATION COMMITTEE MEETING

The Committee met at the Clarion Hotel, Ontario on December 8, 1988 at 9:00 a.m. Present were the following Committee members:

Commissioner Robert Wasserman, Committee Chairman
Commissioner Carm Grande
Chief Don Forkus, CPOA
Chief Karel Swanson, CPCA
President Larry Malmberg, PORAC

Guests present:

Captain Tom Harrison, Orange County Sheriff's Department
Chief Deputy Tony Wood, San Luis Obispo County Sheriff's
Department

Staff members present:

Executive Director Norman Boehm
Deputy Director Glen Fine
Assistant Executive Director Doug Thomas

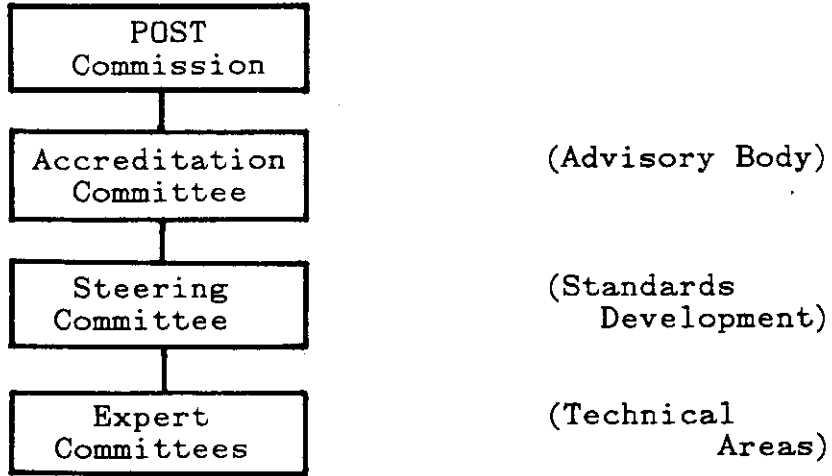
The Committee received comments back from each of the associations represented in attendance. Concern was expressed, however, that the sheriffs' association viewpoint was not available at the meeting. The consensus was to let the accreditation issue evolve slowly, and in the meantime, to more thoroughly define each of the elements of a model program.

The Committee continued review of the reasons for accreditation and developed a proposed accreditation process. See attached chart.

The need for enabling legislation was also discussed. The consensus was to request CPCA, CPOA, CSSA, and PORAC to form a joint task force to introduce any proposed legislation that would establish an accreditation program.

1 Staff was requested to prepare an action plan and possible legislation language for submission back to the Committee members and their respective associations for review and comments.

A MODEL ACCREDITATION PROCESS



Memorandum

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To : POST Commissioners**Date :** January 3, 1989Alex Panataleoni, Chairman
Long Range Planning Committee**From :** Commission on Peace Officer Standards and Training**Subject:** REPORT OF LONG RANGE PLANNING COMMITTEE MEETING

The Long Range Planning Committee met in Ontario on December 8, 1988 at 2:00 p.m. with myself, and Commissioners Block, Grande, Tidwell, and Wasserman present. Also present was Executive Director Norman Boehm and staff members Glen Fine, Doug Thomas and Otto Saltenberger. Observing was Sgt. Toni Caravella, LASD.

Committee members reviewed the following issues:

Alternatives for Reimbursing Basic Course Training

The Committee had a principal concern for fiscal implications of a proposal to increase the length of the Basic Course. Committee members discussed the current and optional ways of reimbursing for basic course training. After discussion, there was consensus that the current reimbursement system provides for adequate control of future reimbursement levels. There was also consensus that recommendation be made that staff undertake a study of basic training with a view towards qualitative enhancements and an examination of the potential for improving training productivity which could lead to reducing course hours.

Facilities and Equipment Needs

The committee reviewed a proposed Senate Concurrent Resolution (SCR) which the Commission authorized at its November 5, 1988 meeting. The SCR would require POST to study and report back to the Legislature on needs for improvements in existing law enforcement training facilities and equipment. There was consensus that the SCR, as proposed, be introduced and that all appropriate law enforcement organizations and associations be encouraged to act as sponsors.

P.C. 832 Testing

Committee members received and discussed an information report on this issue which is a separate item on the Commission agenda.

State Mandates Claim

It was reported that a test claim filed by Fresno County and City of Sacramento was heard on December 1, 1988 by the State Mandates Commission. The Commission decided that the claim should be rejected on ground that cities and counties voluntarily subscribe to POST standards and receive training expense reimbursements as part of the voluntary agreement. Had the Mandates Commission ruled otherwise, the State (POST) might have been required to reimburse for all local costs incurred in the psychological screening of peace officer applicants. Unless unanticipated supplemental funding would be provided, the result would simply have been a shift from salary reimbursement to psychological screening reimbursement. No net reimbursement increase was foreseen at all.

The meeting was adjourned at 3:45 p.m.

Memorandum

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To : POST Commissioners

Date : January 5, 1989

Edward Maghakian, Chairman
Advisory Liaison Committee

From : **Commission on Peace Officer Standards and Training**

Subject: ADVISORY LIAISON COMMITTEE REPORT

The Advisory Liaison Committee will meet again after the dissemination of the agenda but prior to the Commission meeting, and expects to make a verbal report of any recommendations at the Commission meeting.

Assembly Bill No. 4162

CHAPTER 1492

An act to amend Sections 11473, 11473.2, 11473.3, 11488.6, and 11489 of, to amend and repeal Sections 11470, 11488, 11488.4, and 11488.5 of, and to repeal Sections 11473.1 and 11509 of, the Health and Safety Code, relating to controlled substances, and making an appropriation therefor.

[Approved by Governor September 28, 1988. Filed with Secretary of State September 28, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

AB 4162, Katz. Controlled substance offenses: forfeiture proceedings.

(1) Existing law provides for the forfeiture of certain property involved in certain controlled substance offenses. Under that law, excluded from properties which are subject to forfeiture involving certain controlled substance offenses are specified interests in vehicles which may be lawfully driven with a class 3 or class 4 license if there is certain community property interest in the vehicle and the vehicle is the sole vehicle within those classes available to the defendant's immediate family. Existing law also excludes from the forfeiture provisions, involving certain controlled substance offenses, real property which is used as a family residence or for other lawful purposes or which is owned by 2 or more other persons one of whom has no knowledge of its unlawful use.

This bill would revise and recast the offenses to which the forfeiture provisions apply, and would make them applicable to any computers and to any real property related to a violation, whether charged or not, rather than real property owned by a person convicted of specified controlled substance violations. The bill would also revise and recast the 2 exemptions set forth above to provide instead that (1) an interest not to exceed \$10,000 in a vehicle which may be lawfully driven on the highway with a class 3 or class 4 license which is a community property asset of a person who is a registered owner, other than the person whose conduct renders the vehicle subject to forfeiture, and the vehicle is the sole class 3 or 4 vehicle available to that person's immediate family shall not be subject to forfeiture and (2) an interest not to exceed \$100,000 in real property which is used as a family residence and which is owned by 2 or more persons, shall not be subject to forfeiture. Those exceptions from forfeiture would not apply if a court determines that the person claiming the exemption knew or should have known of the unlawful use of the property.

(2) Existing law provides that all seizures under the controlled substance forfeiture proceedings shall be ordered destroyed by the

court in which a conviction is held, except for specified items.

This bill would include in the listed items which are exempt from orders of destruction certain containers, books, computers, records, research products, and materials which are of value.

(3) Existing law provides that except as stated, all rights, title, and interest in any personal property shall vest in the state upon commission of the act giving rise to the forfeiture if the state or local governmental entity proves a violation of any one of certain specific statutes in accordance with a statutorily established burden of proof. Existing law further provides that this special vesting rule shall not defeat the claims of certain persons who claim certain interest in property.

This bill would recast these provisions to provide that all rights, title, and interest in any property, rather than any personal property, shall vest in the state upon commission of the act giving rise to the forfeiture. It would also specify that this special vesting rule shall not be limited to defeat the claims of persons who claim an interest, which interest arose prior to the seizure or filing of the forfeiture petition, whichever occurs first, as specified.

(4) Existing law requires peace officers to turnover all moneys, negotiable instruments, and certain cash equivalent properties to the superior court in which the defendant has been charged or the superior court in which the property has been seized or to the Attorney General or district attorney to hold for that court. Existing law prohibits those properties from being transferred to any other agency except as directed by court order. These provisions are limited in their applications to the Los Angeles Police Department and the Los Angeles Sheriff's Department.

This bill would delete those provisions.

(5) Under existing law, receipt for property which was seized, when not in anyone's possession, is required to be delivered to the individual in possession of the premises at which the property was seized.

This bill would provide as an alternative to the above where the individual is not present on the premises, that the receipt for the property be left in a prominent place on the premises.

(6) Existing law provides that all seizures, under the controlled substances forfeiture proceedings, of vehicles, boats, and airplanes, upon conviction of the defendant, may be placed in the name of the law enforcement agency for use in its law enforcement program. Existing law, however, excludes vehicles which may be lawfully driven upon the highway with a class 3 or class 4 license from this forfeiture provision.

This bill would delete the above-described exemption, concerning vehicles which may be lawfully driven with a class 3 or class 4 license. It would make certain conforming changes.

(7) Existing law provides, with respect to vehicles, boats, or airplanes which have been seized, that an investigation shall be made

by law enforcement agencies as to any claimant to those specified properties.

This bill would recast that provision to provide that the Attorney General, district attorney, or law enforcement agency which made the seizure shall make an investigation into any right, title, interest, or lien of record with the Department of Motor Vehicles or appropriate federal agency as to a vehicle, boat, or airplane.

(8) Existing law provides procedures for the return of property that has been seized, as specified.

This bill would recast those provisions to provide a procedure whereby no sooner than 10 days after a petition is filed, the claimant may move the court in which the petition is filed for the return of the property named in the petition on the grounds that there is not probable cause to believe that the property is subject to forfeiture pursuant to statute, or is not automatically forfeitable or subject to court order of forfeiture or otherwise subject to destruction. The bill would provide that the showing of probable cause may be supported by evidence, prior judicial testimony, deposition, affidavit, or declaration. If the court determines that there is not probable cause to believe that the property is subject to forfeiture, the bill would provide that it shall order the property returned to the owner thereof unless the property is otherwise lawfully held. However, if there is an underlying or related criminal action, a defendant would be limited to certain Penal Code remedies, as specified.

(9) Existing law authorizes a defendant in matters involving the forfeiture of properties to make a motion for the return of property under specified conditions, and if that motion is granted, the people may, within 15 days of granting the motion, file a petition for a writ of mandate or prohibition seeking review of that ruling.

This bill would instead provide that the people may file the above petition within 30 days after a motion for return of property is granted, rather than 15 days.

(10) Existing law provides that in matters involving the forfeiture of property used in certain controlled substances offenses, except cash, negotiable instruments, or other cash equivalents, the state or local governmental entity shall have the burden of proving beyond a reasonable doubt that the property for which forfeiture is sought meets certain criteria for forfeiture. Existing law also requires for the forfeiture of these properties that the defendant shall be found guilty of the underlying or related criminal offenses.

This bill would change the standard of the above burden of proof, when a petition of forfeiture is filed and the petition is contested, to proof by a preponderance of the evidence when there was a conviction of a criminal defendant or the defendant failed to appear at a criminal proceeding.

This bill would also state that a judgment of forfeiture does not require as a condition precedent to that proceeding that the defendants be convicted of the offense which made the property

subject to forfeiture, as specified.

(11) Existing law provides in matters involving the forfeiture of cash or negotiable instrument of a value of not less than \$25,000 used in certain controlled substance offenses, the state or local government shall have the burden of proving by clear and convincing evidence that the property for which forfeiture is sought meets certain criteria for forfeiture.

This bill would repeal this specific provision.

(12) Existing law authorizes the Attorney General or the district attorney to order forfeiture of personal property which is subject to forfeiture if the value of the property does not exceed \$25,000.

This bill would authorize forfeiture if the value of the property does not exceed \$100,000, rather than \$25,000.

(13) Under existing law, at a forfeiture proceeding, the state or local government has the burden of establishing that the owner of certain properties, among other things, consented to the use of the property with knowledge that it would be or was used for purposes for which forfeiture is permitted. Existing law further provides that no interest in seized property shall be affected by the forfeiture decree unless the government has proven that the owner consented to the use of the property with knowledge that it would be or was used for the unlawful purposes.

This bill would recast these provisions by deleting the first provision which requires that the government prove that the owner of the property consented to the use of the property with knowledge that it would be or was used for purposes in which it was forfeited. It would further provide that the seized property shall be forfeited if the court finds that the person claiming an interest in the property, among other things, knew or should have known of facts which made the property subject to forfeiture. The bill would provide that if these findings are not made, the court shall order the person's interest in the property be returned. The government's burden of proof in this regard would be by a preponderance of the evidence.

(14) Existing law provides that after certain amounts are paid to specified persons, the balance of funds from money forfeited or the proceeds of the sale of properties which are subject to forfeiture because of their involvement in certain controlled substance offenses shall be distributed to state or local governmental entities for specified expenditures and the then remaining funds are required to be distributed to state and local governmental agencies according to a specified schedule, with 20 percent of the above remaining funds going to the Mental Health Primary Prevention Fund. It prohibits all of the funds distributed pursuant to specified provisions of that schedule from being used to supplant state or local funding.

This bill would revise the above schedule, as specified, would delete the allocation to the Mental Health Primary Prevention Fund, and would allocate a specified percentage of remaining funds to the Asset Forfeiture Distribution Fund, which is created by the bill, the

proceeds of which would be allocated, as specified. It would require local district attorneys to maintain certain records in regard to the distribution of funds, thereby creating a state-mandated local program.

(15) Existing law provides, at county option, that a portion, not to exceed 5%, of the proceeds subject to distribution which are derived by a county from the seizures and forfeitures made pursuant to forfeiture proceedings which have occurred as a result of information provided to law enforcement agencies by nonprofit organizations established for the purposes of aiding those seizures and forfeitures, may be allocated to eligible organizations for the purposes of funding the operations of these organizations.

This bill would repeal the above.

(16) This bill would also require the Mental Health Primary Prevention Fund to continue until all funds have been appropriated to the State Department of Mental Health.

(17) The bill would also require the Office of Criminal Justice Planning to establish an advisory group for purposes of developing specific guidelines.

(18) To the extent that moneys would be deposited in the Peace Officer's Training Fund, a continuously appropriated fund, it would make an appropriation.

(19) The bill would incorporate changes in Section 11489 of the Health and Safety Code proposed by AB 4523 to be operative if both bills are chaptered and this bill is chaptered last.

(20) 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.

(21) This bill would also continue the temporary sections affected by this bill and would repeal the versions of certain of those sections which are scheduled to become effective on January 1, 1989, but sections amended by the bill would be repealed and their December 31, 1988, versions revived on January 1, 1994.

(22) This bill also would make numerous conforming changes.

Appropriation: yes.

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

SECTION 1. Section 11470 of the Health and Safety Code, as

amended by Section 1 of Chapter 924 of the Statutes of 1987, is amended to read:

11470. The following are subject to forfeiture:

(a) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this division.

(b) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this division.

(c) All property except real property or a boat, airplane, or any vehicle which is used, or intended for use, as a container for property described in subdivision (a) or (b).

(d) All books, computers, records, and research products and materials, including formulas, microfilm, tapes, data, computer programs, and software which are used, or intended for use, in violation of this division.

(e) The interest of any registered owner of a boat, airplane, or any vehicle, which has been used as an instrument to facilitate the possession for sale or sale of 7.125 grams or more of a substance containing either heroin or cocaine base, as specified in paragraph (1) of subdivision (f) of Section 11054, or 14.25 grams or more of a substance containing a Schedule I controlled substance except marijuana, peyote, or psilocybin; 5 pounds dry weight or more of marijuana, peyote, or psilocybin; or 14.25 grams or more of a substance containing cocaine, as specified in paragraph (6) of subdivision (b) of Section 11055, or methamphetamine; or 14.25 grams or more of a substance containing a Schedule II controlled substance. However, an interest not to exceed ten thousand dollars (\$10,000) in a vehicle which may be lawfully driven on the highway with a class 3 or 4 license, as prescribed in Section 12804 of the Vehicle Code, which is a community property asset of a person who is a registered owner of the vehicle other than the person whose conduct renders the vehicle subject to forfeiture, and which is the sole class 3 or 4 vehicle available to that registered owner's immediate family, shall not be subject to forfeiture. The exemption from forfeiture provided by this subdivision shall not apply if pursuant to subdivision (e) of Section 11488.5 the trier of fact finds the person claiming the exemption knew or should have known of the unlawful use of the property.

(f) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11382 of this code, or Section 182 of the Penal Code, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, or conspiracy to commit

at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first.

(g) Real property related to a violation, whether charged or not, of Section 11366, 11366.5, 11366.6, or 11379.6. However, an interest not to exceed one hundred thousand dollars (\$100,000) in real property which is used as a family residence and which is owned by two or more persons shall not be subject to forfeiture. The exemption from forfeiture provided by this subdivision shall not apply if pursuant to subdivision (e) of Section 11488.5 the trier of fact finds the person claiming the exemption knew or should have known of the unlawful use of the property.

(h) All right, title, and interest in any property described in this section shall vest in the state upon commission of the act giving rise to forfeiture under this chapter.

