

FEASIBILITY STUDY PROCESS

BACKGROUND

Senate Bill 353 became law effective January 1, 1990. This added Sections 13540, 13541, and 13542 to the Penal Code.

Section 13540 requires:

- 1) the Commission on Peace Officer Standards and Training (POST) shall conduct feasibility studies for persons requesting that they be designated as peace officers under the authority of Penal Code 830 series;
- 2) the request and study shall be undertaken in accordance with regulations adopted by POST; and,
- 3) POST may charge a fee, not to exceed the actual cost of undertaking the study.

Section 13541 describes the scope of studies undertaken in regard to peace officer designation. The scope shall include, but not be limited to:

- 1) current and proposed duties and responsibilities;
- 2) field law enforcement duties and responsibilities;
- 3) supervisory and management structure; and,
- 4) proposed training methods and funding sources

Section 13542 requires that prior to giving a favorable recommendation for a change in designation to peace officer status, the following conditions shall exist:

- 1) persons requesting law enforcement status shall be employed by an organization having a chief law enforcement officer;
- 2) the requesting organization must agree to comply with Penal Code Section 832 training requirements;
- 3) POST shall issue the study and recommendations to the requesting organization within 18 months if the request was made in accordance with POST regulations; and,
- 4) the Legislature shall be provided a copy of the study and recommendations.

To implement Sections 13540-42, Penal Code, POST adopted Regulation 1019. The Regulation provides:

- 1) all requests for feasibility studies shall be in writing;

- 2) written requests shall include a statement that the requesting entity agrees to pay the actual cost for conducting the study;
- 3) the requesting person (s) shall provide POST with the necessary information to conduct the study;
- 4) the department head of the entity employing the person (s) requesting the study shall acknowledge the study request, in writing;
- 5) fees shall be paid upon completion of the study report and recommendations, and prior to the study's release to the requesting entity;
- 6) on-sight visits to verify duties and responsibilities shall be made;
- 7) written comments will be solicited by POST from the employing jurisdiction's chief administrator and from the concerned department head; and,
- 8) an appeals procedure provides that if there is disagreement with the study recommendations, the entity requesting the study or the employing jurisdiction may appeal in writing to the Commission.

Several terms are used in Penal Code Sections 13540, 13542 and POST Regulation 1019. Working definition of these terms are:

- 1) Chief Law Enforcement Officer

A chief law enforcement officer is a chief of police, sheriff, or other administrator managing a law enforcement organization or function. The qualifying criteria for this designation are that a law enforcement entity exists and the designated chief law enforcement officer manages that entity.

- 2) Jurisdiction's Chief Administrator

A chief administrator is an organizational entity's top-level executive. A police chief or sheriff qualifies for this designation. In other elements of government, the chief administrator is the top-level executive of a department, commission, or other organizational entity. This includes a non-law enforcement organization that has several management levels and multiple work activities, one of which is a law enforcement operation.

- 3) Concerned Department Head

A concerned department head functions at one or more levels below a jurisdiction's chief administrator. This position may be the supervisor of the chief law enforcement officer. Concerned department head can also apply to the chief law enforcement officer.

- 4) Persons Requesting Study

Persons authorized to request feasibility studies are those involved in work activity for which they allege that peace officer status is necessary to accomplish the work activities. Persons who request feasibility studies must not have been entitled as of January 1, 1990, to be peace officers under the Penal Code, Section 830 series.

A qualifying person or persons may request a feasibility study. This includes situations in which employees request the employer to initiate a feasibility study. Also a request can originate from an employee organization or other entity, as the result of the employees' request for assistance.