The operation of the special vesting rule established by this subdivision shall be limited to circumstances where its application will not defeat the claim of any person, including a bona fide purchaser or encumbrancer who, pursuant to Section 11488.5 or 11488.6, claims an interest in the property seized, which interest arose prior to the seizure or the filing of the petition for forfeiture pursuant to this chapter, whichever occurs first, notwithstanding that the interest in the property being claimed was acquired from a person whose property interest would otherwise have been subject to divestment pursuant to this subdivision.

SEC. 2. Section 11470 of the Health and Safety Code, as amended by Section 8 of Chapter 1174 of the Statutes of 1987, is repealed.

SEC. 3. Section 11473 of the Health and Safety Code is amended to read:

11473. All seizures under provisions of this chapter, except seizures of vehicles, boats, or airplanes, as specified in subdivision (e) of Section 11470, or seizures of moneys, negotiable instruments, securities, or other things of value as specified in subdivisions (c), (d), and (f) of Section 11470, shall, upon conviction of the owner or defendant, be ordered destroyed by the court in which conviction was had.

SEC. 4. Section 11473.1 of the Health and Safety Code is repealed.

SEC. 5. Section 11473.2 of the Health and Safety Code is amended to read:

11473.2. All seizures under provisions of this chapter of vehicles, boats, or airplanes, may, upon declaration, or judgment of forfeiture, be placed in the name of the law enforcement agency for use in its law enforcement program. A certified copy of the declaration, or judgment of forfeiture issued by the court as a result of the proceeding, filed with the Department of Motor Vehicles, appropriate federal agency, or other appropriate registry, shall

constitute authority for the government entity to convey clear title in its own name for use in its law enforcement program.

SEC. 6. Section 11473.3 of the Health and Safety Code is amended to read:

11473.3. (a) When authorized by a final judgment of forfeiture or by a declaration of forfeiture issued pursuant to subdivision (j) of Section 11488.4, items of property seized or subject to forfeiture, but not seized, pursuant to subdivision (b), (c), or (d) of Section 11470 may be utilized by the law enforcement agency in its law enforcement program.

(b) A certified copy of the judgment of forfeiture issued by the court or a declaration of forfeiture issued pursuant to subdivision (j) of Section 11488.4 as a result of the forfeiture proceedings shall serve to vest title to any property specified in subdivision (a) in the named law enforcement agency.

(c) The same authority with respect to transfer or sale of property as is specified in Section 11473.2 shall apply to property subject to this section.

SEC. 7. Section 11488 of the Health and Safety Code, as amended by Chapter 924 of the Statutes of 1987, is amended to read:

11488. (a) Any peace officer of this state, incident or subsequent to making or attempting to make an arrest for a violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11382 of this code; or Section 182 of the Penal Code insofar as the offense involves manufacture, sale, purchase for the purpose of sale, possession for sale or offer to manufacture or sell, or conspiracy to commit one of those offenses, may seize any item subject to forfeiture under Section 11470.

(b) The peace officer shall notify the Franchise Tax Board of a seizure where there is reasonable cause to believe that the value of the seized property exceeds five thousand dollars (\$5,000).

(c) Receipts for property seized pursuant to this section shall be delivered to any person out of whose possession such property was seized, in accordance with Section 1412 of the Penal Code. In the event property seized was not seized out of anyone's possession, receipt for the property shall be delivered to the individual in possession of the premises at which the property was seized or, if the individual is not present on the premises, the receipt shall be left in a prominent place at the premises.

(d) There shall be a presumption affecting the burden of proof that the person to whom a receipt for property was issued is the owner thereof. This presumption may, however, be rebutted at the forfeiture hearing specified in Section 11488.5.

SEC. 8. Section 11488 of the Health and Safety Code, as added by Chapter 1044 of the Statutes of 1986, is repealed.

SEC. 9. Section 11488.4 of the Health and Safety Code, as amended by Section 4 of Chapter 924 of the Statutes of 1987, is amended to read:

11488.4. (a) Except as provided in subdivision (j), if the Department of Justice or the local governmental entity determines that the factual circumstances do warrant that the moneys, negotiable instruments, securities, or other things of value seized or subject to forfeiture come within the provisions of subdivisions (a) to (g), inclusive, of Section 11470, and are not automatically made forfeitable or subject to court order of forfeiture or destruction by another provision of this chapter, the Attorney General or district attorney shall file a petition of forfeiture with the superior court of the county in which the property subject to forfeiture has been seized or, if no seizure has occurred, in the county in which the property subject to forfeiture is located. If the petition alleges that real property is forfeitable, the prosecuting attorney shall cause a lis pendens to be recorded in the office of the county recorder of each county in which the real property is located.

A petition of forfeiture under this subdivision shall be filed within one year of the seizure of the property which is subject to forfeiture, or within one year of the filing by the Attorney General or district attorney of a lis pendens or other process against the property, whichever is earlier.

(b) Physical seizure of assets shall not be necessary in order to have that particular asset alleged to be forfeitable in a petition under this section. The prosecuting attorney may seek protective orders for any asset pursuant to Section 11492.

(c) The Attorney General or district attorney shall make service of process regarding this petition upon every individual designated in a receipt issued for the property seized. In addition, the Attorney General or district attorney shall cause a notice of the seizure, if any, and of the intended forfeiture proceeding, as well as a notice stating that any interested party may file a verified claim with the superior court of the county in which the property was seized or if the property was not seized, a notice of the initiation of forfeiture proceedings with respect to any interest in the property seized or subject to forfeiture, to be served by personal delivery or by registered mail upon any person who has an interest in the seized property or property subject to forfeiture other than persons designated in a receipt issued for the property seized.

(d) The Attorney General, district attorney, or law enforcement agency which made the seizure shall make an investigation into any right, title, interest, or lien of record with the Department of Motor Vehicles or appropriate federal agency as to a vehicle, boat, or airplane. If the investigation discloses that any person, other than the registered owner, is the legal owner thereof, and such ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat, or airplane, the Attorney General or district attorney shall forthwith send a notice to the legal owner at his or her address appearing on the records of the Department of Motor Vehicles or appropriate federal

agency.

(e) When a forfeiture action is filed, the notices shall be published once a week for three successive weeks in a newspaper of general circulation in the county where the seizure was made or where the property subject to forfeiture is located.

(f) All notices shall set forth the time within which a claim of interest in the property seized or subject to forfeiture is required to be filed pursuant to Section 11488.5.

(g) (1) No sooner than 10 days after a petition is filed pursuant to Section 11488.4, a claimant, who alleges standing based on an interest in the property which arose prior to the seizure or filing of the petition for forfeiture, whichever occurs first, may move the court for the return of the property named in the claim on the grounds that there is not probable cause to believe that the property is subject to forfeiture pursuant to Section 11470, or is not automatically forfeitable or subject to court order of forfeiture or otherwise subject to destruction by another provision of this chapter. The showing of probable cause may be supported by evidence, prior judicial testimony, deposition, affidavit, or declaration. If the court determines that there is not probable cause to believe that the property is subject to forfeiture it shall order the property returned to the owner thereof unless the property is otherwise lawfully held.

(2) If a petition is filed pursuant to Section 11488.4 and there is an underlying or related criminal action and the defendant has not pled guilty or nolo contendere, a defendant who is a claimant alleging an interest in the property in the related forfeiture proceeding shall move, exclusively pursuant to Section 1538.5 of the Penal Code, for the return of the property on the grounds that there is not probable cause to believe that the property is forfeitable pursuant to Section 11470, or is not automatically made forfeitable or subject to court order of forfeiture or destruction by another provision of this chapter.

The motion may be made at the preliminary examination or subsequent thereto. If made subsequent to the preliminary examination, the Attorney General or district attorney may submit the record of the preliminary hearing to establish that probable cause exists to believe that the property is subject to forfeiture. If the court determines that there is not probable cause to believe that the property is subject to forfeiture it shall order the property returned to the owner thereof unless the property is otherwise lawfully held.

(h) Within 30 days after a motion for return of property is granted pursuant to subdivision (g), the people may file a petition for writ of mandate or prohibition seeking appellate review of the order.

(i) Except as provided in subdivision (j) of Section 11488.4 and paragraph (1) of subdivision (b) of Section 11488.5, the state or local government entity shall have the burden of proving by a preponderance of the evidence that the property is subject to forfeiture as described in Section 11470.

A judgment of forfeiture does not require as a condition precedent thereto, that any defendant be convicted of an offense which made the property subject to forfeiture provided that the offense occurred within five years of the seizure of the property or within five years of the notification of intention to seek forfeiture. If there is a related criminal action, the issue of forfeiture may be tried in conjunction therewith. Trial shall be by jury unless waived by all parties. If there is no related criminal action, the presiding judge of the superior court shall assign the action brought pursuant to this chapter for trial.

(j) The Attorney General or the district attorney of the county in which property is subject to forfeiture under Section 11470 may, pursuant to this subdivision, order forfeiture of personal property not exceeding one hundred thousand dollars (\$100,000) in value. The Attorney General or district attorney shall provide notice of proceedings under this subdivision pursuant to subdivisions (c), (d), (e), and (f), including:

- (1) A description of the property.
- (2) The appraised value of the property.
- (3) The date and place of seizure or location of any property not seized but subject to forfeiture.
- (4) The violation of law alleged with respect to forfeiture of the property.

(5) The instructions for filing a claim with the superior court pursuant to Section 11488.5 and time limits for filing a claim. If no claims are timely filed, the Attorney General or the district attorney shall prepare a written declaration of forfeiture of the subject property to the state and dispose of the property in accordance with Section 11489. A written declaration of forfeiture signed by the Attorney General or district attorney under this subdivision shall be deemed to provide good and sufficient title to the forfeited property.

The prosecuting agency ordering forfeiture pursuant to this subdivision shall provide a copy of the declaration of forfeiture to any person listed in the receipt given at the time of seizure and to any person personally served notice of the forfeiture proceedings.

If a claim is timely filed and served, then the Attorney General or district attorney shall file a petition of forfeiture pursuant to this section within 30 days of the receipt of the claim. The petition of forfeiture shall then proceed pursuant to other provisions of this chapter, except that no additional notice need be given and no additional claim need be filed.

SEC. 10. Section 11488.4 of the Health and Safety Code, as added by Chapter 924 of the Statutes of 1987, is repealed.

SEC. 11. Section 11488.5 of the Health and Safety Code, as amended by Section 6 of Chapter 924 of the Statutes of 1987, is amended to read:

11488.5. (a) (1) Any person claiming an interest in the property seized pursuant to Section 11488 may, at any time within 30 days from the date of the first publication of the notice of seizure, if that

person was not personally served or served by mail, or within 10 days after receipt of actual notice, file with the superior court of the county in which the property was seized or, if there was no seizure, in which the property is located, a verified claim stating his or her interest in the property. An endorsed copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate, within 10 days of the filing of the claim. The Judicial Council shall develop and approve official forms for the verified claim that is to be filed pursuant to this section. The official forms shall be drafted in nontechnical language and shall be made available through the office of the clerk of the appropriate court.

(2) Any person who claims that the property was assigned to him or to her prior to the seizure or notification of pending forfeiture of the property under this chapter, whichever occurs first, shall file a claim with the court and prosecuting agency pursuant to Section 11488.5 declaring an interest in that property and such interest shall be adjudicated at the forfeiture hearing. The property shall remain under control of the law enforcement or prosecutorial agency until the adjudication of the forfeiture hearing.

(3) The claim of a law enforcement agency to property seized pursuant to Section 11488 or subject to forfeiture shall have priority over a claim to the seized or forfeitable property made by the Franchise Tax Board in a notice to withhold issued pursuant to Section 18817 or 26132 of the Revenue and Taxation Code.

(b) If, at the end of the time set forth in subdivision (a), there is no claim on file, the court, upon motion, shall declare the property seized or subject to forfeiture pursuant to Section 11470 forfeited to the state. In moving for a default judgment pursuant to this subdivision, the state or local governmental entity shall be required to establish a *prima facie* case in support of its petition for forfeiture.

(c) (1) If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases. A claim shall not be admissible in the proceeding regarding the offense.

(2) The hearing shall be by jury, unless waived by consent of all parties.

(d) Forfeiture shall be ordered when, at the hearing, the state or local governmental entity has shown that the assets in question are subject to forfeiture pursuant to Section 11470, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4.

(e) The forfeiture hearing shall be continued upon motion of the prosecution or a claimant who is concurrently a defendant in a related criminal proceeding until the charge in that proceeding has been resolved in the trial court or the defendant fails to appear. The forfeiture hearing shall be conducted in accordance with Sections 600 to 630, inclusive, of the Code of Civil Procedure if a trial by jury, and by Sections 631 to 636, inclusive, of the Code of Civil Procedure if by the court. Unless the court or jury finds that the seized property

is subject to forfeiture pursuant to Section 11470, the court shall order the seized property released to the person it determines is entitled thereto.

(f) If the court or jury finds that the seized property was subject to forfeiture, and finds that a person claiming an interest therein knew or should have known of facts which made the property subject to forfeiture pursuant to Section 11470, the court shall order that the person's interest in the seized property be forfeited. If the court or jury does not make these findings, the court shall order that the person's interest in the property be returned. The state or local governmental entity shall have the burden of proving in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4, that a person claiming an interest knew or should have known of facts which made the property subject to forfeiture pursuant to Section 11470.

(g) All seized property which was the subject of a forfeiture hearing and which was not released by the court to a claimant shall be declared by the court to be forfeited to the state. Except as provided in Sections 11473.2 and 11473.3, the clerk of the court shall dispose of the forfeited property as set forth in Section 11489.

(h) All seized property which was the subject of the forfeiture hearing and which was not forfeited shall remain subject to any order to withhold issued with respect to the property by the Franchise Tax Board.

SEC. 12. Section 11488.5 of the Health and Safety Code, as added by Section 7 of Chapter 924 of the Statutes of 1987, is repealed.

SEC. 13. Section 11488.6 of the Health and Safety Code is amended to read:

11488.6. (a) If the court or jury at the forfeiture hearing finds that the property is forfeitable pursuant to Section 11470, and further finds that the state or local government entity has not met its burden of proving that a person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract knew or should have known of facts which would or did make the property subject to forfeiture pursuant to Section 11470 when the interest was acquired, and the amount due that person is less than the appraised value of the property, that person may pay to the state or the local governmental entity which initiated the forfeiture proceeding the amount of the owner's equity, which shall be deemed to be the difference between the appraised value and the amount of the lien, mortgage, security interest, or interest under a conditional sales contract. Upon such payment, the state or local governmental entity shall relinquish all claims to the property. If the holder of the interest elects not to make such payment to the state or local governmental entity, the property shall be deemed forfeited to the state or local governmental entity and the ownership certificate shall be forwarded. The appraised value shall be determined as of the date judgment is entered on a wholesale basis either by agreement

between the legal owner and the governmental entity involved, or if they cannot agree, then by the inheritance tax appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest in accordance with the provisions of Section 11489.

(b) If the amount due to a person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract is less than the value of the property and the person elects not to make payment to the governmental entity, the property, excluding vehicles identified in Section 11473.2 which a law enforcement agency may place in its own name for use in its law enforcement program, shall be sold at public auction by the Department of General Services or by the local governmental entity which shall provide notice of such sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

(c) The proceeds of sale pursuant to subdivision (b) shall be first distributed in accordance with the provisions of Section 11489.

SEC. 14. Section 11489 of the Health and Safety Code is amended to read:

11489. Notwithstanding Section 11502 and except as otherwise provided in Sections 11473 and 11473.2, in all cases where the property is seized pursuant to this chapter and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser or encumbrancer, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person.

(b) The balance, if any, to accumulate, and to be distributed and transferred quarterly in the following manner:

(1) To the state agency or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary repairs, storage, or transportation of any property seized under this chapter.

(3) Ninety percent of the balance shall be distributed as follows:

(A) Eighty-five percent to the state or local or to the state and local law enforcement agencies that participated in the seizure, allocated between them to reflect the proportionate contribution of each agency.

(B) Fifteen percent to the prosecutorial agency which processes the forfeiture action.

(4) Ten percent of the balance for deposit in the Asset Forfeiture Distribution Fund, which is hereby created, and which shall be administered by the Office of Criminal Justice Planning.

(A) Notwithstanding Section 11340 of the Government Code, one million five hundred thousand dollars (\$1,500,000) is hereby continuously appropriated each fiscal year, as adjusted annually by the state and local implicit price deflator, to the State Department of Mental Health for the purposes of Chapter 6 (commencing with Section 5475) of Part 1 of Division 5 of the Welfare and Institutions Code. This subparagraph shall be funded prior to funding subparagraph (B).

(B) After the obligation specified in subparagraph (A) is satisfied, moneys in the Asset Forfeiture Distribution Fund are available for appropriation in the annual Budget Act for the following purposes:

(i) One million dollars (\$1,000,000), in 1989 and 1990 only, to the Los Angeles County Office of Education to fund grants and administer the Gang Risk Intervention Pilot Program as established pursuant to Assembly Bill 3723 of the 1987-88 Regular Session of the Legislature. This clause (i) shall be funded prior to funding clauses (ii) and (iii). This clause (i) shall remain operative only until January 1, 1991, and as of that date is inoperative.

(ii) An amount not to exceed 5 percent of the Asset Forfeiture Distribution Fund to cover administrative costs incurred by the Office of Criminal Justice Planning. Notwithstanding Section 16305.7 of the Government Code, any interest earned or other increment derived from investments made from moneys in the Assets Forfeiture Distribution Fund shall be deposited in the Asset Forfeiture Distribution Fund. This clause (ii) shall be funded prior to funding clause (iii).