POLICY

The need for peace officer status should be based upon whether an organizational entity or individual is authorized to, and in fact does, perform work activities which requires peace officer authority. Consequently, peace officer status and authority should normally be granted only to persons employed by a public agency, and whose job activities involve one or more of the following criteria:

- 1) enforcement of criminal law violations;
- 2) investigation of criminal law violations outside of an office setting;
- 3) traffic law enforcement including vehicle stops and arrests for driving under the influence of alcohol and/or drugs;
- 4) guarding of public officials;
- 5) guarding and/or transporting prisoners detained in county or municipal jail or other facilities; and,
- 6) supervising those who perform those duties.

Managers and operational staffing may describe the need for peace officer status to improve hiring and retention of personnel; to obtain safety retirement and/or ancillary peace officer benefits; or, other reasons not directly related to current or proposed job activities. When the need for peace officer status is based on such non-qualifying criteria, the information will be recorded and included in the final report.

The final report of the feasibility study will focus on the actual need for peace officer status to perform current and proposed responsibilities. The study will not include comparisons with, or reference to, existing peace officer positions in State or local agencies.

The feasibility study shall include all pertinent aspects of positions or organizations for which peace officer status is requested. The law mandates inquiry into the supervisory and management structure and requires examination of proposed training methods and funding.

POST Regulation 1019 requires on-site visits to verify duties and responsibilities. These visits will include examination of selected agency files.

Penal Code Section 13542 requires that organizations which request a feasibility study have a designated chief law enforcement officer. This requirement must be satisfied in order for the Commission to make a favorable recommendation for peace officer status. The study shall determine whether there is a qualified chief law enforcement officer assigned the responsibility for direct management and supervision of the law enforcement operation.

The final report of the feasibility study will include a recommendation as to whether peace officer status should be granted. When an unfavorable recommendation is made, alternative recommendations may be provided.

For example, Penal Code Sections 830.7 and 830.11 provide that certain designated persons are not peace officers, but may exercise the powers of arrest of a peace officer and the power to serve search warrants, during the course and within the scope of their employment provided that they received Penal Code Section 832 training.

An alternative recommendation, therefore, may describe legislative action required for an agency to be included in Penal Code Sections 830.7 or 830.11.

PROCEDURES FOR FEASIBILITY STUDIES

Prior to commencing a feasibility study, POST shall execute a contract with the persons who request the study.

Three situations can be anticipated to occur regarding requests for feasibility studies and for which contracting would be required:

- 1) Request can originate from a person or persons without the involvement of an employee organization or other third party as a sponsor. In this situation, POST will contract with the requesting persons;
- 2) Request may be submitted by the employing governmental entity. In this situation, an interagency contract will be executed between POST and the requesting entity; or,
- 3) A third-party entity, neither the employing agency nor the employees requests the study and offers to pay for the study.

In the case, if the request is proper, as defined by POST Regulation 1019, the contract may be executed between POST and the third party.

POST expects that most requests for feasibility studies will be submitted by chief administrators. The study process described herein is based on that assumption. However, when a person other than the chief administrator requests a study, the procedure shall be modified to include an initial interview with the requesting person. The chief administrator also shall be interviewed.

The feasibility study should be developed using the following process:

- 1) Conduct an initial personal interview with the chief administrator:
 - a. Review Penal Code Sections 13540, 13541, and 13542 and POST Regulation 1019.
 - b. Discuss the written request for the study and department head's written acknowledgement of the request.
 - c. Assure the chief administrator fully understands the contract with POST for the actual costs of the feasibility study.

During this interview, the consultant should discuss the language, estimated cost, and terms of the contract. The consultant should emphasize that the requesting organizational entity will pay the cost of the feasibility study and that the costing will be determined as described in POST Regulation 1019. Also, payment is required prior to delivery of the completed study and recommendations to the requesting organizational entity.

- d. Provide a concise description of the manner in which the study will be conducted, including the general requirements for recommending peace officer designation presented in the Policy section, above. This discussion may prevent an unnecessary feasibility study when there appears to be significant likelihood that an unfavorable recommendation will be made.