(iii) The balance, if any, remaining shall be distributed, as follows:

(I) Eighty-five percent for deposit in the Peace Officers' Training Fund as set forth in Section 13520 of the Penal Code. State agencies shall be entitled to allocations out of the funds generated by this section, in the same manner as provided in Section 13523 of the Penal Code, for drug related training provided to full-time regularly-paid peace officers employed by the state, to the extent that there are funds in the Peace Officers' Training Fund generated by this section.

(II) Fifteen percent for financial assistance to provide for a statewide program of education, training, and research for local public prosecutors, which shall be administered by a private nonprofit organization composed of local prosecutors and which provides statewide education, training, and research.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (3) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund—State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11493.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized

by the Comprehensive Crime Control Act of 1984 may be deposited directly into the Narcotics Assistance and Relinquishment by Criminal Offenders Fund and used for state and local law enforcement efforts pursuant to Section 11493.

Funds which are not deposited pursuant to the above paragraph shall be deposited into the Department of Justice Special Deposit Fund-Federal Asset Forfeiture Account.

(d) All the funds distributed pursuant to paragraph (3) of subdivision (b) shall not supplant any state or local funds that would, in the absence of this subdivision, be made available to support the law enforcement and prosecutorial efforts of these agencies. Funds so distributed shall be used by the law enforcement and prosecutorial agencies exclusively to support law enforcement and prosecutorial efforts of those agencies.

The court shall order the forfeiture proceeds distributed to the state, local, or state and local governmental entities as provided in this section.

For the purposes of this section, "local governmental entity" means any city, county, or city and county in this state.

All proceeds from forfeiture proceedings completed after January 1, 1989, shall be distributed in accordance with this section.

SEC. 14.5. Section 11489 of the Health and Safety Code is amended to read:

11489. Notwithstanding Section 11502 and except as otherwise provided in Sections 11473 and 11473.2, in all cases where the property is seized pursuant to this chapter and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser or encumberancer, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person.

(b) The balance, if any, to accumulate, and to be distributed and transferred quarterly in the following manner:

(1) To the state agency or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary repairs, storage, or transportation of any property seized under this chapter, and for distribution of the proceeds of the sale.

(3) Ninety percent of the balance shall be distributed as follows:

(A) Eighty-five percent shall be distributed to the state or local or to the state and local law enforcement agencies that participated, or had a significant role in, the investigation leading to, the seizure, allocated between them to reflect the proportionate contribution of each agency.

(B) Fifteen percent to the prosecutorial agency which processes

the forfeiture action.

(4) Ten percent of the balance for deposit in the Asset Forfeiture Distribution Fund, which is hereby created, and which shall be administered by the Office of Criminal Justice Planning.

(A) Notwithstanding Section 11340 of the Government Code, one million five hundred thousand dollars (\$1,500,000) is hereby continuously appropriated each fiscal year, as adjusted annually by the state and local implicit price deflator, to the State Department of Mental Health for the purposes of Chapter 6 (commencing with Section 5475) of Part 1 of Division 5 of the Welfare and Institutions Code. This subparagraph shall be funded prior to funding subparagraph (B).

(B) After the obligation specified in subparagraph (A) is satisfied, moneys in the Asset Forfeiture Distribution Fund are available for appropriation in the Annual Budget Act for the following purposes:

(i) One million dollars (\$1,000,000), in 1989 and 1990 only, to the Los Angeles County Office of Education to fund grants and administer the Gang Risk Intervention Pilot Program as established pursuant to Assembly Bill 3723 of the 1987-88 Regular Session of the Legislature. This clause (i) shall be funded prior to funding clauses (ii) and (iii). This clause (i) shall remain operative only until January 1, 1991, and as of that date is inoperative.

(ii) An amount not to exceed 5 percent of the Asset Forfeiture Distribution Fund to cover administrative costs incurred by the Office of Criminal Justice Planning. Notwithstanding Section 16305.7 of the Government Code, any interest earned or other increment derived from investments made from moneys in the Assets Forfeiture Distribution Fund shall be deposited in the Asset Forfeiture Distribution Fund. This clause (ii) shall be funded prior to funding clause (iii).

(iii) The balance, if any, remaining shall be distributed, as follows:

(I) Eighty-five percent for deposit in the Peace Officers' Training Fund as set forth in Section 13520 of the Penal Code. State agencies shall be entitled to allocations out of the funds generated by this section, in the same manner as provided in Section 13523 of the Penal Code, for drug related training provided to full-time regularly-paid peace officers employed by the state, to the extent that there are funds in the Peace Officers' Training Fund generated by this section.

(II) Fifteen percent for financial assistance to provide for a statewide program of education, training, and research for local public prosecutors, which shall be administered by a private nonprofit organization composed of local prosecutors and which provides statewide education, training, and research.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (3) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund—State Asset Forfeiture Account and

used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11493.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized by the Comprehensive Crime Control Act of 1984 may be deposited directly into the Narcotics Assistance and Relinquishment by Criminal Offender Fund and used for state and local law enforcement efforts pursuant to Section 11493.

Funds which are not deposited pursuant to the above paragraph shall be deposited into the Department of Justice Special Deposit Fund-Federal Asset Forfeiture Account.

(d) All the funds distributed pursuant to paragraph (3) of subdivision (b) shall not supplant any state or local funds that would, in the absence of this subdivision, be made available to support the law enforcement and prosecutorial efforts of these agencies. Funds so distributed shall be used by the law enforcement and prosecutorial agencies exclusively to support law enforcement and prosecutorial efforts of those agencies.

The court shall order the forfeiture proceeds distributed to the state, local, or state and local governmental entities as provided in this section.

For the purposes of this section, "local governmental entity" means any city, county, or city and county in this state.

All proceeds from forfeiture proceedings completed after January 1, 1989, shall be distributed in accordance with this section.

SEC. 15. Section 11509 of the Health and Safety Code is repealed.

SEC. 16. The provisions of the Health and Safety Code amended by this act shall remain in effect only until January 1, 1994, at which time those sections as they read on December 31, 1988, shall have the same force and effect as if they had not been amended.

SEC. 17. Section 14.5 of this bill incorporates amendments to Section 11489 of the Health and Safety Code proposed by both this bill and AB 4523. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1989, (2) each bill amends Section 11489 of the Health and Safety Code, and (3) this bill is enacted after AB 4523, in which case Section 14 of this bill shall not become operative.

SEC. 18. The Mental Health Primary Prevention Fund shall continue until all funds in the fund have been appropriated to the State Department of Mental Health for primary prevention programs in accordance with Chapter 1083 of the Statutes of 1981.

SEC. 19. The Office of Criminal Justice Planning shall establish an advisory group of five elected district attorneys. Only an elected district attorney may serve on the advisory group, and the term shall be for one year. The Office of Criminal Justice Planning, in consultation with the advisory group, shall develop specific guidelines, including criteria for selection of an organization, to provide general education, training, and research services using

funds appropriated pursuant to clause (ii) of subparagraph (D) of paragraph (4) of subdivision (b) of Section 11489 of the Health and Safety Code.

SEC. 20. 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.

PREPRINT SENATE BILL No. 12

Proposed by Senator Presley

October 12, 1988

An act to amend Section 25755 of the Business and Professions Code, to amend Sections 39671 and 72330 of the Education Code, to amend Section 3332 of the Food and Agricultural Code, to amend Sections 3301, 9194.5, 14613, and 74368 of the Government Code, to amend Section 12020 of the Health and Safety Code, to amend Sections 488.5, 557.5, 557.6, and 669.5 of the Insurance Code, to amend Section 3600.3 of the Labor Code, to amend Sections 148.5, 190.2, 409.5, 409.6, 830, 830.1, 830.2, 830.3, 830.5, 830.6, 830.7, 830.8, 830.9, 830.10, and 12028.5 of, to add Sections 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, and 13526 to, to repeal and add Sections 830.31 and 830.4 of, and to add Article 4 (commencing with Section 13540) to Chapter 1 of Title 4 of Part 4 of, the Penal Code, to amend Section 10334 of the Public Contract Code, to amend Section 4156 of the Public Resources Code, to amend Sections 8226, 12820, 22558, and 30504 of the Public Utilities Code, to amend Section 25258 of the Vehicle Code, and to amend Sections 4313 and 4493 of the Welfare and Institutions Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

Preprint SB 12, as proposed, Presley. Peace officers.

(1) Existing law specifies that members and security officers of the California State Police Division have the powers of peace officers.

This bill would delete reference to security officers.

(2) Under existing law, several code sections in the Penal Code classify various officers and employees of state and local agencies as peace officers.

This bill would recast those sections by designating peace officers in the several sections of the Penal Code according,

in part, to the officers' and employees' occupation. The bill would also make numerous conforming and technical changes.

(3) Existing law requires the Commission on Peace Officer Standards and Training to pay from the Peace Officers' Training Fund to each eligible local government agency state aid for training expenses of full-time regular paid employees of the eligible agencies.

This bill would prohibit an allocation from the fund to a local government agency if the agency was not entitled to receive funding from the fund in accordance with the law as it read on December 31, 1989.

(4) Existing law requires the Commission on Peace Officer Standards and Training to undertake certain training programs regarding peace officers.

This bill would require any person or persons desiring peace officer status under the law who, on January 1, 1990, were not entitled to be designated as peace officers to request the Commission on Peace Officer Standards and Training to undertake a feasibility study, as specified, regarding designating the person or persons as peace officers. It would require the request and study to be undertaken in accordance with regulations adopted by the commission. It would require the commission to issue its study and recommendations within 18 months of the request and to provide a copy of the same to the Legislature. The bill also states that any section of any act enacted by the Legislature during the 1989 calendar year, which takes effect on or before January 1, 1990, and which amends, amends and renumbers, adds, repeals and adds, or repeals a section amended, amended and renumbered, repealed and added, or repealed by this bill, shall prevail over this bill, whether that act is enacted prior to, or subsequent to, this bill.

The bill would provide that a section included in the Briggs Death Penalty Initiative Act, proposed to be amended by this bill, shall become effective only when approved by the voters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 25755 of the Business and
2 Professions Code is amended to read:

3 25755. The director and the persons employed by the
4 department for the administration and enforcement of
5 this division are peace officers in the enforcement of the
6 penal provisions of this division, the rules of the
7 department adopted under the provisions of this division,
8 and any other penal provisions of law of this state
9 prohibiting or regulating the sale, exposing for sale, use,
10 possession, giving away, adulteration, dilution,
11 misbranding, or mislabeling of alcoholic beverages or
12 intoxicating liquors, and such persons are authorized,
13 while acting as peace officers, to enforce any penal
14 provisions of law while they are in, on, or about any
15 licensed premises in the course of their employment.

16 The director, the persons employed by the department
17 for the administration and enforcement of this division,
18 and peace officers listed in Section 830.1 of the Penal
19 Code may, in enforcing the provisions of this division,
20 visit and inspect the premises of any licensee at any time
21 during which the licensee is exercising the privileges
22 authorized by his or her license on the premises.

23 Members of the California State Police and peace
24 officers of the Department of Parks and Recreation, as
25 defined in subdivisions (b) and ~~(h)~~ (g) of Section 830.2
26 of the Penal Code may, in enforcing the provisions of this
27 division, visit and inspect the premises of any licensee
28 located on state property at any time during which the
29 licensee is exercising the privileges authorized by his or
30 her license on the premises.

31 SEC. 2. Section 39671 of the Education Code is
32 amended to read:

33 39671. Persons employed and compensated as
34 members of a police department of a school district,
35 when appointed and duly sworn, are peace officers, for
36 the purposes of carrying out their duties of employment
37 pursuant to Section ~~830.1~~ 830.32 of the Penal Code.

38 SEC. 3. Section 72330 of the Education Code is

1 amended to read:

2 72330. The governing board of a community college
3 district may establish a community college police
4 department, under the supervision of a community
5 college chief of police, and employ, in accordance with
6 the provisions of Chapter 4 (commencing with Section
7 88000) of Part 51 ~~such that~~ personnel as may be necessary
8 to enforce the law on or near the campus of the
9 community college and on or near other grounds or
10 properties owned, operated, controlled, or administered
11 by the community college or by the state acting on behalf
12 of the community college. Each campus of a multicampus
13 community college district may designate a chief of
14 police.

15 Persons employed and compensated as members of a
16 community college police department, when so
17 appointed and duly sworn, are peace officers as defined
18 by ~~Section 830.31~~ in Chapter 4.5 (commencing with
19 Section 830) of Title 3 of Part 2 of the Penal Code.

20 SEC. 4. Section 3332 of the Food and Agricultural
21 Code is amended to read:

22 3332. The board has authority to do any of the
23 following:

24 (a) Contract.

25 (b) Accept funds or gifts of value from the United
26 States or any person to aid in carrying out the purposes
27 of this part.

28 (c) Conduct or contract for programs, either
29 independently or in cooperation with any individual,
30 public or private organization, or federal, state, or local
31 governmental agency.

32 (d) Establish and maintain a bank checking account or
33 a savings and loan association account, approved by the
34 Director of Finance in accordance with Sections 16506
35 and 16605 of the Government Code, for depositing funds
36 appropriated to the California Exposition and State Fair
37 pursuant to subdivision (a) of Section 19622 of the
38 Business and Professions Code. The Department of
39 Finance shall audit the account at the end of each fiscal
40 year.

1 (e) Make or adopt all necessary orders, rules, or
2 regulations for governing the activities of the California
3 Exposition and State Fair.

4 (f) Delegate to the officers and employees of the
5 California Exposition and State Fair the authority to
6 appoint civil service personnel according to state civil
7 service procedures.

8 (g) Delegate to the officers and employees of the
9 California Exposition and State Fair the exercise of
10 powers vested in the board as the board may deem
11 desirable for the orderly management and operation of
12 the California Exposition and State Fair.

13 (h) Appoint all necessary marshals and police to keep
14 order and preserve peace at the California Exposition
15 and State Fair premises on a year-round basis who shall
16 have the powers of peace officers specified in Section
17 ~~830.3~~ 830.2 of the Penal Code. A member of the California
18 State Police Division may be employed as ~~such~~ a marshal
19 or police officer while off duty from his or her regular
20 employment, subject to ~~such~~ those conditions as may be
21 set forth by the Chief of the California State Police. At
22 least 75 percent of the persons appointed pursuant to this
23 subdivision ~~must~~ shall possess the basic certificate issued
24 by the Commission on Peace Officers Standards and
25 Training. The remaining 25 percent may be appointed if
26 the person has completed a Peace Officer Standards and
27 Training certified academy or possesses a Level One
28 Reserve Certificate (as defined in Section 832.6 of the
29 Penal Code).

30 (i) Lease, with the approval of the Department of
31 General Services, any of its property for any purpose for
32 any period of time.

33 (j) Use or manage any of its property, with the
34 approval of the Department of General Services, jointly
35 or in connection with any lessee or sublessee, for any
36 purpose approved by the board.

37 SEC. 5. Section 3301 of the Government Code is
38 amended to read:

39 3301. For purposes of this chapter, the term public
40 safety officer means all peace officers specified in

1 Sections 830.1, 830.2, 830.3, 830.31 except subdivision (f),
2 ~~830.4~~ except subdivision (f), 830.32, 830.33, except
3 subdivision (e), 830.34, 830.35, except subdivision (c),
4 830.36, 830.37, 830.4, and 830.5 of the Penal Code.

5 The Legislature hereby finds and declares that the
6 rights and protections provided to peace officers under
7 this chapter constitute a matter of statewide concern.
8 The Legislature further finds and declares that effective
9 law enforcement depends upon the maintenance of
10 stable employer-employee relations, between public
11 safety employees and their employers. In order to assure
12 that such stable relations are continued throughout the
13 state and to further assure that effective services are
14 provided to all people of the state, it is necessary that this
15 chapter be applicable to all public safety officers, as
16 defined in this section, wherever situated within the
17 State of California.

18 SEC. 6. Section 9194.5 of the Government Code is
19 amended to read:

20 9194.5. The Sergeant at Arms and Assistant Sergeants
21 at Arms of each house shall have the powers and
22 authority conferred by law upon peace officers listed in
23 ~~Section 830.4~~ Chapter 4.5 (commencing with Section
24 830) of Title 3 of Part 2 of the Penal Code in all parts of
25 the state in carrying out their duties, and shall not be
26 liable to civil action for their acts in carrying out the
27 orders of a Member of the Legislature presiding over any
28 legislative proceeding, including sessions of the
29 Legislature or either house thereof and hearings of
30 legislative committees, or in carrying out the orders of a
31 member to have any person removed from the office of
32 such the member, if such the Sergeant at Arms or
33 Assistant Sergeant at Arms acts without malice and in the
34 reasonable belief that the member has the authority to
35 issue the order.

36 SEC. 7. Section 14613 of the Government Code is
37 amended to read:

38 14613. There is in the Department of General
39 Services the California State Police Division.

40 The director shall appoint members and employees of

1 the California State Police Division as may be necessary
2 to protect and provide police services for the state
3 buildings and grounds and occupants thereof. Members
4 ~~and security officers~~ of the California State Police
5 Division have the powers of peace officers as defined in
6 the Penal Code.

7 Members of the California State Police Division consist
8 of the following: the chief, inspectors, captains,
9 lieutenants, sergeants, and officers. All other persons in
10 the California State Police Division are considered
11 employees.