The discussion should include, but not be limited to, the following:

- o Organization support for the study;
- o Organization support for peace officer status;
- o Need for peace officer status;
- o Expectations of the organization's law enforcement function;
- o Role of the chief law enforcement officer;
- o Anticipated changes from the current role of the law enforcement organization;
- o Organizational support of the required training budget;
- o Potential increases to the organization's budget due to peace officer status (see Attachment 1); and,
- o Alternatives to peace officer status.

Following this interview, and pursuant to POST Regulation 1019, the interviewee shall be advised that additional written comments will be accepted to ensure that all pertinent issues are studied.

- 2) Conduct a personal interview with the organization's chief law enforcement officer. Prior to this meeting, the chief law enforcement officer should facilitate the completion of a questionnaire (Attachment 2) and provide other documents and records for discussion at the interview (see Attachment 3). If no chief law enforcement officer is designated, the interview should be with the current or acting manager of the law enforcement operation.

Several hours should be scheduled for this interview. Initially, the chief law enforcement officer should receive a copy of POST Regulation 1019. Discussion should relate the regulation to Penal Code Sections 13540, 13541 and 13542 and follow essentially the same approach as that taken earlier with the chief administrator. The interview should then commence inquiry into pertinent aspects of the organization and its operation.

The interview should include, but not be limited to the subject material listed in Attachments 2 and 3. During the interview, the chief law enforcement officer may call upon subordinate staff to assist in providing needed information. Following the interview, and pursuant to POST Regulation 1019, the interviewee shall be advised that additional written comments will be accepted to assure that all pertinent issues are studied.

- 3) Interview the employee responsible for the training function. Discuss current budget and training activity and future budget and training plans. Examine training records. Discuss organizational attitude toward training and budget.
- 4) Interview other selected staff. During these interviews, staff duties and responsibilities should be verified. Also, other information already obtained should be verified, expanded or otherwise modified.
- 5) Conduct on-site examinations of files and case folders. Information shall be gathered which supplements, validates and describes the law enforcement activities pursued by the requesting organization.
- 6) Communicate with law enforcement organizations which have been named as providing peace officer services to the requesting organization. Obtain verification regarding the assistance provided to the requesting organization (e.g., arrests and search warrants). Verification should include the volume of incidents, kinds of assistance provided, amount of time involved, etc.
- 7) When applicable, communicate with other non-peace officer organizations which do similar work as the requesting organization. Compare the manner in which work is accomplished. This information may be valuable when alternatives to law enforcement designation are considered.

Verification of information obtained during interviews is necessary when it concerns actual job activities performed or statistical information, such as the number of arrests made and search warrants served over a specific time period. The verification should be

accomplished through comparison of statements, examinations of records and files, and by comparison with records maintained by law enforcement organizations which may have provided assistance. As verifications are made and discrepancies surface, they should be followed-up for resolution. Written, working notes shall be made and retained. Working documents will be valuable to support the final report and support the appeals process.

All persons interviewed shall be identified with the information they provide. The rank/title/position, business address and telephone number shall be recorded and retained in file.

WRITTEN REPORT

Penal Code Section 13542 requires that the POST Commission shall issue the study and its recommendations to the requesting individual or organization within 18 months of the request. A copy of the report, including recommendations, shall be submitted to the Legislature.

The report serves two important purposes: 1) it provides a detailed, written responses to the requesting individual or organization; and, 2) it furnishes the Legislature information to assist in making a decision regarding the passage of legislation for peace officer designation.

The report and recommendations shall be thoroughly explained and discussed in person with the requesting person, chief administrator and/or the chief law enforcement officer. If there is disagreement with the findings and/or recommendations, the circumstances of the disagreement shall be recorded, and the requesting person or administrator shall be advised regarding the appeal process that is available.

POST staff should be prepared to discuss or prepare written response to queries from the Legislature or other entitled entities or persons in regard to any aspect of the report.

APPEAL

POST Regulation 1019 provides procedures for appeal. If there is disagreement with the study recommendations, the person or persons requesting the study may appeal in writing to the collective members of the Commission. Requests for appeal will be acknowledged in writing. Initial appeals will be heard within four months after the request is received by the Commission. A decision shall be rendered within six months of receipt of the appeal.

SUMMARY OF PROCESS

PEACE OFFICER FEASIBILITY STUDY

Effective in May 1990, SB 655 (Presley) added §13540-42 to the Penal Code, and gave a new responsibility to the Commission.

The law requires persons who are not now peace officers (as defined in P.C. §830, et seq.), and who want to be designated as peace officers, to request the Commission to conduct a feasibility study and report on the study to the Legislature.

The law authorizes the Commission to recover from the party who requests the study the actual costs of conducting the study.

The goal of the feasibility study is to provide the Legislature with objective information concerning the position for which peace officer designation is sought. The report of the study includes a recommendation to the Legislature concerning whether the positions should be designated as a peace officer. The feasibility study is viewed by the Legislature as a way to obtain objective information on proposals to create new classes or categories of peace officers.

In conducting the study, POST staff interview incumbents in the positions; supervisors, managers and administrators in the employing agency; and, review plans, policies and workload information.

The focus of the study is to identify the job tasks that specifically requires peace officer authority and powers, and the frequency with which those tasks are performed. Throughout the study, POST staff are aware that the authority of a private citizen is more limited than that of a peace officer only in that a peace officer may:

1. make an arrest for a crime not committed in the officer's presence, without a warrant, based on probable cause;
2. serve arrest and search warrants;
3. obtain criminal offender record information; and,
4. carry a concealed firearm.

The law specifies the study shall review:

1. current and proposed duties and responsibilities;
2. field law enforcement duties and responsibilities;
3. supervisory and management structure; and,

4. training methods and funding sources.

During the study, POST staff consider the degree to which peace officer authority and powers are specifically required to perform the job. They also consider how the job is limited or disrupted by the absence of peace officer authority.

The conclusions and final recommendation concerning peace officer designation result from the analysis of the information collected during the study and the law enforcement experiences and judgement of POST staff.

The Commission is presented a brief summary of the study, including the recommendation concerning peace officer designation. The action for the Commission is to accept the study and direct the report to be delivered to the client and the Legislature. The Commission does not review the study in detail nor specifically endorse the recommendation. This limited review of the study preserves the ability of the Commission to review the study in detail and provide a new recommendation, after hearing an appeal from the original recommendation.

Commission procedures permit the requesting party to appeal the recommendation of the staff study to the full Commission, at a regular meeting. The appeal is initiated by the party who asked for the study. The completed study, and any new information, is presented to the Commission by staff. The appellant also provides testimony to the Commission. The appeal is intended to provide the completed study information and pertinent new information about the positions to the Commission. The Commission may, at the conclusion of testimony, affirm the staff recommendation, make a different recommendation, or refer the study back to staff for additional work.

POTENTIAL ADDITIONAL COSTS ASSOCIATED WITH PEACE OFFICER STATUS

There are potential additional costs to organizations which employees acquire peace officer status. Based upon local situations, costs may be associated with the items listed below:

1. Safety retirement;
2. Safety equipment;
3. Firearms qualifications, if armed;
4. Enhanced industrial disability leave (EIDL);
5. Required physical performance tests;
6. Increased worker's compensation rate;
7. Required Penal Code 832 training;
8. Survivors benefits (due to removal from social security);
9. Medicare (for employees not in social security); and,
10. Required psychological testing for peace officers.

Note: Current employees may elect to stop social security contributions if they are moved into safety retirement. This would be mandatory for all new employees. Safety retirement may save the concerned law enforcement organizations the cost of matching social security payments.