12 The California State Police Division may provide for
13 the physical security of any current or former
14 constitutional officer of the state and any current or
15 former legislator of the state.

16 Upon the request of the Chief Justice, the director,
17 through the California State Police Division, may provide
18 appropriate protective services to any current or former
19 member of the state courts of appeal and the California
20 Supreme Court.

21 SEC. 8. Section 74368 of the Government Code is
22 amended to read:

23 74368. The marshal may make the following
24 appointments:

- 25 (a) One assistant marshal.
- 26 (b) Four captains.
- 27 (c) Four lieutenants.
- 28 (d) Eighteen sergeants.
- 29 (e) One hundred sixty-three deputy marshals.

30 Any deputy marshal who may be assigned by the
31 marshal to one of seven positions designated as lead
32 deputy shall receive, while serving in that capacity,
33 biweekly compensation at a rate 5 percent higher than
34 that received by the deputy.

35 The marshal may, at his or her discretion, fill a deputy
36 marshal or court service officer position by accepting a
37 lateral transfer from another California peace officer
38 agency. The transferee ~~must~~ shall have completed a
39 California P.O.S.T. certified basic academy and been
40 employed for at least one year in a position enumerated

1 in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34,
2 830.35, 830.36, 830.37, or 830.4 of the Penal Code within
3 the past three years.

4 (f) One administrative secretary I, II, or III.

5 (g) One chief, administrative services or
6 administrative assistant III.

7 (h) Twenty intermediate typists.

8 (i) Six senior typists.

9 (j) Thirty-five field service officers.

10 Notwithstanding any other provisions of this article, in
11 no event shall a field service officer's salary be less than
12 65 percent of the salary of a deputy marshal at the
13 corresponding pay step. The field service officer is a
14 peace officer trainee position which requires appointees
15 to be at least 18 years of age and meet the qualifications
16 and standards prescribed for deputy marshals. At the
17 time an incumbent in the class of field service officer
18 attains the age of 21, he or she may be appointed by the
19 marshal to a position in the class of deputy marshal or
20 court service officer, provided such position is open,
21 without further qualification or examination.

22 A field service officer shall receive 65 percent of the
23 uniform allowance prescribed for deputy marshals. In the
24 event that a field service officer is appointed to the class
25 of deputy marshal or court service officer, he or she shall
26 receive the amount of reimbursement of the cost of
27 required uniforms and equipment prescribed for a newly
28 hired deputy marshal or court service officer, less any
29 reimbursement received by him or her for the cost of
30 required field service officer uniforms and equipment.

31 Every person occupying a deputy marshal-cadet
32 position on January 1, 1988, will be reclassified without
33 further examination to a position of field service officer.

34 (k) One junior typist. Each vacancy occurring in this
35 class shall cause a corresponding reduction in the number
36 of junior typists hereby authorized, provided, however,
37 that such vacancy shall increase by one, a position in the
38 class intermediate typist under subdivision (h).

39 (l) Eight legal procedures clerks III.

40 (m) Thirty legal procedures clerks II or I.

1 (n) Sixty court service officers. In no event shall a
2 court service officer's salary be less than 80 percent of a
3 deputy marshal at the corresponding pay step. A court
4 service officer shall receive the same uniform allowance
5 prescribed for a deputy marshal, under the same
6 conditions prescribed for deputy marshals. The marshal
7 may appoint a court service officer to a vacant position of
8 deputy marshal without further qualification or
9 examination. In the event that a court service officer is
10 appointed to the class of deputy marshal, he or she shall
11 receive the amount of reimbursement prescribed for a
12 newly hired deputy marshal, less any reimbursement
13 received by him or her for the cost of required court
14 service officer uniforms and equipment. Court service
15 officers shall be peace officers pursuant to Section 830.4
16 of the Penal Code. Notwithstanding any other provision
17 of law, court service officers shall be general members of
18 the county employees retirement system.

19 Any court service officer who meets length of service,
20 educational and performance requirements established
21 by the marshal and approved by the county personnel
22 director may receive a biweekly compensation at a rate
23 7½ percent higher than that otherwise received by a
24 court service officer. The number of court service officer
25 positions so compensated shall not exceed one-half the
26 total number of court service officers then employed by
27 the marshal.

28 (o) Any person specified in subdivisions (f), (h), and
29 (i), who may be assigned by the marshal to one of the
30 positions designated as executive secretary or
31 administrative-personnel secretary shall receive, while
32 serving in that capacity, biweekly compensation at a rate
33 10 percent higher than that specified for such person's
34 class and step.

35 (p) Two principal clerks.

36 (q) Three communications dispatchers.

37 (r) Two administrative assistants III, II, I, or trainee.

38 (s) One EDP coordinator, or senior systems analyst.

39 (t) Notwithstanding Section 74369, up to 15 extra help
40 positions (hourly rate) to be appointed at a level as

1 determined by and serve at the pleasure of the marshal.
2 Such appointments shall be temporary for a period not to
3 exceed six months, plus one additional period at the
4 marshal's option, not to exceed six months.
5 Notwithstanding any other provisions of this section, the
6 marshal may fill these positions with persons employed
7 for less than 91 working days during a fiscal year on a
8 part-time basis.

9 (u) Notwithstanding Section 74369, the marshal may
10 appoint up to six temporary extra help marshal student
11 workers I, II, or III who shall be paid at an hourly rate and
12 shall serve at the pleasure of the marshal. A marshal
13 student worker I, II, or III shall receive an hourly salary
14 at the rate equal to that specified for the class of student
15 worker I, II, or III respectively in the unclassified service
16 of the County of San Diego.

17 (v) One associate systems analyst or assistant systems
18 analyst.

19 (w) One administrative services manager I, II, or III.
20 Each appointment to a position in this subdivision will
21 result in a commensurate reduction in the number of
22 positions included in subdivision (g).

23 (x) Three communications dispatchers I or II. Each
24 appointment to a position in this section will result in a
25 commensurate reduction in the positions included in
26 subdivision (q).

27 (y) Two supervising legal services clerks. Each
28 appointment to a position in this section will result in a
29 commensurate reduction in the number of positions
30 included in subdivision (p).

31 (z) Notwithstanding Section 74369, up to five
32 provisional workers may be appointed by and serve at the
33 pleasure of the marshal. The class of provisional worker
34 provides for temporary appointments to positions in
35 classes not listed in Section 74370 pending a review and
36 evaluation of the duties of these positions by the marshal,
37 and the establishment of specific classes as provided in
38 this subdivision. The rate of pay for each individual
39 employed in this class shall be within the range proposed
40 for the class pending establishment, at a rate determined

1 by the marshal following consultation with the county
2 personnel director. The rules regarding appointment and
3 compensation as they relate to appointments to
4 provisional worker shall be the same as those applicable
5 to the class that is pending establishment. Appointments
6 shall be temporary and shall not exceed six months.
7 Employee benefits, if applicable, shall be equal to those
8 granted to the class in the service of the County of San
9 Diego to which the pending class will be tied for benefit
10 purposes. When such an appointment is made, the class,
11 compensation (including salary and fringe benefits), and
12 number of such positions may be established by joint
13 action of the marshal and the board of supervisors in
14 accordance with established county personnel and
15 budgetary procedures. The marshal may then appoint
16 additional attachés to such classes of positions in the same
17 manner as those for which express provision is made, and
18 they shall receive the compensation so provided. Persons
19 occupying provisional worker positions shall have their
20 appointments expire not later than 30 calendar days
21 following promulgation of a list of certified eligibles for
22 the new class. Appointments to the new class shall
23 continue at the stated compensation or as thereafter
24 modified by joint action of the marshal and the board of
25 supervisors.

26 SEC. 9. Section 12020 of the Health and Safety Code
27 is amended to read:

28 12020. The chief and the issuing authority, as defined
29 in Sections 12003 and 12007, respectively, shall in their
30 areas of jurisdiction enforce the provisions of this part and
31 the regulations adopted by the State Fire Marshal
32 pursuant to this part.

33 Any peace officer, as defined in Sections 830.1, 830.2,
34 subdivisions (a); (b), ~~(c)~~ (e), (j), ~~(h)~~, and ~~(m)~~ (k) of
35 Section 830.3; and paragraph ~~(6)~~ of subdivision ~~(a)~~ of
36 Sections ~~830.4~~ of the Penal Code, may enforce the
37 provisions of of this part.

38 SEC. 10. Section 488.5 of the Insurance Code is
39 amended to read:

40 488.5. No insurer shall, in issuing or renewing a

1 private automobile insurance policy to a peace officer,
 2 member of the California Highway Patrol, or firefighter,
 3 with respect to his or her operation of a private motor
 4 vehicle, increase the premium on that policy for the
 5 reason that the insured or applicant for insurance has
 6 been involved in an accident while operating an
 7 authorized emergency vehicle, as defined in subdivision
 8 (a) of Section 165 of the Vehicle Code or in paragraph (1)
 9 or (2) of subdivision (b) of Section 165 of the Vehicle
 10 Code, in performance of his or her duty during the hours
 11 of his or her employment.

12 As used in this section:

13 (a) "Peace officer" means every person defined in
 14 Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and
 15 (h) of Section 830.2, subdivisions (a), (b), ~~(c)~~, ~~(g)~~, and
 16 ~~(h)~~ (d) of Section 830.31, subdivisions ~~(e)~~, ~~(g)~~, ~~(h)~~, ~~(i)~~,
 17 ~~(j)~~, and ~~(k)~~ (a) and (b) of Section ~~830.4~~ 830.32,
 18 subdivisions (a), (b), (c), and (d) of Section 830.33,
 19 subdivision (b) of Section 830.5, and Section 830.6, of the
 20 Penal Code.

21 (b) "Policy" shall have the same meaning as defined
 22 in subdivision (a) of Section 660.

23 SEC. 11. Section 557.5 of the Insurance Code is
 24 amended to read:

25 557.5. No peace officer, member of the California
 26 Highway Patrol, or firefighter shall be required to report
 27 any accident in which he or she is involved while
 28 operating an authorized emergency vehicle, as defined in
 29 subdivision (a) of Section 165 of the Vehicle Code or in
 30 paragraph (1) or (2) of subdivision (b) of Section 165 of
 31 the Vehicle Code, in performance of his or her duty
 32 during the hours of his or her employment, to any person
 33 who has issued that peace officer, member of the
 34 California Highway Patrol, or firefighter a private
 35 automobile insurance policy.

36 As used in this section:

37 (a) "Peace officer" means every person defined in
 38 Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and
 39 (h) of Section 830.2, subdivisions (a), (b), ~~(c)~~, ~~(g)~~, and
 40 ~~(h)~~ (d) of Section 830.31, subdivisions ~~(e)~~, ~~(g)~~, ~~(h)~~, ~~(i)~~,

1 ~~(j)~~ and ~~(k)~~ (a) and (b) of Section ~~830.4~~ 830.32,
2 subdivisions (a), (b), (c), and (d) of Section 830.33,
3 subdivision (b) of Section 830.5, and Section 830.6, of the
4 Penal Code.

5 (b) "Policy" shall have the same meaning as defined
6 in subdivision (a) of Section 660.

7 SEC. 12. Section 557.6 of the Insurance Code is
8 amended to read:

9 557.6. Any peace officer as defined pursuant to this
10 section who has been involved in an accident shall submit
11 to his or her private automobile insurer within 30 days of
12 the accident his or her written declaration under penalty
13 of perjury stating whether or not at the time of the
14 accident he or she was operating an authorized
15 emergency vehicle, as defined in subdivision (a) of
16 Section 165 of the Vehicle Code or in paragraph (1) or (2)
17 of subdivision (b) of Section 165 of the Vehicle Code, in
18 performance of his or her duty during the hours of his or
19 her employment. In lieu of a written declaration, the
20 peace officer may submit to the private automobile
21 insurer a copy of the incident report filed by the peace
22 officer with his or her employer.

23 As used in this section, "peace officer" means every
24 person defined in Section 830.1, subdivisions (a), (b), (c),
25 (d), (e), (g), and (h) of Section 830.2, subdivisions (a),
26 (b), ~~(e)~~, ~~(g)~~, and ~~(h)~~ (d) of Section 830.31, subdivisions
27 ~~(e)~~, ~~(g)~~, ~~(h)~~, ~~(i)~~, ~~(j)~~, and ~~(k)~~ (a) and (b) of Section ~~830.4~~
28 830.32, subdivisions (a), (b), (c), and (d) of Section
29 830.33, subdivision (b) of Section 830.5, and Section 830.6,
30 of the Penal Code.

31 SEC. 13. Section 669.5 of the Insurance Code is
32 amended to read:

33 669.5. No insurer shall fail to renew any private
34 automobile insurance policy of a peace officer, member
35 of the California Highway Patrol, or firefighter, with
36 respect to his operation of a private motor vehicle, for the
37 reason that the insured has been involved in an accident
38 while operating an authorized emergency vehicle, as
39 defined in subdivision (a) of Section 165 of the Vehicle
40 Code or in paragraph (1) or (2) of subdivision (b) of

1 Section 165 of the Vehicle Code, in performance of his
2 duty during the hours of his employment. As used in this
3 section, "peace officer" shall have the same meaning as
4 defined in Section 830.1 of the Penal Code, subdivisions
5 (a), (b), (c), (d), (e), (g) and (h) of Section 830.2 of the
6 Penal Code, subdivisions (a), (b), ~~(e)~~, and ~~(g)~~ (d) of
7 Section 830.31 of the Penal Code, subdivision ~~(e)~~ (d) of
8 Section ~~830.4~~ 830.33 of the Penal Code.

9 SEC. 14. Section 3600.3 of the Labor Code is amended
10 to read:

11 3600.3. (a) For the purposes of Section 3600, an
12 off-duty peace officer, as defined in subdivision (b), who
13 is performing, within the jurisdiction of his or her
14 employing agency, a service he or she would, in the
15 course of his or her employment, have been required to
16 perform if he or she were on duty, is performing a service
17 growing out of and incidental to his or her employment
18 and is acting within the course of his or her employment
19 if, as a condition of his or her employment, he or she is
20 required to be on call within the jurisdiction during
21 off-duty hours.

22 (b) As used in subdivision (a), "peace officer" means
23 those employees of the Department of Forestry named as
24 peace officers for purposes of subdivision ~~(e)~~ (b) of
25 Section ~~830.3~~ 830.37 of the Penal Code.

26 (c) This section does not apply to any off-duty peace
27 officer while he or she is engaged, either as an employee
28 or as an independent contractor, in any capacity other
29 than as a peace officer.

30 SEC. 15. Section 148.5 of the Penal Code is amended
31 to read:

32 148.5. (a) Every person who reports to any peace
33 officer listed in Section 830.1 or 830.2, district attorney, or
34 deputy district attorney that a felony or misdemeanor has
35 been committed, knowing the report to be false, is guilty
36 of a misdemeanor.

37 (b) Every person who reports to any other peace
38 officer, as defined in Chapter 4.5 (commencing with
39 Section 830) of Title 3 of Part 2, that a felony or
40 misdemeanor has been committed, knowing the report

1 to be false, is guilty of a misdemeanor if (1) the false
2 information is given while the peace officer is engaged in
3 the performance of his or her duties as a peace officer and
4 (2) the person providing the false information knows or
5 should have known that the person receiving the
6 information is a peace officer.

7 (c) Except as provided in subdivisions (a) and (b),
8 every person who reports to any employee who is
9 assigned to accept reports from citizens, either directly or
10 by telephone, and who is employed by a state or local
11 agency which is designated in Section 830.1, 830.2,
12 subdivision ~~(f)~~ (e) of 830.3, Section 830.31, 830.32, 830.33,
13 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or
14 misdemeanor has been committed, knowing the report
15 to be false, is guilty of a misdemeanor if (1) the false
16 information is given while the employee is engaged in
17 the performance of his or her duties as an agency
18 employee and (2) the person providing the false
19 information knows or should have known that the person
20 receiving the information is an agency employee
21 engaged in the performance of the duties described in
22 this subdivision.

23 (d) This section does not apply to reports made by
24 persons who are required by statute to report known or
25 suspected instances of child abuse, dependent adult
26 abuse, or elder abuse.

27 SEC. 16. Section 190.2 of the Penal Code is amended
28 to read:

29 190.2. (a) The penalty for a defendant found guilty of
30 murder in the first degree shall be death or confinement
31 in state prison for a term of life without the possibility of
32 parole in any case in which one or more of the following
33 special circumstances has been charged and specially
34 found under Section 190.4, to be true:

35 (1) The murder was intentional and carried out for
36 financial gain.

37 (2) The defendant was previously convicted of
38 murder in the first degree or second degree. For the
39 purpose of this paragraph an offense committed in
40 another jurisdiction which if committed in California

1 would be punishable as first or second degree murder
2 shall be deemed murder in the first or second degree.

3 (3) The defendant has in this proceeding been
4 convicted of more than one offense of murder in the first
5 or second degree.

6 (4) The murder was committed by means of a
7 destructive device, bomb, or explosive planted, hidden or
8 concealed in any place, area, dwelling, building or
9 structure, and the defendant knew or reasonably should
10 have known that his or her act or acts would create a
11 great risk of death to a human being or human beings.

12 (5) The murder was committed for the purpose of
13 avoiding or preventing a lawful arrest or to perfect, or
14 attempt to perfect an escape from lawful custody.