Note: Penal Code Section 13526 prevents new peace officer entities from receiving allocations through the Peace Officers' Training Fund. As a result, there may be additional costs if the law enforcement organization joins the POST program. The additional costs may result from initial required training for all new peace officer staff and the required continuing professional training. Also, a more comprehensive background investigation procedure would be required which may increase costs to the organization.

FEASIBILITY STUDY QUESTIONNAIRE

This questionnaire is a guide for gathering information from individuals and/or organizations which have requested a feasibility study for peace officer designation. Completion of the document does not require introduction and it may be mailed to participating individuals or organizations.

QUESTIONNAIRE

Respondents should use separate sheets of paper, as necessary, to respond to the questions.

1. What is the statutory authority under which your law enforcement organization functions?

This question should be answered if statutory authority is not already provided to POST.

If your organization has no statutory authority to operate as a law enforcement organization, please provide an explanation.

2. Does the law enforcement function being performed differ from the statutory authority that is designated to your organization? If yes, explain.
3. Are there changes or new legislation anticipated which would alter the current authority vested in your organization? If yes, explain.
4. Are there other organizations which also perform the law enforcement work that is currently being done by your organization? If yes, provide name (s) of organization and provided explanation.
5. Does another peace officer organization have legal authority to do the same law enforcement work currently being performed by your organization? If yes, explain.
6. What is the total staff in your organization? Please list:
 - o Number of operational staff, by civil service or other classification;
 - o Number of first level supervisors, by civil service or other classification;
 - o Number of middle management staff, by civil service or other classification; and,

- o Number of non-law enforcement support staff, by civil service or other classification.
- 7. How many staff does a first line supervisor typically supervise?
- 8. How many staff does a middle manager typically supervise? If peace officer status is attained, are any organizational changes planned? If yes, explain.
- 9. Is there a designated chief law enforcement officer in your organization? If yes:
 - o Identify by name, official rank/title, business address and telephone number; and,
 - o Provide working title if different.
- 10. Who is the chief law enforcement officer's immediate supervisor or manager?
- 11. Who are the chief law enforcement officer's immediate subordinates?
 - o Identify by names, official rank/titles, business addresses and telephone numbers.
- 12. What criminal statutes are enforced by your organization?
- 13. Does your organization conduct internal investigations into alleged misconduct by law enforcement employees? If no, explain how these matters are handled.
- 14. Does your organization investigate alleged misconduct of non-law enforcement employees? If no, explain how these matters are handled.
- 15. Does your organization investigate alleged misconduct of non-law enforcement employees? If no, explain how these matters are handled.
- 16. Does your organization routinely make arrests?
- 17. Does your organization have its own radio communication operation? Or, are radio communications performed by another law enforcement organization?
- 18. Does your organization enforce traffic law violations, including arrests for driving under the influence of alcohol and/or drugs?
- 19. Does your organization operate a jail or detention facility? If yes, provide description of the operation and describe the staffing.
- 20. Does your organization provide guard or protection service for public officials? If yes, explain.

21. How many arrests were made by members of your organization's staff during the prior twelve months? Identify the specific charges for each arrest and whether the arrest was made by warrant or non-warrant.
22. How are arrests made without law enforcement status? Provide brief description.
23. Is assistance provided by other organizations in the making of arrests?
 - o Describe kinds of assistance provided.
 - o Provide listing of specific organizations.
24. How many prosecutions were obtained during the prior twelve months? How many were refused?
25. Does your organization routinely obtain and serve search warrants? If yes, explain.
26. How many search warrants were served during the prior twelve months?
27. Is assistance provided by other organizations in the service of search warrants?
 - o Describe kind of assistance provided.
 - o Furnish listing of organizations which provided assistance.
28. Does your organization have access to Criminal Offender Record Information (CORI)?
29. Is your organization connected to the California Law Enforcement Telecommunications System (CLETS)?
30. What is the funding source for your organization's budget?
31. What is the total law enforcement budget?
32. What is the current amount budgeted for law enforcement training?
33. What amount will be budgeted for training if peace officer status is attained?
34. Does your organization have a full or part-time training manager? If answer is yes:
 - o Identify by name, official rank/title, business address and telephone number.
35. Does staff currently receive Penal Code 832 training? If yes, explain:

- o All staff; and,
 - o Locations of training provided
36. Is training other than Penal Code 832 training provided to operational staff, supervisors and/or managers? If yes, describe.
 37. How is training currently provided?
 38. How will training be provided if peace officer status is attained?
 39. What are the educational requirements for new law enforcement hires?
 40. Are there citizenship or naturalization requirements for new law enforcement hires? If yes, explain.
 41. Are background investigations currently conducted for new law enforcement hires?
 42. Are criminal record checks made on new law enforcement hires?
 43. Are there criminal conviction restrictions for new law enforcement hires? If yes, explain.
 44. Does your organization anticipate any changes in its law enforcement organization or operational procedures if peace officer status is attained? If yes, describe.

INFORMATION GATHERING DOCUMENT FOR CONSULTANT USE IN DEVELOPING

FEASIBILITY STUDIES FOR PEACE OFFICER STATUS

This document provides guidance to consultants in developing feasibility studies regarding the designation of persons as California peace officers. The document generally meets the needs of all requested feasibility studies regardless of the organization's size, complexity of operation, law enforcement mission, etc. However, the general use of the document must be that of guidance because of the many variable which will exist in the various organizations for which studies are done.

The use of this document will aid consultants in the information gathering process. It will assist them in developing recommendations and prepare reports. The opportunity for supervisors to examine and others is facilitated. And, a historical file for reference and use in the appeals process can be maintained.

Prior to conducting interviews, consultants should arrange to be provided pertinent documents and records. The following list is recommended but, should not be considered as all inclusive:

1. Statutory authority document;
2. Duty statements;
3. Job descriptions;
4. Organization charts;
5. Procedures manual;
6. Operations notices;
7. Functional statement (job activity descriptions); and,
8. Mission statement.

Study and analysis of each document obtained should better prepare consultants in conducting interviews.

During the course of information gathering, consultants should quantify and verify all information acquired in regard to work activities performed. This will validate the data obtained and findings determined.

QUESTIONNAIRE

The questionnaire provides guidance as to specific questions to ask. It advises specific actions to take, determinations to make and recommends inquires into files, verification of data, etc. This questionnaire (Attachment 3) is designed for consultant to use in conjunction with Attachment 2 (questionnaire mailed to requesting agency).

STATUTORY AUTHORITY

1. What is the statutory authority under which the law enforcement organization functions?
 - o Review statutory authority with interviewee.
 - o Validate state codes and section numbers.
 - o Obtain and retain copy of authority or write concise description.
2. Does the law enforcement comply with the vested authority?
3. Are there charges or new legislation anticipated which would alter the current authority vested in the organization?
4. Does another peace officer organization have the authority, responsibility or jurisdiction to do the same law enforcement work currently being done by the requesting organization?
5. Is any of the authorized work currently being done by other peace officer organizations?
6. If the requesting organization doesn't do the law enforcement work authorized, who will do it?

ORGANIZATIONAL STRUCTURE

1. Discuss organization charts with interviewee(s).
2. Develop a concise written description of organizational structure and retain with organization charts.
3. What is the total number of staff in organization? Provide listing:
 - o Number of operational staff by civil service or other classification.

- Number of first level supervisors by civil service or other classification.
 - Number of middle management staff by civil service or other classification.
 - Number of non-law enforcement support staff by civil service or other classification.
4. Determine and document the supervisory span of control at each level within the organizational structure.
 5. Determine if the organizational structure reflects unity of command at each level.
 6. Are any organizational changes anticipated?
 7. If peace officer status is attained, will there be any organizational changes?

MANAGEMENT AND SUPERVISORY STRUCTURE

1. Is there a designated chief law enforcement officer (CLEO)?
 - Record name, official rank/title, business address, telephone number and other pertinent information about the CLEO.
2. At what management level within the organization does the CLEO function?
3. Who is the CLEO's immediate supervisor?
4. Provide a concise description of the CLEO's duties and responsibilities.
5. Determine the number and civil service designations of employees directly supervised by the CLEO, and provide concise written descriptions of work activities.
6. Provide a concise description of each management and supervisory level deployed within the law enforcement operation including duties and responsibilities.
7. Review and clarify management and supervisory level job classification documents.
8. Review and clarify management and supervisory level, duty statement documents.
9. Determine if management and supervisory level duty statements and job descriptions correctly describes each incumbents work activities and responsibilities.
10. Retain copies of all management and supervisory level job description and duty statement documents.

OPERATIONAL WORK ACTIVITIES

1. Review and clarify operational/staff job classification documents.
2. Review and clarify operational/staff duty statement documents.
3. Determine if duty statements and job descriptions correctly describe operational work activities and responsibilities.
4. Provide a concise description for each level of operational law enforcement employee deployed within the organization including work activities performed.
5. Retain copies of all operational staff job description and duty statement documents.

SUPPORT STAFF ACTIVITIES

1. Provide brief description of job activities performed by support staff.
2. Retain copies of support staff job description and duty statement documents.

TYPE OF LAW ENFORCEMENT ORGANIZATION

1. How is the requesting organization or individual funded and operated?
 - o State
 - o County
 - o Municipal
 - o Other
2. Is the requesting organization or individual privately funded and/or operated?
3. What is the present mission or task of the law enforcement operation?
4. Is there a proposed new mission or task?
5. Is law enforcement the primary role of the requesting organization? Or, is it a support or staff service?
6. What are the criminal statutes enforced?

7. Are internal investigations conducted when there is alleged misconduct by law enforcement employees? Or, by non-law enforcement employees?
8. Are arrests routinely made?
 - o Felony
 - o Misdemeanor
 - o Warrant
 - o Without warrant
9. How are arrests made without law enforcement status?
10. Are arrests warrants obtained for suspects investigated?
11. Is an arrest warrant file maintained?
12. How are arrest warrants served?
13. What will the arrest procedure be if peace officer status is attained?
14. Is assistance provided by other peace officer organizations in the making of arrests? If yes, obtain listing of organizations and provide the following information:
 - o Kind of service provided;
 - o Volume of service;
 - o Costing for service; and,
 - o Specific problems.
15. Are cases submitted to prosecutors for criminal prosecutions? Or, are administrative compromises made to effect overpayment collections, etc.?
16. Are search warrants routinely obtained and served?
17. How is the search warrant process performed without peace officer status?
18. If there is assistance provided by other peace officer organizations in the serving of search warrants, obtain listing of organizations.
19. Are there problems related to other peace officer organizations providing search warrant service?
20. Discuss and describe the primary law enforcement activity performed by the requesting organization.
 - o Field patrol;
 - o Jail;

- o Protection of public officials;
 - o White collar crime investigations;
 - o Crime against person investigations;
 - o Traffic enforcement;
 - o Observation and arrest of suspects involved in criminal activity; and,
 - o Other.
21. Describe primary types of suspects typically handled, such as:
- o Criminal gang members;
 - o Armed robbers;
 - o Unarmed white-collar criminals;
 - o Abusers of benefit systems (Welfare, etc.); and,
 - o Other.
22. Describe tactics employed to do work, such as:
- o Vehicle patrol;
 - o Foot beat;
 - o Stationary post in office;
 - o Stationary post in public; and,
 - o Other.
23. Describe communications used, such as:
- o Two-way radio;
 - o Mobile data system(s);
 - o Cellular telephones; and,
 - o Other.
24. Describe specialized law enforcement techniques employed, such as:
- o Surveillance (vans, foot, etc.);
 - o Stakeout; and,
 - o Undercover operations.