15 (6) The murder was committed by means of a
16 destructive device, bomb, or explosive that the
17 defendant mailed or delivered, attempted to mail or
18 deliver, or cause to be mailed or delivered and the
19 defendant knew or reasonably should have known that
20 his or her act or acts would create a great risk of death to
21 a human being or human beings.

22 (7) The victim was a peace officer as defined in
23 Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34,
24 830.35, 830.36, 830.37, 830.4, 830.5, ~~830.5a~~, 830.6, 830.10,
25 830.11 or 830.12, who, while engaged in the course of the
26 performance of his or her duties was intentionally killed,
27 and ~~such~~ the defendant knew or reasonably should have
28 known that ~~such~~ the victim was a peace officer engaged
29 in the performance of his or her duties; or the victim was
30 a peace officer as defined in the above enumerated
31 sections of the Penal Code, or a former peace officer
32 under any of such sections, and was intentionally killed in
33 retaliation for the performance of his or her official
34 duties.

35 (8) The victim was a federal law enforcement officer
36 or agent, who, while engaged in the course of the
37 performance of his or her duties was intentionally killed,
38 and ~~such~~ the defendant knew or reasonably should have
39 known that ~~such~~ the victim was a federal law
40 enforcement officer or agent, engaged in the

1 performance of his or her duties; or the victim was a
2 federal law enforcement officer or agent, and was
3 intentionally killed in retaliation for the performance of
4 his or her official duties.

5 (9) The victim was a fireman as defined in Section
6 245.1, who while engaged in the course of the
7 performance of his or her duties was intentionally killed,
8 and ~~such~~ the defendant knew or reasonably should have
9 known that ~~such~~ the victim was a fireman engaged in the
10 performance of his or her duties.

11 (10) The victim was a witness to a crime who was
12 intentionally killed for the purpose of preventing his or
13 her testimony in any civil or criminal proceeding, and the
14 killing was not committed during the commission, or
15 attempted commission ~~or~~ of the crime to which he or she
16 was a witness; or the victim was a witness to a crime and
17 was intentionally killed in retaliation for his or her
18 testimony in any criminal proceeding.

19 (11) The victim was a prosecutor or assistant
20 prosecutor or a former prosecutor or assistant prosecutor
21 of any local or state prosecutor's office in this state or any
22 other state, or a federal prosecutor's office and the
23 murder was carried out in retaliation for or to prevent the
24 performance of the victim's official duties.

25 (12) The victim was a judge or former judge of any
26 court of record in the local, state or federal system in the
27 State of California or in any other state of the United
28 States and the murder was carried out in retaliation for
29 or to prevent the performance of the victim's official
30 duties.

31 (13) The victim was an elected or appointed official or
32 former official of the Federal Government, a local or
33 State government of California, or of any local or state
34 government of any other state in the United States and
35 the killing was intentionally carried out in retaliation for
36 or to prevent the performance of the victim's official
37 duties.

38 (14) The murder was especially heinous, atrocious, or
39 cruel, manifesting exceptional depravity; ~~as~~. As utilized
40 in this section, the phrase especially heinous, atrocious or

1 cruel manifesting exceptional depravity means a
2 conscienceless, or pitiless crime which is unnecessarily
3 torturous to the victim.

4 (15) The defendant intentionally killed the victim
5 while lying in wait.

6 (16) The victim was intentionally killed because of his
7 race, color, religion, nationality or country of origin.

8 (17) The murder was committed while the defendant
9 was engaged in or was an accomplice in the commission
10 of, attempted commission of, or the immediate flight
11 after committing or attempting to commit the following
12 felonies:

13 (i) Robbery in violation of Section 211.

14 (ii) Kidnapping in violation of Sections 207 and 209.

15 (iii) Rape in violation of Section 261.

16 (iv) Sodomy in violation of Section 286.

17 (v) The performance of a lewd or lascivious act upon
18 person of a child under the age of 14 in violation of
19 Section 288.

20 (vi) Oral copulation in violation of Section 288a.

21 (vii) Burglary in the first or second degree in violation
22 of Section 460.

23 (viii) Arson in violation of Section 447.

24 (ix) Train wrecking in violation of Section 219.

25 (18) The murder was intentional and involved the
26 infliction of torture. For the purpose of this section
27 torture requires proof of the infliction of extreme
28 physical pain no matter how long its duration.

29 (19) The defendant intentionally killed the victim by
30 the administration of poison.

31 (b) Every person whether or not the actual killer
32 found guilty of intentionally aiding, abetting, counseling,
33 commanding, inducing, soliciting, requesting, or assisting
34 any actor in the commission of murder in the first degree
35 shall suffer death or confinement in state prison for a
36 term of life without the possibility of parole, in any case
37 in which one or more of the special circumstances
38 enumerated in ~~paragraphs~~ paragraph (1), (3), (4), (5),
39 (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16),
40 (17), (18), or (19) of subdivision (a) of this section has

1 been charged and specially found under Section 190.4 to
2 be true.

3 The penalty shall be determined as provided in
4 Sections 190.1, 190.2, 190.3, 190.4, and 190.5.

5 SEC. 17. Section 409.5 of the Penal Code is amended
6 read:

7 409.5. (a) Whenever a menace to the public health
8 or safety is created by a calamity such as flood, storm, fire,
9 earthquake, explosion, accident, or other disaster, officers
10 of the California Highway Patrol, California State Police,
11 police departments, marshal's office or sheriff's office,
12 any officer or employee of the Department of Forestry
13 and Fire Protection designated a peace officer by
14 subdivision (i) of Section 830.2, any officer or employee
15 of the Department of Parks and Recreation designated a
16 peace officer by subdivision ~~(h)~~ (g) of Section ~~830.3~~ 830.2,
17 and any publicly employed full-time lifeguard or publicly
18 employed full-time marine safety officer while acting in
19 a supervisory position in the performance of his or her
20 official duties, may close the area where the menace
21 exists for the duration thereof by means of ropes, markers
22 or guards to any and all persons not authorized by the
23 lifeguard or officer to enter or remain within the
24 enclosed area. If such a calamity creates an immediate
25 menace to the public health, the local health officer may
26 close the area where the menace exists pursuant to the
27 conditions which are set forth above in this section.

28 (b) Officers of the California Highway Patrol,
29 California State Police, police departments, marshal's
30 office or sheriff's office or officers of the Department of
31 Forestry and Fire Protection designated as peace officers
32 by subdivision ~~(i)~~ (h) of Section 830.2 may close the
33 immediate area surrounding any emergency field
34 command post or any other command post activated for
35 the purpose of abating any calamity enumerated in this
36 section or any riot or other civil disturbance to any and
37 all unauthorized persons pursuant to the conditions
38 which are set forth in this section whether or not the field
39 command post or other command post is located near to
40 the actual calamity or riot or other civil disturbance.

1 (c) Any unauthorized person who willfully and
2 knowingly enters an area closed pursuant to subdivision
3 (a) or (b) and who willfully remains within the area after
4 receiving notice to evacuate or leave shall be guilty of a
5 misdemeanor.

6 (d) Nothing in this section shall prevent a duly
7 authorized representative of any news service,
8 newspaper, or radio or television station or network from
9 entering the areas closed pursuant to this section.

10 SEC. 18. Section 409.6 of the Penal Code is amended
11 to read:

12 409.6. (a) Whenever a menace to the public health
13 or safety is created by an avalanche, officers of the
14 California Highway Patrol, California State Police, police
15 departments or sheriff's office, any officer or employee of
16 the Department of Forestry designated a peace officer by
17 subdivision ~~(i)~~ (h) of Section 830.2, and any officer or
18 employee of the Department of Parks and Recreation
19 designated a peace officer by subdivision ~~(h)~~ (g) of
20 Section 830.2, may close the area where the menace exists
21 for the duration thereof by means of ropes, markers or
22 guards to any and all persons not authorized by such
23 officer to enter or remain within the closed area. If an
24 avalanche creates an immediate menace to the public
25 health, the local health officer may close the area where
26 the menace exists pursuant to the conditions which are
27 set forth above in this section.

28 (b) Officers of the California Highway Patrol,
29 California State Police, police departments, or sheriff's
30 office or officers of the Department of Forestry
31 designated as peace officers by subdivision ~~(i)~~ (h) of
32 Section 830.2 may close the immediate area surrounding
33 any emergency field command post or any other
34 command post activated for the purpose of abating
35 hazardous conditions created by an avalanche to any and
36 all unauthorized persons pursuant to the conditions
37 which are set forth in this section whether or not such
38 field command post or other command post is located
39 near the avalanche.

40 (c) Any unauthorized person who willfully and

1 knowingly enters an area closed pursuant to subdivision
2 (a) or (b) and who willfully remains within such area, or
3 any unauthorized person who willfully remains within an
4 area closed pursuant to subdivision (a) or (b), after
5 receiving notice to evacuate or leave from a peace officer
6 named in subdivision (a) or (b) shall be guilty of a
7 misdemeanor. If necessary, a peace officer named in
8 subdivision (a) or (b) may use reasonable force to
9 remove from the closed area any unauthorized person
10 who willfully remains within such area after receiving
11 notice to evacuate or leave.

12 (d) Nothing in this section shall prevent a duly
13 authorized representative of any news service,
14 newspaper, or radio or television station or network from
15 entering the areas closed pursuant to this section.

16 SEC. 18.5. Section 830 of the Penal Code is amended
17 to read:

18 830. Any person who comes within the provisions of
19 this chapter and who otherwise meets all standards
20 imposed by law on a peace officer is a peace officer, and
21 notwithstanding any other provision of law, no person
22 other than those designated in this chapter is a peace
23 officer. The restriction of peace officer functions of any
24 public officer or employee shall not affect his or her status
25 for purposes of retirement.

26 SEC. 19. Section 830.1 of the Penal Code is amended
27 to read:

28 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
29 regularly employed and paid ~~as such~~ *in that capacity*, of
30 a county, any police officer of a city, any police officer of
31 a district (including police officers of the San Diego
32 Unified Port District Harbor Police) authorized by
33 statute to maintain a police department, any marshal or
34 deputy marshal of a municipal court, any constable or
35 deputy constable, regularly employed and paid ~~as such~~ *in*
36 *that capacity*, of a judicial district, or any inspector or
37 investigator regularly employed and paid ~~as such~~ *in that*
38 *capacity* in the office of a district attorney, is a peace
39 officer. The authority of ~~any such~~ *these* peace officer
40 officers extends to any place in the state, as follows:

1 (1) As to any public offense committed or which there
 2 is probable cause to believe has been committed within
 3 the political subdivision which employs ~~him~~; or the peace
 4 officer.

5 (2) Where ~~he~~ the peace officer has the prior consent
 6 of the chief of police, or person authorized by him or her
 7 to give ~~such~~ consent, if the place is within a city or of the
 8 sheriff, or person authorized by him or her to give ~~such~~
 9 consent, if the place is within a county; ~~or~~.

10 (3) As to any public offense committed or which there
 11 is probable cause to believe has been committed in ~~his~~
 12 the peace officer's presence, and with respect to which
 13 there is immediate danger to person or property, or of
 14 the escape of the perpetrator of ~~such~~ the offense.

15 (b) The Deputy Director, assistant directors, chiefs,
 16 assistant chiefs, special agents, and narcotics agents of the
 17 Department of Justice, and ~~such~~ those investigators who
 18 are designated by the Attorney General are peace
 19 officers. The authority of ~~any such these~~ peace officer
 20 officers extends to any place in the state as to a public
 21 offense committed or which there is probable cause to
 22 believe has been committed within the state.

23 SEC. 20. Section 830.2 of the Penal Code is amended
 24 to read:

25 830.2. The following persons are peace officers whose
 26 authority extends to any place in the state:

27 (a) Any member of the California Highway Patrol,
 28 provided that the primary duty of the peace officer shall
 29 be the enforcement of the provisions of the Vehicle Code
 30 or of any other law relating to the use or operation of
 31 vehicles upon the highways, as that duty is set forth in the
 32 Vehicle Code.

33 (b) Any member of the California State Police
 34 Division, provided that the primary duty of the peace
 35 officer shall be to provide police services for the
 36 protection of state officers, and the protection of state
 37 properties and occupants thereof, as set forth in the
 38 Government Code.

39 (c) ~~Members of the California National Guard have~~
 40 the powers of peace officers when they are ~~(1)~~ called or

1 ordered into active state service by the Governor
2 pursuant to the provisions of Section 143 or 146 of the
3 Military and Veterans Code, ~~(2)~~ serving within the area
4 wherein military assistance is required, and ~~(3)~~ directly
5 assisting civil authorities in any of the situations specified
6 in Section 143 or 146. The authority of the peace officer
7 extends to the area wherein military assistance is
8 required as to a public offense committed or which there
9 is reasonable cause to believe has been committed within
10 that area. The requirements of Section 1031 of the
11 Government Code are not applicable under those
12 circumstances.

13 ~~(d)~~ A member of the University of California Police
14 Department appointed pursuant to Section 92600 of the
15 Education Code, provided that the primary duty of the
16 peace officer shall be the enforcement of the law within
17 the area specified in Section 92600 of the Education Code.

18 ~~(e)~~
19 ~~(d)~~ A member of the California State University and
20 College Police Departments appointed pursuant to
21 Section 89560 of the Education Code, provided that the
22 primary duty of the peace officer shall be the
23 enforcement of the law within the area specified in
24 Section 89560 of the Education Code.

25 ~~(f)~~
26 ~~(e)~~ Any member of the Law Enforcement Liaison
27 Unit of the Department of Corrections, provided that the
28 primary duty of the peace officer shall be the
29 investigation or apprehension of parolees, parole
30 violators, or escapees from state institutions, the
31 transportation of those persons, and the coordination of
32 those activities with other criminal justice agencies.

33 ~~(g)~~
34 ~~(f)~~ Members of the Wildlife Protection Branch of the
35 Department of Fish and Game, provided that the
36 primary duty of those deputies shall be the enforcement
37 of the law as set forth in Section 856 of the Fish and Game
38 Code.

39 ~~(h)~~
40 ~~(g)~~ *Employees Officers* of the Department of Parks

1 and Recreation designated by the director pursuant to
2 Section 5008 of the Public Resources Code, provided that
3 the primary duty of the peace officer shall be the
4 enforcement of the law as set forth in Section 5008 of the
5 Public Resources Code.

6 ~~(i)~~

7 *(h)* The Director of Forestry and employees or classes
8 of employees of the Department of Forestry designated
9 by the director pursuant to Section 4156 of the Public
10 Resources Code, provided that the primary duty of the
11 peace officer shall be the enforcement of the law as that
12 duty is set forth in Section 4156 of the Public Resources
13 Code.

14 *(i)* Officers of a state hospital under the jurisdiction of
15 the State Department of Mental Health or the State
16 Department of Developmental Services appointed
17 pursuant to Section 4313 or 4493 of the Welfare and
18 Institutions Code, provided that the primary duty of the
19 peace officers shall be the enforcement of the law as set
20 forth in Sections 4311, 4313, 4491, and 4493 of the Welfare
21 and Institutions Code.

22 *(j)* Marshals and police appointed by the Board of
23 Directors of the California Exposition and State Fair,
24 pursuant to Section 3332 of the Food and Agricultural
25 Code, provided that the primary duty of the peace officer
26 shall be the enforcement of the law as prescribed in that
27 section.

28 SEC. 21. Section 830.3 of the Penal Code is amended
29 to read:

30 830.3. The following persons are peace officers whose
31 authority extends to any place in the state for the purpose
32 of performing their primary duty or when making an
33 arrest pursuant to Section 836 of the Penal Code as to any
34 public offense with respect to which there is immediate
35 danger to person or property, or of the escape of the
36 perpetrator of that offense, or pursuant to Section 8597 or
37 8598 of the Government Code. Such peace officers may
38 carry firearms only if authorized and under such terms
39 and conditions as are specified by their employing
40 agencies:

1 (a) Persons employed by the Department of Alcoholic
2 Beverage Control for the enforcement of Division 9
3 (commencing with Section 23000) of the Business and
4 Professions Code and designated by the Director of
5 Alcoholic Beverage Control, provided that the primary
6 duty of any ~~such of these peace officer~~ officers shall be the
7 enforcement of the laws relating to alcoholic beverages,
8 as that duty is set forth in Section 23755 of the Business
9 and Professions Code.

10 (b) Persons employed by the Division of Investigation
11 of the Department of Consumer Affairs and investigators
12 of the Board of Medical Quality Assurance and the Board
13 of Dental Examiners, who are designated by the Director
14 of Consumer Affairs, provided that the primary duty of
15 any ~~such of these peace officer~~ officers shall be the
16 enforcement of the law as that duty is set forth in Section
17 160 of the Business and Professions Code.

18 (c) ~~Voluntary fire wardens as are designated by the~~
19 ~~Director of Forestry pursuant to Section 4156 of the~~
20 ~~Public Resources Code, provided that the primary duty~~
21 ~~of any such peace officer shall be the enforcement of the~~
22 ~~law as that duty is set forth in Section 4156 of that code.~~

23 ~~(d)~~ Employees of the Department of Motor Vehicles
24 designated in Section 1655 of the Vehicle Code, provided
25 that the primary duty of any ~~such of these peace officer~~
26 officers shall be the enforcement of the law as that duty
27 is set forth in Section 1655 of that code.

28 ~~(e)~~

29 (d) Investigators of the California Horse Racing
30 Board designated by the board, provided that the
31 primary duty of any ~~such of these peace officer~~ officers
32 shall be the enforcement of Chapter 4 (commencing with
33 Section 19400) of Division 8 of the Business and
34 Professions Code and Chapter 10 (commencing with
35 Section 330) of Title 9 of Part 1 of the Penal Code.

36 ~~(f)~~

37 (e) The State Fire Marshal and assistant or deputy
38 state fire marshals appointed pursuant to Section 13103 of
39 the Health and Safety Code, provided that the primary
40 duty of any ~~such of these peace officer~~ officers shall be the

1 enforcement of the law as that duty is set forth in Section
2 13104 of that code.

3 ~~(g)~~

4 ~~(f)~~ Inspectors of the food and drug section as are
5 designated by the chief pursuant to subdivision (a) of
6 Section 216 of the Health and Safety Code, provided that
7 the primary duty of any ~~such of these peace officer~~
8 ~~officers~~ shall be the enforcement of the law as that duty
9 is set forth in Section 216 of that code.

10 ~~(h)~~

11 ~~(g)~~ All investigators of the Division of Labor
12 Standards Enforcement, as designated by the Labor
13 Commissioner, provided that the primary duty of any
14 ~~such of these peace officer officers~~ shall be enforcement
15 of the law as prescribed in Section 95 of the Labor Code.

16 ~~(i)~~

17 ~~(h)~~ All investigators of the State Departments of
18 Health Services, Social Services, Mental Health,
19 Developmental Services, Alcohol and Drug Programs
20 and the Office of Statewide Health Planning and
21 Development, and the Public Employees' Retirement
22 System, provided that the primary duty of any ~~such of~~
23 ~~these peace officer officers~~ shall be the enforcement of
24 the law relating to the duties of his or her department, or
25 office. Notwithstanding any other provision of law,
26 investigators of the Public Employees' Retirement
27 System shall not carry firearms.

28 ~~(j)~~ Marshals and police appointed by the Board of
29 Directors of the California Exposition and State Fair,
30 pursuant to Section 3332 of the Food and Agricultural
31 Code, provided that the primary duty of the peace officer
32 shall be the enforcement of the law as prescribed in that
33 section.

34 ~~(k)~~

35 ~~(i)~~ The Chief of the Bureau of Fraudulent Claims of
36 the Department of Insurance and ~~such those~~
37 investigators as designated by him or her, provided that
38 the primary duty of such investigators shall be
39 enforcement of Section 556 of the Insurance Code.

40 ~~(l)~~

1 (j) Employees of the Department of Housing and
2 Community Development designated under Section
3 18023 of the Health and Safety Code, provided that the
4 primary duty of any ~~such of these peace officer officers~~
5 shall be the enforcement of the law as that duty is set
6 forth in Section 18023 of that code.

7 ~~(m)~~
8 (k) Investigators of the office of the Controller,
9 provided that the primary duty of any ~~such investigator~~
10 of these investigators shall be the enforcement of the law
11 relating to the duties of that office. Notwithstanding any
12 other provision of law, the peace officers designated
13 pursuant to this subdivision shall not carry firearms.

14 ~~(n)~~
15 (l) Investigators of the Department of Corporations
16 designated by the Commissioner of Corporations,
17 provided that the primary duty of these investigators
18 shall be enforcement of the provisions of law
19 administered by the Department of Corporations.
20 Notwithstanding any other provision of law, the peace
21 officers designated pursuant to this subdivision shall not
22 carry firearms.

23 ~~(o)~~
24 (m) Persons employed by the Contractors' State
25 License Board designated by the Director of Consumer
26 Affairs pursuant to Section 7011.5 of the Business and
27 Professions Code, provided that the primary duty of
28 these persons shall be the enforcement of the law as that
29 duty is set forth in Section 7011.5; and in Chapter 9
30 (commencing with Section 7000) of Division 3, of that
31 code. The Director of Consumer Affairs may designate as
32 peace officers not more than three persons who shall at
33 the time of their designation be assigned to the special
34 investigations unit of the board. Notwithstanding any
35 other provision of law, the persons designated pursuant
36 to this subdivision shall not carry firearms.

37 ~~(p)~~
38 (n) The chief and coordinators of the Law
39 Enforcement Division of the Office of Emergency
40 Services.

1 ~~(q)~~
2 (o) Investigators of the office of the Secretary of State,
3 designated by the Secretary of State, provided that the
4 primary duty of any ~~such of these peace officer officers~~
5 shall be the enforcement of the law as prescribed in
6 Chapter 3 (commencing with Section 8200) of Division 1
7 of Title 2 of the Government Code. Notwithstanding any
8 other provision of law, the peace officers designated
9 pursuant to this subdivision shall not carry firearms.

10 ~~(r)~~
11 (p) The Deputy Director for Security, as designated
12 by Section 8880.38 of the Government Code, and all
13 lottery security personnel assigned to the California State
14 Lottery and designated by the director, provided that the
15 primary duty of any of those peace officers shall be the
16 enforcement of the laws related to assuring the integrity,
17 honesty, and fairness of the operation and administration
18 of the California State Lottery.

19 ~~(s)~~
20 (q) Investigators employed by the Investigation
21 Division of the Employment Development Department,
22 designated by the director of the department, provided
23 that the primary duty of those peace officers shall be the
24 enforcement of the law as that duty is set forth in Section
25 317 of the Unemployment Insurance Code.

26 Notwithstanding any other provision of law, the peace
27 officers designated pursuant to this subdivision shall not
28 carry firearms.

29 SEC. 22. Section 830.31 of the Penal Code is repealed.
30 830.31. The following persons are peace officers
31 whose authority extends to any place in the state for the
32 purpose of performing their primary duty or when
33 making an arrest pursuant to Section 836 as to any public
34 offense with respect to which there is immediate danger
35 to person or property, or of the escape of the perpetrator
36 of that offense, or pursuant to Section 8507 or 8508 of the
37 Government Code. These peace officers may carry
38 firearms only if authorized and under terms and
39 conditions specified by their employing agency.

40 (a) (1) Members of an arson/investigating unit;

1 regularly paid and employed in that position of a fire
2 protection agency of the state, of a county, city, or
3 district, if the primary duty of the arson investigators is
4 the detection and apprehension of persons who have
5 violated any fire law or committed insurance fraud.

6 (9) Members of a fire department or fire protection
7 agency of the state, or a county, city, or district regularly
8 paid and employed in that position if the primary duty of
9 fire department or fire protection agency members other
10 than arson investigators when acting as peace officers is
11 the enforcement of laws relating to fire prevention and
12 fire suppression.

13 (b) Persons designated by a local agency as park
14 rangers and regularly employed and paid as such, if the
15 primary duty of the peace officer is the protection of park
16 and other property of the agency and the preservation of
17 the peace therein.

18 (c) Members of a community college police
19 department appointed pursuant to Section 79330 of the
20 Education Code, if the primary duty of the peace officer
21 is the enforcement of the law as prescribed in Section
22 79330 of the Education Code.

23 (d) A welfare fraud investigator or inspector,
24 regularly employed and paid as such by a county, if the
25 primary duty of the peace officer is the enforcement of
26 the provisions of the Welfare and Institutions Code.

27 (e) A child support investigator or inspector, regularly
28 employed and paid as such by a district attorney's office;
29 if the primary duty of the peace officer is the
30 enforcement of the provisions of the Welfare and
31 Institutions Code and Section 870.

32 (f) The coroner and deputy coroners, regularly
33 employed and paid as such, of a county, if the primary
34 duty of the peace officer are those duties set forth in
35 Sections 87460 and 87401 to 87401-4, inclusive, of the
36 Government Code.

37 (g) A member of the San Francisco Bay Area Rapid
38 Transit District Police Department appointed pursuant
39 to Section 88767-5 of the Public Utilities Code, if the
40 primary duty of the peace officer is the enforcement of

1 the law in or about properties owned, operated, or
2 administered by the district or when performing
3 necessary duties with respect to patrons, employees, and
4 properties of the district.

5 (h) Harbor or port police regularly employed and paid
6 as such by a county, city, or district other than peace
7 officers authorized under Section 830.1, and the port
8 warden and special officers of the Harbor Department of
9 the City of Los Angeles, if the primary duty of the peace
10 officer is the enforcement of the law in or about the
11 properties owned, operated, or administered by the
12 harbor or port or when performing necessary duties with
13 respect to patrons, employees, and properties of the
14 harbor or port.

15 (i) Persons designated as a security officer by a
16 municipal utility district pursuant to Section 19890 of the
17 Public Utilities Code, if the primary duty of the officer is
18 the protection of the properties of the utility district and
19 the protection of the persons thereon.

20 (j) Persons designated as a security officer by a county
21 water district pursuant to Section 30547 of the Water
22 Code, if the primary duty of the officer is the protection
23 of the properties of the county water district and the
24 protection of the persons thereon.

25 (k) The security director of the public utilities
26 commission of a city and county, if the primary duty of
27 the security director is the protection of the properties of
28 the commission and the protection of persons thereon.

29 SEC. 23. Section 830.31 is added to the Penal Code, to
30 read:

31 830.31. The following persons are peace officers
32 whose authority extends to any place in the state for the
33 purpose of performing their primary duty or when
34 making an arrest pursuant to Section 836 as to any public
35 offense with respect to which there is immediate danger
36 to person or property, or of the escape of the perpetrator
37 of that offense, or pursuant to Section 8597 or 8598 of the
38 Government Code. These peace officers may carry
39 firearms only if authorized and under terms and
40 conditions specified by their employing agency.

1 (a) Safety police officers of the County of Los Angeles.

2 (b) Persons designated by a local agency as park
3 rangers, and regularly employed and paid in those
4 capacities, if the primary duty of the peace officer is the
5 protection of park and other property of the agency and
6 the preservation of the peace therein.

7 (c) Security officers of the Department of General
8 Services of the City of Los Angeles designated by the
9 general manager of the department. Notwithstanding
10 any other provision of law, the peace officers designated
11 by this subdivision shall not be authorized to carry
12 firearms.

13 (d) Housing authority patrol officers employed by the
14 housing authority of a city, district, county, or city and
15 county or employed by the police department of a city
16 and county.

17 SEC. 24. Section 830.32 is added to the Penal Code, to
18 read:

19 830.32. The following persons are peace officers
20 whose authority extends to any place in the state for the
21 purpose of performing their primary duty or when
22 making an arrest pursuant to Section 836 as to any public
23 offense with respect to which there is immediate danger
24 to person or property, or of the escape of the perpetrator
25 of that offense, or pursuant to Section 8597 or 8598 of the
26 Government Code. Those peace officers may carry
27 firearms only if authorized and under terms and
28 conditions specified by their employing agency.

29 (a) Members of a community college police
30 department appointed pursuant to Section 72330 of the
31 Education Code, if the primary duty of the peace officer
32 is the enforcement of the law as prescribed in Section
33 72330 of the Education Code.

34 (b) Persons employed as members of a police
35 department of a school district pursuant to Section 39670
36 of the Education Code.

37 SEC. 25. Section 830.33 is added to the Penal Code, to
38 read:

39 830.33. The following persons are peace officers
40 whose authority extends to any place in the state for the

1 purpose of performing their primary duty or when
2 making an arrest pursuant to Section 836 as to any public
3 offense with respect to which there is immediate danger
4 to person or property, or of the escape of the perpetrator
5 of that offense, or pursuant to Section 8597 or 8598 of the
6 Government Code. Those peace officers may carry
7 firearms only if authorized and under terms and
8 conditions specified by their employing agency.

9 (a) A member of the San Francisco Bay Area Rapid
10 Transit District Police Department appointed pursuant
11 to Section 28767.5 of the Public Utilities Code, if the
12 primary duty of the peace officer is the enforcement of
13 the law in or about properties owned, operated, or
14 administered by the district or when performing
15 necessary duties with respect to patrons, employees, and
16 properties of the district.

17 (b) Harbor or port police regularly employed and paid
18 as such by a county, city, or district other than peace
19 officers authorized under Section 830.1, and the port
20 warden and special officers of the Harbor Department of
21 the City of Los Angeles, if the primary duty of the peace
22 officer is the enforcement of the law in or about the
23 properties owned, operated, or administered by the
24 harbor or port or when performing necessary duties with
25 respect to patrons, employees, and properties of the
26 harbor or port.

27 (c) Transit police officers of a county, city, or district.

28 (d) Any person regularly employed as an airport law
29 enforcement officer by a city, county, or district
30 operating the airport or by a joint powers agency, created
31 pursuant to Article I (commencing with Section 6500) of
32 Chapter 5 of Division 7 of Title 1 of the Government
33 Code, operating the airport.

34 (e) Any railroad policeman commissioned by the
35 Governor pursuant to Section 8226 of the Public Utilities
36 Code.

37 SEC. 26. Section 830.34 is added to the Penal Code, to
38 read:

39 830.34. The following persons are peace officers
40 whose authority extends to any place in the state for the

1 purpose of performing their primary duty or when
2 making an arrest pursuant to Section 836 as to any public
3 offense with respect to which there is immediate danger
4 to person or property, or of the escape of the perpetrator
5 of that offense, or pursuant to Section 8597 or 8598 of the
6 Government Code. Those peace officers may carry
7 firearms only if authorized and under terms and
8 conditions specified by their employing agency.

9 (a) Persons designated as a security officer by a
10 municipal utility district pursuant to Section 12820 of the
11 Public Utilities Code, if the primary duty of the officer is
12 the protection of the properties of the utility district and
13 the protection of the persons thereon.

14 (b) Persons designated as a security officer by a county
15 water district pursuant to Section 30547 of the Water
16 Code, if the primary duty of the officer is the protection
17 of the properties of the county water district and the
18 protection of the persons thereon.

19 (c) The security director of the public utilities
20 commission of a city and county, if the primary duty of
21 the security director is the protection of the properties of
22 the commission and the protection of the persons
23 thereon.

24 SEC. 26.5. Section 830.35 is added to the Penal Code,
25 to read:

26 830.35. The following persons are peace officers
27 whose authority extends to any place in the state for the
28 purpose of performing their primary duty or when
29 making an arrest pursuant to Section 836 as to any public
30 offense with respect to which there is immediate danger
31 to person or property, or of the escape of the perpetrator
32 of that offense, or pursuant to Section 8597 or 8598 of the
33 Government Code. Those peace officers may carry
34 firearms only if authorized and under terms and
35 conditions specified by their employing agency.

36 (a) A welfare fraud investigator or inspector, regularly
37 employed and paid in that capacity by a county, if the
38 primary duty of the peace officer is the enforcement of
39 the provisions of the Welfare and Institutions Code.

40 (b) A child support investigator or inspector, regularly

1 employed and paid in that capacity by a district
2 attorney's office, if the primary duty of the peace officer
3 is the enforcement of the provisions of the Welfare and
4 Institutions Code and Section 270.

5 (c) The coroner and deputy coroners, regularly
6 employed and paid in that capacity, of a county, if the
7 primary duty of the peace officer are those duties set
8 forth in Sections 27469 and 27491 to 27491.4, inclusive, of
9 the Government Code.

10 SEC. 27. Section 830.36 is added to the Penal Code, to
11 read:

12 830.36. The following persons are peace officers
13 whose authority extends to any place in the state for the
14 purpose of performing their primary duty or when
15 making an arrest pursuant to Section 836 as to any public
16 offense with respect to which there is immediate danger
17 to person or property, or of the escape of the perpetrator
18 of that offense, or pursuant to Section 8597 or 8598 of the
19 Government Code. Those peace officers may carry
20 firearms only if authorized and under terms and
21 conditions specified by their employing agency.

22 (a) The Sergeant-at-Arms of each house of the
23 Legislature.

24 (b) Baliffs of the Supreme Court and of the courts of
25 appeal.

26 (c) Court service officer in a county of the third class.

27 SEC. 28. Section 830.37 is added to the Penal Code, to
28 read:

29 830.37. The following persons are peace officers
30 whose authority extends to any place in the state for the
31 purpose of performing their primary duty or when
32 making an arrest pursuant to Section 836 as to any public
33 offense with respect to which there is immediate danger
34 to person or property, or of the escape of the perpetrator
35 of that offense, or pursuant to Section 8597 or 8598 of the
36 Government Code. Those peace officers may carry
37 firearms only if authorized and under terms and
38 conditions specified by their employing agency.

39 (a) Members of an arson-investigating unit, regularly
40 paid and employed in that capacity, of a fire department

1 or fire protection agency of a county, city, city and
2 county, district, or the state, if the primary duty of these
3 peace officers is the detection and apprehension of
4 persons who have violated any fire law or committed
5 insurance fraud.

6 (b) Members other than members of an arson
7 investigating unit, regularly paid and employed in that
8 capacity, of a fire department or fire protection agency
9 of a county, city, city and county, district, or the state, if
10 the primary duty of these peace officers, when acting in
11 that capacity, is the enforcement of laws relating to fire
12 prevention or fire suppression.

13 (c) Voluntary fire wardens as are designated by the
14 Director of Forestry pursuant to Section 4156 of the
15 Public Resources Code, provided that the primary duty
16 of these peace officers shall be the enforcement of the law
17 as that duty is set forth in Section 4156 of that code.

18 (d) Firefighter/security guards by the Military
19 Department.