25. Request that interviewee provide specific examples of cases in which specialized law enforcement techniques have been employed. Determine if techniques are routinely or only occasionally used.
26. Have any acts of violence been committed against staff during the course of work-related activities? Were the acts reported to a law enforcement agency and/or officially documented? If yes, describe circumstances.
27. Are staff uniformed or plain clothes?

CRIMINAL OFFENDER RECORD INFORMATION (CORI)

1. Does the requesting organization allege a need to access CORI? Why?
2. Does the requesting organization have access to CORI?
3. Does the organization utilize a connection to the California Law Enforcement Telecommunications System (CLETS)?
4. If a CLETS connection is not utilized, describe the manner in which CORI is obtained.

BUDGET

1. What is the total law enforcement budget?
2. What is the source of the law enforcement budget?
3. What is the current amount of training budget?
4. What is the anticipated budget for training if peace officer status is attained?

TRAINING

1. How is training currently provided to operational staff?
2. How is training currently provided to managers and supervisors?
3. What training does the chief law enforcement officer receive?
4. What training does clerical and other support staff receive?
5. Is there a full or part-time training manager?
6. How will training be provided if peace officer status is acquired?

7. Does the requesting organization intend to seek certification through the POST program? Is the organization aware of POST training requirements for participation in the program?
8. Is the requesting organization knowledgeable regarding Penal Code Section 832 training requirements?
9. Are training records maintained?
10. Consultant should examine training records to validate information obtained and to acquire any other pertinent data.

PERSONNEL

1. How does the requesting organization hire new law enforcement personnel?
2. What are the educational requirements for new law enforcement hires?
3. Are there citizenship or naturalization requirements for new law enforcement hires?
4. Are background investigations currently conducted?
5. Are criminal records checks made?
6. What are the criminal conviction restrictions for new law enforcement hires?
7. Are background investigation records maintained?
8. Is the requesting organization aware of state law requirements regarding new law enforcement hires?
9. If the organization intends to seek certification through the POST program, is there an awareness of POST requirements regarding new hires and background investigations?
10. Are any changes in the hiring process anticipated if peace officer status is attained? Describe.
11. Is the requesting organization aware of the requirements of Penal Code 832.5 citizen complaint procedures?
12. Is the requesting organization aware of Penal Code Sections 832.7 and 832.8 personnel records confidentiality, disclosure, retention, etc.?
13. Is the requesting organization aware of the medical and psychological testing required for all California peace officers?

PLANNED OR POTENTIAL CHANGES IN LAW ENFORCEMENT OPERATIONS

1. Change planned? Describe.
2. Potential change? Describe.
3. Are changes due to anticipation of attaining law enforcement status?
4. Will change affect work that is currently being done?
5. Will the change require new or additional work?
6. Will the organization's statutory authority permit the change?

ARREST AND SEARCH WARRANT FILES

Records maintained by the requesting organization should be examined to determine and/or validate the frequency of arrest and search warrant activity over at least a twelve-month time period. If reasonably accurate records have not been maintained, an attempt shall be made to determine and/or validate information obtained through interviews by use of other methods such as through additional interviews of staff with further validation through law enforcement organizations which provided assistance.

The following statistics should be determined:

- o Total arrests made;
- o Specific arrest charges;
- o Total number of unserved arrest warrants currently maintained in file;
- o Number of prosecutions pursued;
- o Kinds of case dispositions;
- o Total number of search warrants served; and,
- o Kinds of offenses involved in search warrant services.

CASE FILE RECORDS

The filing of work activity records is typically done by law enforcement organizations. Examination of these files is necessary as an evaluation of the data may tend to enhance, support or refute information obtained from other sources. For example, investigative files will disclose the investigative actions taken in cases worked;

specialized investigative techniques used; the services of other law enforcement agencies needed; investigators threatened or assaulted, final results of case, etc.