20 SEC. 29. Section 830.4 of the Penal Code is repealed.

21 ~~830.4. The following persons are peace officers while~~
22 ~~engaged in the performance of their duties in or about~~
23 ~~the properties owned, operated, or administered by their~~
24 ~~employing agency; or when they are required by their~~
25 ~~employer to perform their duties anywhere within the~~
26 ~~political subdivision which employs them. These officers~~
27 ~~shall also have the authority of peace officers anywhere~~
28 ~~in the state as to an offense committed, or which there is~~
29 ~~probable cause to believe has been committed, with~~
30 ~~respect to persons or property the protection of which is~~
31 ~~the duty of the officer or when making an arrest pursuant~~
32 ~~to Section 826 of the Penal Code as to any public offense~~
33 ~~with respect to which there is an immediate danger to~~
34 ~~person or property or of the escape of the perpetrator of~~
35 ~~the offense. These peace officers may carry firearms only~~
36 ~~if authorized by, and under such terms and conditions as~~
37 ~~are specified by, their employing agency.~~

38 (a) Security officers of the California State Police
39 Division.

40 (b) The Sergeant at Arms of each house of the

- 1 Legislature:
- 2 (c) The coordinator of security for the judicial branch;
- 3 and the bailiffs of the Supreme Court and of the courts of
- 4 appeal.
- 5 (d) Guards and messengers of the Treasurer's office;
- 6 (e) Officers designated by the hospital administrator
- 7 of a state hospital under the jurisdiction of the State
- 8 Department of Mental Health or the State Department
- 9 of Developmental Services pursuant to Section 12119 or
- 10 1199 of the Welfare and Institutions Code.
- 11 (f) Any railroad policeman commissioned by the
- 12 Governor pursuant to Section 8226 of the Public Utilities
- 13 Code.
- 14 (g) Persons employed as members of a police
- 15 department of a school district pursuant to Section 39679
- 16 of the Education Code.
- 17 (h) Safety police officers of the County of Los Angeles.
- 18 (i) Housing authority patrol officers employed by the
- 19 housing authority of a city, district, county, or city and
- 20 county or employed by the police department of a city
- 21 and county.
- 22 (j) Transit police officers of a county, city, or district.
- 23 (k) Any person regularly employed as an airport law
- 24 enforcement officer by a city, county, or district
- 25 operating the airport or by a joint powers agency, created
- 26 pursuant to Article 1 commencing with Section 6500) of
- 27 Chapter 5 of Division 7 of Title 1 of the Government
- 28 Code, operating the airport.
- 29 (l) Court service officers in a county of the third class.
- 30 (m) Security officers of the Department of General
- 31 Services of the City of Los Angeles designated by the
- 32 General Manager of the department. Notwithstanding
- 33 any other provision of law, the peace officers designated
- 34 by this subdivision shall not be authorized to carry
- 35 firearms.
- 36 (n) Firefighter security guards employed by the
- 37 Military Department.
- 38 (o) Security officers of the Department of Justice.
- 39 SEC. 30. Section 830.4 is added to the Penal Code, to
- 40 read:

1 830.4. The following persons are peace officers whose
2 authority extends to any place in the state for the purpose
3 of performing their duties under the conditions as
4 specified by statute. Those peace officers may carry
5 firearms only if authorized and under terms and
6 conditions specified by their employing agency.

7 (a) Members of the California National Guard have
8 the powers of peace officers when they are involved in
9 any or all of the following:

10 (1) Called or ordered into active state service by the
11 Governor pursuant to the provisions of Section 143 or 146
12 of the Military and Veterans Code.

13 (2) Serving within the area wherein military
14 assistance is required.

15 (3) Directly assisting civil authorities in any of the
16 situations specified in Section 143 or 146.

17 The authority of the peace officer under this
18 subdivision extends to the area wherein military
19 assistance is required as to a public offense committed or
20 which there is reasonable cause to believe has been
21 committed within that area. The requirements of Section
22 1031 of the Government Code are not applicable under
23 those circumstances.

24 (b) Guards and messengers of the Treasurer's office
25 when performing assigned duties as a guard or
26 messenger.

27 (c) Security officers of the Department of Justice
28 when performing assigned duties as security officers.

29 SEC. 31. Section 830.5 of the Penal Code is amended
30 to read:

31 830.5. The following persons are peace officers whose
32 authority extends to any place in the state while engaged
33 in the performance of the duties of their respective
34 employment and for the purpose of carrying out the
35 primary function of their employment or as required
36 under Sections 8597, 8598, and 8617 of the Government
37 Code. Except as specified in this section, these peace
38 officers may carry firearms only if authorized and under
39 those terms and conditions specified by their employing
40 agency:

1 (a) A parole officer of the Department of Corrections
2 or the Department of the Youth Authority, probation
3 officer, or deputy probation officer, or a board
4 coordinating parole agent employed by the Youthful
5 Offender Parole Board. Except as otherwise provided in
6 this subdivision, the authority of ~~the these~~ parole or
7 probation ~~officer officers~~ shall extend only ~~(1)~~ to as
8 follows:

9 (1) To conditions of parole or of probation by any
10 person in this state on parole or probation; ~~(2)~~ to.

11 (2) To the escape of any inmate or ward from a state
12 or local institution; ~~(3)~~ to.

13 (3) To the transportation of such persons; ~~and (4)~~ to.

14 (4) To violations of any penal provisions of law which
15 are discovered in the course of and arise in connection
16 with his or her employment. A

17 Any parole officer of the Department of Corrections,
18 the Department of the Youth Authority, or the Youthful
19 Offender Parole Board is authorized to carry firearms but
20 only as determined by the director on a case-by-case or
21 unit-by-unit basis and only under those terms and
22 conditions specified by the director or chairperson.

23 (b) A correctional officer employed by the
24 Department of Corrections or any employee of the
25 Department of the Youth Authority having custody of
26 wards or any employee of the Department of Corrections
27 designated by the Director of Corrections or any medical
28 technical assistant series employee designated by the
29 Director of Corrections or designated by the Director of
30 Corrections and employed by the State Department of
31 Mental Health to work in the California Medical Facility
32 or employee of the Board of Prison Terms designated by
33 the Secretary of the Youth and Adult Correctional
34 Agency or employee of the Department of the Youth
35 Authority designated by the Director of the Youth
36 Authority or any superintendent, supervisor, or
37 employee having custodial responsibilities in an
38 institution operated by a probation department, or any
39 transportation officer of a probation department.

40 (c) The following persons may carry a firearm while

1 not on duty: a parole officer of the Department of
2 Corrections or the Department of the Youth Authority, a
3 correctional officer employed by the Department of
4 Corrections or any employee of the Department of the
5 Youth Authority having custody of wards or any
6 employee of the Department of Corrections designated
7 by the Director of Corrections. A parole officer of the
8 Youthful Offender Parole Board may carry a firearm
9 while not on duty only when so authorized by the
10 chairperson of the board and only under the terms and
11 conditions specified by the chairperson. Nothing in this
12 section shall be interpreted to require licensure pursuant
13 to Section 12025. The director or chairperson may deny
14 or revoke for good cause a person's right to carry a
15 firearm under this subdivision. That person shall, upon
16 request, receive a hearing, as provided for in the
17 negotiated grievance procedure between the exclusive
18 employee representative and the Department of
19 Corrections, the Department of the Youth Authority, or
20 the Youthful Offender Parole Board, to review the
21 director's or the chairperson's decision.

22 (d) Persons permitted to carry firearms pursuant to
23 this section, either on or off duty, shall meet the training
24 requirements of Section 832 and shall qualify with the
25 firearm at least quarterly. It is the responsibility of the
26 individual officer to maintain his or her eligibility to carry
27 firearms off-duty.

28 SEC. 32. Section 830.6 of the Penal Code is amended
29 to read:

30 830.6. (a) (1) Whenever any qualified person is
31 deputized or appointed by the proper authority as a
32 reserve or auxiliary sheriff or city policeman, a deputy
33 sheriff, a reserve police officer of a regional park district
34 or of a transit district, or a deputy of the Department of
35 Fish and Game, and is assigned specific police functions
36 by that authority, the person is a peace officer; provided,
37 the person qualifies as set forth in Section 832.6, and
38 provided further, that the authority of the person as a
39 peace officer shall extend only for the duration of the
40 person's specific assignment. A transit district reserve

1 officer may carry firearms only if authorized by, and
2 under those terms and conditions as are specified by, his
3 or her employing agency.

4 (2) Whenever any qualified person is deputized or
5 appointed by the proper authority as a reserve or
6 auxiliary sheriff or city policeman, a deputy sheriff, or a
7 reserve police officer of a regional park district or of a
8 transit district, and is so designated by local ordinance or,
9 if the local agency is not authorized to act by ordinance,
10 by resolution, either individually or by class, and is
11 assigned to the prevention and detection of crime and
12 the general enforcement of the laws of this state by that
13 authority, the person is a peace officer; provided the
14 person qualifies as set forth in paragraph (1) of
15 subdivision (a) of Section 832.6, and provided further,
16 that the authority of the person shall include the full
17 powers and duties of a peace officer as provided by
18 Section 830.1, or in the case of a transit district reserve
19 police officer, the powers and duties which are
20 authorized in Section ~~830.4~~ 830.6.

21 (b) Whenever any person is summoned to the aid of
22 any uniformed peace officer, the summoned person shall
23 be vested with the powers of a peace officer as are
24 expressly delegated to him or her by the summoning
25 officer or as are otherwise reasonably necessary to
26 properly assist the officer.

27 SEC. 33. Section 830.7 of the Penal Code is amended
28 to read:

29 830.7. The following persons are not peace officers but
30 may exercise the powers of arrest of a peace officer as
31 specified in Section 836 during the course and within the
32 scope of their employment, if they receive a course in the
33 exercise of those powers pursuant to Section 832:

34 (a) Persons designated by a cemetery authority
35 pursuant to Section 8325 of the Health and Safety Code.

36 (b) Persons regularly employed as security officers for
37 institutions of higher education, recognized under
38 subdivision (a) of Section 94310.1 of the Education Code,
39 if the institution has concluded a memorandum of
40 understanding, permitting the exercise of that authority,

1 with the sheriff or chief of police within whose
2 jurisdiction the institution lies.

3 (c) Persons regularly employed as security officers for
4 health facilities, as defined in Section 1250 of the Health
5 and Safety Code, which are owned and operated by
6 cities, counties, and cities and counties, if the facility has
7 concluded a memorandum of understanding permitting
8 the exercise of that authority with the sheriff or chief of
9 police within whose jurisdictions the facility lies.

10 (d) Employees of the California Department of
11 Forestry and Fire Protection designated by the Director
12 of Forestry and approved by the Secretary of the
13 Resources Agency.

14 (e) Employees of the Public Utilities Commission
15 assigned to the Transportation Division, designated by
16 the division director and approved by the commission, to
17 the extent necessary to enforce the provisions of the
18 Public Utilities Code.

19 SEC. 34. Section 830.8 of the Penal Code is amended
20 to read:

21 830.8. (a) Federal criminal investigators are not
22 California peace officers but may exercise the powers of
23 arrest of a peace officer as specified in Section 836 and the
24 powers of a peace officer specified in Section 5150 of the
25 Welfare and Institutions Code for violations of state or
26 local laws provided that ~~such~~ *these* investigators are
27 engaged in the enforcement of federal criminal laws and
28 exercise ~~such~~ *the* arrest powers only incidental to the
29 performance of their federal duties. ~~Such~~ *The*
30 investigators, prior to the exercise of ~~such~~ *these* arrest
31 powers, shall have been certified by their agency heads
32 as having satisfied the training requirements of Section
33 832.

34 (b) Duly authorized federal employees who comply
35 with the training requirements set forth in Section 832
36 are peace officers when they are engaged in enforcing
37 applicable state or local laws on property owned or
38 possessed by the United States government, or on any
39 street, sidewalk or property adjacent thereto, and with
40 the written consent of the sheriff or the chief of police,

1 respectively, in whose jurisdiction the property is
2 situated.

3 SEC. 35. Section 830.9 of the Penal Code is amended
4 to read:

5 830.9. Animal control officers are not peace officers but
6 may exercise the powers of arrest of a peace officer as
7 specified in Section 836 and the power to serve warrants
8 as specified in Sections 1523 and 1530 during the course
9 and within the scope of their employment, if ~~they~~ those
10 officers receive a course in the exercise of those powers
11 pursuant to Section 832. That part of the training course
12 specified in Section 832 pertaining to the carrying and use
13 of firearms shall not be required for any animal control
14 officer whose employing agency prohibits the use of
15 firearms.

16 For the purposes of this section, "firearms" includes
17 capture guns, blowguns, carbon dioxide operated rifles
18 and pistols, air guns, handguns, rifles, and shotguns.

19 SEC. 36. Section 830.10 of the Penal Code is amended
20 to read:

21 830.10. Any uniformed peace officer shall wear a badge,
22 nameplate, or other device which bears clearly on its face
23 the identification number or name of ~~such~~ the officer.

24 SEC. 37. Section 12028.5 of the Penal Code is
25 amended to read:

26 12028.5. (a) As used in this section, the following
27 words have the following meanings:

28 (1) "Abuse" means intentionally or recklessly causing
29 or attempting to cause bodily injury, or placing another
30 person in reasonable apprehension of imminent serious
31 bodily injury to himself, herself, or another.

32 (2) "Domestic violence" is abuse perpetrated against
33 a family or household member.

34 (3) "Family or household member" means a spouse,
35 former spouse, parent, child, any other person related by
36 consanguinity or affinity within the second degree, or any
37 other person who regularly resides in the household, or
38 who, within the last six months, regularly resided in the
39 household.

40 (b) A sheriff, undersheriff, deputy sheriff, marshal,

1 deputy marshal, or police officer of a city, as defined in
2 subdivision (a) of Section 830.1, a member of the
3 University of California Police Department, as defined in
4 subdivision ~~(d)~~ (c) of Section 830.2, and a member of a
5 California State University Police Department, as
6 defined in subdivision ~~(e)~~ (d) of Section 830.2, who is at
7 the scene of a domestic violence incident involving a
8 threat to human life or a physical assault, may take
9 temporary custody of any firearm in plain sight or
10 discovered pursuant to a consensual search as necessary
11 for the protection of the peace officer or other persons
12 present. Upon taking custody of a firearm, the officer
13 shall give the owner or person who possessed the firearm
14 a receipt. The receipt shall describe the firearm and list
15 any identification or serial number on the firearm. The
16 receipt shall indicate where the firearm can be recovered
17 and the date after which the owner or possessor can
18 recover the firearm. No firearm shall be held less than 48
19 hours. If a firearm is not retained for use as evidence
20 related to criminal charges brought as a result of the
21 domestic violence incident or is not retained because it
22 was illegally possessed, the firearm shall be made
23 available to the owner or person who was in lawful
24 possession 48 hours after the seizure or as soon thereafter
25 as possible, but no later than 72 hours after the seizure.
26 In any civil action or proceeding for the return of
27 firearms or ammunition seized by any state or local law
28 enforcement agency and not returned within 72 hours,
29 the court shall allow reasonable attorney's fees, not to
30 exceed one thousand dollars (\$1,000), to the prevailing
31 party.

32 (c) Any firearm which has been taken into custody
33 which has been stolen shall be restored to the lawful
34 owner, as soon as its use for evidence has been served,
35 upon his or her identification of the firearm and proof of
36 ownership.

37 (d) Any firearm taken into custody and held by a
38 police, university police, or sheriff's department or by a
39 marshal's office, for longer than 12 months and not
40 recovered by the owner or person who has lawful

1 possession at the time it was taken into custody, shall be
2 considered a nuisance and sold or destroyed as provided
3 in subdivision (c) of Section 12028.

4 SEC. 38. Section 13526 is added to the Penal Code, to
5 read:

6 13526. In no event shall any allocation be made from
7 the Peace Officers' Training Fund to a local government
8 agency if the agency was not entitled to receive funding
9 under any of the provisions of this article, as they read on
10 December 31, 1989.

11 SEC. 39. Article 4 (commencing with Section 13540)
12 is added to Chapter 1 of Title 4 of Part 4 of the Penal
13 Code, to read:

14
15
16
17

Article 4. Peace Officers

18 13540. Any person or persons desiring peace officer
19 status under Chapter 4.5 (commencing with Section 830)
20 of Title 3 of Part 4 who, on January 1, 1990, were not
21 entitled to be designated as peace officers under Chapter
22 4.5 shall request the Commission on Peace Officer
23 Standards and Training to undertake a feasibility study
24 regarding designating that person or persons as peace
25 officers. The request and study shall be undertaken in
26 accordance with regulations adopted by the commission.

27 13541. Any study undertaken under this article shall
28 include, but shall not be limited to, the current and
29 proposed duties and responsibilities of persons employed
30 in the category seeking the designation change, their
31 field law enforcement duties and responsibilities, their
32 supervisory and management structure, and their
33 proposed training methods and funding sources.

34 13542. In order for the commission to give a favorable
35 recommendation as to a change in designation to peace
36 officer status, the person or persons desiring the
37 designation change shall be employed by an agency with
38 a supervisory structure consisting of a chief law
39 enforcement officer, the agency shall agree to comply
40 with the training requirements set forth in Section 832,

1 and shall be subject to the funding restriction set forth in
2 Section 13526. The commission shall issue the study and
3 its recommendations to the requesting agency within 18
4 months of the request if the request is made in
5 accordance with the regulations of the commission. A
6 copy of that study and recommendations shall also be
7 submitted to the Legislature.

8 SEC. 40. Section 10334 of the Public Contract Code is
9 amended to read:

10 10334. (a) No state employee shall purchase any
11 goods, supplies, equipment, or materials from the state,
12 unless the goods, supplies, equipment, or materials are
13 offered to the general public in the regular course of the
14 state's business on the same terms and conditions as those
15 applicable to the employee. "State employee," as used in
16 this section, means any employee of the state included
17 within Section 82009 of the Government Code, and all
18 officers and employees included within Section 4 of
19 Article VII of the California Constitution, except those
20 persons excluded from the definition of "designated
21 employee" under the last paragraph of Section 82019 of
22 the Government Code.

23 (b) Notwithstanding subdivision (a), any peace officer
24 described in subdivision (a), (b), (f), (g), or (h); ~~or (i)~~
25 of Section 830.2 of the Penal Code, employed by the State
26 of California for a period of more than 120 months who
27 has been duly retired through a service retirement or a
28 peace officer retiring from a job-incurred disability not
29 related to a mental or emotional disorder and who has
30 been granted the legal right to carry a concealed firearm
31 pursuant to subdivision (a) of Section 12027 of the Penal
32 Code may be authorized by the person's department
33 head to purchase his or her state-issued handgun.
34 Disability retired peace officers need not meet the 120
35 month employment requirement. The cost of the
36 handgun shall be the fair market value as listed in the
37 annual Blue Book of Gun Values or replacement cost,
38 whichever is less, of the handgun issued as determined by
39 the appointing power, plus a charge for the cost of
40 handling. The retiring officer shall request to purchase

1 his or her handgun in writing to the department within
2 30 calendar days of his or her retirement date.

3 SEC. 41. Section 4156 of the Public Resources Code is
4 amended to read:

5 4156. (a) The director and employees or classes of
6 employees of the department designated by the director
7 have the powers conferred by law upon peace officers
8 listed in Section 830.2 of the Penal Code, and voluntary
9 firewardens designated by the director have the powers
10 conferred by law upon peace officers listed in Section
11 ~~830.3~~ 830.37 of the Penal Code; provided, however, that
12 the primary duty of the peace officer shall be the
13 enforcement of forest laws and regulations, state and
14 county fire laws and regulations, and the laws relating to
15 explosives as set forth in Part 1 (commencing with
16 Section 12000) of Division 11 of the Health and Safety
17 Code, other than laws the enforcement of which is
18 primarily the responsibility of the State Fire Marshal.
19 Officers, employees, and voluntary firewardens, upon
20 request pursuant to Section 8597 of the Government
21 Code, shall have the full powers and duties of peace
22 officers for all purposes as provided by the Penal Code
23 and are not liable to civil action for trespass committed
24 in the discharge of their duties.

25 (b) Any ~~such~~ peace officer may enforce federal fire
26 laws to the extent that he or she is authorized to do so.

27 SEC. 42. Section 8226 of the Public Utilities Code is
28 amended to read:

29 8226. The Governor of the state may, upon the
30 application of any railroad or steamboat company,
31 appoint and commission during his or her pleasure one or
32 more persons designated by such company, to serve at
33 the expense of the company, as policemen, who shall
34 have the powers and authority of peace officers listed in
35 Section ~~830.4~~ 830.33 of the Penal Code and who, after
36 being duly sworn, may act as policemen upon the
37 premises, cars, or boats of the company. The company
38 designating such persons shall be responsible civilly for
39 any abuse of their authority.

40 SEC. 43. Section 12820 of the Public Utilities Code is

1 amended to read:

2 12820. (a) A district may employ a suitable security
3 force. The employees of the district that are designated
4 by the general manager as security officers shall have the
5 authority and powers conferred by subdivision ~~(+)~~ (a) of
6 Section ~~830.31~~ 830.34 of the Penal Code upon peace
7 officers. The district shall adhere to the standards for
8 recruitment and training of peace officers established by
9 the Commission on Peace Officer Standards and Training
10 pursuant to Title 4 (commencing with Section 13500) of
11 Part 4 of the Penal Code.

12 (b) Every security officer employed by a district shall
13 conform to the standards for peace officers of the
14 Commission on Peace Officer Standards and Training.
15 Any officer who fails to conform to these standards shall
16 not continue to have the powers of a security officer.

17 SEC. 44. Section 22558 of the Public Utilities Code is
18 amended to read:

19 22558. In addition to all other powers authorized by
20 this part, the Santa Maria Airport District may employ
21 airport policemen in accordance with ~~paragraph (17)~~ of
22 subdivision ~~(a)~~ (d) of Section ~~830.1~~ 830.33 of the Penal
23 Code.

24 SEC. 45. Section 30504 of the Public Utilities Code is
25 amended to read:

26 30504. The district is authorized to maintain a suitable
27 security force comprised of transit police officers and
28 security guards. Persons designated as transit police
29 officers are peace officers pursuant to Section ~~830.1~~ 830.33
30 of the Penal Code. The district shall adhere to the
31 standards for recruitment and training of peace officers
32 established by the Commission on Peace Officer
33 Standards and Training pursuant to Title 4 (commencing
34 with Section 13500) of Part 4 of the Penal Code in the
35 recruitment and training of its transit police officers.
36 Every transit police officer employed by the district shall
37 conform to the standards for peace officers of the
38 Commission on Peace Officer Standards and Training
39 and the commanding officer of the unit shall, not later
40 than July 1, 1979, (1) have at least 10 years of active law

1 enforcement experience in a capacity of employment
2 requiring peace officer status and (2) have met the
3 requirements for the advanced certificate of the
4 Commission on Peace Officer Standards and Training,
5 (3) have attended a POST-approved law enforcement
6 management course, and (4) have an associate of arts
7 degree or higher. Any such officer who fails to conform
8 to such standards by July 1, 1979 shall not continue to have
9 the powers of a peace officer.

10 SEC. 46. Section 25258 of the Vehicle Code is
11 amended to read:

12 25258. (a) An authorized emergency vehicle
13 operating under the conditions specified in Section 21055
14 may display a flashing white light from a gaseous
15 discharge lamp designed and used for the purpose of
16 controlling official traffic control signals.

17 (b) An authorized emergency vehicle used by a peace
18 officer, as defined in Section 830.1, subdivision (a), (b),
19 (c), (d), ~~(e)~~ (f), (g), or (h); or (i) of Section 830.2,
20 subdivision ~~(e)~~, ~~(g)~~, ~~(h)~~, (a) or ~~(i)~~ (b) of Section 830.31
21 830.32, and subdivision ~~(g)~~, ~~(j)~~ (a), (b), (c), or ~~(k)~~ (d) of
22 Section ~~830.4~~ 830.32, and subdivision (a) of Section 830.34,
23 of the Penal Code, in the performance of his or her duties
24 may, in addition, display a steady or flashing blue warning
25 light visible from the front, sides, or rear thereof.

26 SEC. 47. Section 4313 of the Welfare and Institutions
27 Code is amended to read:

28 4313. The hospital administrator of each state hospital
29 may designate, in writing, as a police officer, one or more
30 of the bona fide employees of the hospital. The hospital
31 administrator and each such police officer have the
32 powers and authority conferred by law upon peace
33 officers listed in Section ~~830.4~~ 830.2 of the Penal Code.
34 Such police officers shall receive no compensation as such
35 and the additional duties arising therefrom shall become
36 a part of the duties of their regular positions. When and
37 as directed by the hospital administrator, such police
38 officers shall enforce the rules and regulations of the
39 hospital, preserve peace and order on the premises
40 thereof, and protect and preserve the property of the

1 state.

2 SEC. 48. Section 4493 of the Welfare and Institutions
3 Code is amended to read:

4 4493. The hospital administrator of each state hospital
5 may designate, in writing, as a police officer, one or more
6 of the bona fide employees of the hospital. The hospital
7 administrator and each such police officer have the
8 powers and authority conferred by law upon peace
9 officers listed in Section ~~830.1~~ 830.2 of the Penal Code.
10 Such police officers shall receive no compensation as such
11 and the additional duties arising therefrom shall become
12 a part of the duties of their regular positions. When and
13 as directed by the hospital administrator, such police
14 officers shall enforce the rules and regulations of the
15 hospital, preserve peace and order on the premises
16 thereof, and protect and preserve the property of the
17 state.

18 SEC. 49. Section 16 of this act amends the Briggs
19 Death Penalty Initiative Act and shall become effective
20 only when submitted to and approved by the voters,
21 pursuant to subdivision (c) of Section 10 of Article II of
22 the California Constitution.

23 SEC. 50. Any section of any act enacted by the
24 Legislature during the 1989 calendar year, which takes
25 effect on or before January 1, 1990, and which amends,
26 amends and renumbers, adds, repeals and adds, or
27 repeals a section amended, amended and renumbered,
28 repealed and added, or repealed by this act, shall prevail
29 over this act, whether that act is enacted prior to, or
30 subsequent to, this act.

9

Commission on Peace Officer Standards and Training
Advisory Committee Meeting
Bahia Inn
January 18, 1989

AGENDA

- | | | |
|----|---|---------------|
| A. | Call to Order and Roll Call | Chair |
| B. | Approval of Minutes of Previous Meeting | Chair |
| C. | Announcements | Chair |
| D. | Executive Director's Remarks | Chair |
| E. | Skill Training Centers Project Report | Staff |
| F. | Commission Liaison Committee Report | Commissioners |
| G. | Advisory Committee Member Reports | Members |
| H. | Open Discussion | Members |
| I. | ADJOURNMENT | |

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083**POST ADVISORY COMMITTEE MEETING**Capitol Plaza Holiday Inn
Sacramento

November 2, 1988, 9 a.m.

MINUTES**CALL TO ORDER**

The meeting was called to order at 9:15 a.m. by Chairman Bill Shinn.

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Present: Don Brown, Calif. Organization of Police & Sheriffs
John Clements, California Highway Patrol
Donald Forkus, Calif. Peace Officers' Assoc.
Derald Hunt, Calif. Assoc. of Administration of Justice
Educators
Dolores Kan, Women Peace Officers' Assoc. of Calif.
Joe McKeown, Calif. Academy Directors' Assoc.
Carolyn Owens, Public Representative
Bruce Rayl, Calif. Assoc. of Police Trng. Officers
Michael Sadleir, Calif. Specialized Law Enforcement
William Shinn, Peace Officers' Research Assoc. of
Calif.

Absent: Cois Byrd, Calif. State Sheriffs' Assoc.
Ronald Lowenberg, Calif. Police Chiefs' Assoc.

Commission Advisory Liaison Committee Members present:

Commissioner Edward Maghakian
Commissioner Raquel Montenegro
Commissioner C. Alex Pantaleoni

POST staff present:

Norman Boehm, Executive Director
John Berner, Bureau Chief, Standards and Evaluation
Diane Hrepich, Staff Services Analyst, Standards and
Evaluation
George Niesl, Consultant, Training Program Services
Hal Snow, Bureau Chief, Training Program Services
Doug Thomas, Bureau Chief, Special Projects
Imogene Kauffman, Executive Secretary

WELCOMING OF NEW MEMBERS

Chairman Shinn introduced and welcomed the following new Advisory Committee members:

Dolores Kan, who will be representing the Women Peace Officers' Association for a term ending September 1991. She is a Lieutenant with the Bay Area Rapid Transit Police Department and is the Commander of the Administration Bureau.

Bruce Rayl, who will be representing the Calif. Assoc. of Police Training Officers for a term ending September 1991. He is a Lieutenant with the East Bay Regional Parks District's Department of Public Safety and is the Services Division Commander.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION - McKeown, second - Hunt, carried unanimously to approve the minutes of the July 20, 1988 Advisory Committee meeting at the Holiday Inn - Embarcadero in San Diego.

ANNOUNCEMENTS

Win Silva passed away October 26 following emergency surgery. Win was a criminal justice administrator for the Chancellor's Office of the California Community Colleges. He served on the POST Advisory Committee as a representative for the Community Colleges since the inception of the Advisory Committee in 1969. His contributions to law enforcement and the Community Colleges will be missed. There was a moment of silence in memory of Mr. Silva.

Don Beauchamp has retired from state service. He began his 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. He served the POST Advisory Committee as staff liaison since 1981.

EXECUTIVE DIRECTOR'S REMARKS

The Executive Director reviewed the November 3, 1988 Commission Meeting Agenda and responded to questions on the issues.

Following discussion on the In-Service Physical Fitness Program, the following action was taken:

MOTION - Forkus, second - Brown, carried unanimously that the Advisory Committee take a position encouraging the Commission to continue serving as a clearing house and resource throughout the State and to pursue implementation of this program.

The Executive Director reported that the Advisory Liaison Committee, at their meeting on September 28, 1988, unanimously recommended that no changes be made to the current Commission

policy regarding Advisory Committee attendance at Commission meetings.

Commissioner Montenegro stated that minority organizations need to be represented on the Advisory Committee and asked that organizations presently represented on the Advisory Committee be made aware of this need. The Executive Director expressed assurance that the Commission will review this request.

COMMISSION LIAISON COMMITTEE REMARKS

Commissioner Maghakian, Chairman of the Liaison Committee, stated that it is his intention to encourage the Commission to utilize the Advisory Committee more in the future. The bond issue would benefit greatly from having input from the Associations represented on the Advisory Committee in the gathering of information and the educational process. The Advisory Committee has played a vital part in the past and will become even more so in the future.

ADVISORY COMMITTEE MEMBER REPORTS

Calif. Organization of Police & Sheriffs - Don Brown reported that COPS had just completed a very successful Legislative Forum October 28 and 29 in Palm Springs. There was an AIDS presentation, and Senator Presley discussed the legislation which will reorganize Section 830 of the Penal Code.

Calif. Association of Police Training Officers - Bruce Rayl reported that CAPTO had a very successful October conference in Sacramento. It was one of the best conferences they have had. One hundred forty members attended. The training presentations were well received by all members.

Women Peace Officers' Assoc. of Calif. - Dolores Kan announced that the WPOA will hold a Training Seminar in Sacramento at the Capitol Plaza Holiday Inn on November 10, 11, and 12. The primary training effort will be two days devoted to "Investment in Excellence" which is designed to help participants achieve their optimum potential.

California Highway Patrol - John Clements stated that while working in recruitment, the Department had met with a number of different groups, particularly the Hispanic Law Enforcement Coalition and the Asian Coalition. So if there is a need for some contact names for these minority groups, they would be able to assist in providing them. He also reported on the effectiveness of the Physical Fitness Program adopted by the CHP.

Calif. Peace Officers' Assoc. - Don Forkus reported that CPOA is on the threshold of establishing a legal services program for CPOA members, i.e., legal services or legal defense. An application has been filed with the IRS, and they are currently looking for a program administrator. The starting date is as

close to the first of the year as possible. The mid-winter, all-committee conference of CPOA is scheduled for November 13-17 in Ventura. Don announced that Ellen Stetson, a former Lieutenant at UC Berkeley Police Department, was recently appointed Chief of Police for Cal Poly, Pomona. On behalf of Chief Lowenberg, who represents the Advisory Committee on the Commission's Accreditation Committee, an update on the status of that Committee's activities was handed out. He announced that the momentum tends to be heavily in favor of proceeding toward some kind of an accreditation process in California.

Calif. Specialized Law Enforcement - Michael Sadleir reported that CAUSE had recently held their annual conference in Burlingame. He had not been able to attend as he was in New England.

Calif. Academy Directors' Assoc. - Joe McKeown reported that CADA is continuing to work on the basic course automated test item bank. They are seeking a better way of keeping communications open between themselves and POST staff in keeping informed on what is happening with other academies. A lot of changes will be taking place in the basic academies in the next five years including how training is offered and in getting more minorities involved in the training.

Calif. Assoc. of Administration of Justice Educators - Derald Hunt reported that CAAJE is excited about the successful completion of its first two workshops designed to improve criminal justice instructor techniques held at CSU-Long Beach and CSU-Sacramento in October. The seminars focus on a review of research in new theories of learning, and how to improve students' thinking and writing skills. Costs are being underwritten by a grant from the Community College Chancellor's Office. Six more two-day workshops are scheduled for November 17-18 at San Bernardino Valley College; February 23-24 at Merced College; March 9-10 at Grossmont College; March 16-17 at San Mateo College; April 6-7 at Ventura College and May 4-5 at Bakersfield.

Peace Officers' Research Assoc. of Calif. - Bill Shinn announced that he had recently been promoted to Captain, and his assignments have changed. He will be stepping down from PORAC State Board representation as well as the local chapter representative. He will continue serving on the Advisory Committee as the PORAC representative for the time being. The next PORAC conference is scheduled for November 12-13 in Reno. The legislative package for next year is being prepared with regard to reclassification of peace officer in P.C. 830 as well as arbitration legislation.

ELECTION OF OFFICERS

MOTION - McKeown that Don Forkus be nominated to serve as Advisory Committee Chairman for the next year.

Chief Forkus respectfully declined the nomination and made the following substitute motion:

MOTION - Forkus, second Brown, carried by acclamation that Chief Ron Lowenberg be nominated to serve as Advisory Committee Chairman for 1989.

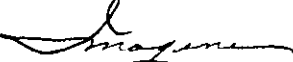
MOTION - Sadleir, second Clements, carried unanimously that Don Brown be nominated to serve as Vice-Chairman of the Advisory Committee for 1989.

Demonstrations on Computer/Video Interactive 832 Course and on the Basic Course Automated Test Item Bank followed.

ADJOURNMENT

The meeting was adjourned at 1300 hours.

Respectfully submitted,



Imogene Kauffman
Executive Secretary