

Rep. to Com.

MEMORANDUM

Department of Justice

To: All Commissioners
FROM: Executive Officer
SUBJECT: Proposed Agenda,
Commission Meeting of December 7, 1960

AT Sacramento
DATE November 28, 1960

1. Approval of minutes of September 21, 1960.
2. Election of Vice-Chairman.
3. Approval of Expense Claims.
4. Financial Report.
5. Pending from last meeting:
 - (a) State car vs. private car.
 - (b) Assistant to the Executive Officer.
6. Set date for payment of first Claim for Reimbursement.
7. Report of Executive Officer:
 - (a) Liaison with other agencies.
 - (b) F. E. P. C.
 - (c) Official appearances by Commissioners.
 - (d) Commission emblem or seal.
 - (e) Recommendation on "necessary living expenses." (Policy of Commission)
 - (f) Inspections for certification of schools (action by Commission).
 - (g) Los Angeles County test of mental ability. (action by Commission)

- (h) Recommended Commission definition of "mental ability," and equivalency as mentioned in Section 1002 (a) (6) of the regulations.
 - (i) Pending projects.
8. Legal Opinions (Momboisse).
 9. Commission's role in psychiatric and psychological testing for emotional and mental stability.
 10. Date, place and suggested agenda items for next meeting.
 11. Adjourn.

Gene
GENE S. MUEHLEISEN

State of California
Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

December 7, 1960
Riverside, California

The meeting was called to order at 10:15 A. M. by Chairman Ficklin. A quorum was present:

LOHN R. FICKLIN, Chairman
MARTIN C. MC DONNELL, Vice Chairman
ROBERT T. ANDERSEN
JAMES V. HICKS
DAN KELSAY
ROBERT S. SEARES
SAMUEL LEASK, JR.

Absent: HOWARD W. CAMPEN
ALLEN B. COTTAR

Also Present:

GENE S. MUEHLEISEN, Executive Officer
RAYMOND M. MOMBOISSE, Deputy Attorney General
JOHN P. PEPER, State Supervisor of Peace Officer Training
O. W. ROUSE, Ass't. Supervisor of Peace Officer Training
* J. A. BENNETT, Chief of Police, Riverside
* STANLEY EVERETT, Coordinator Law Enforcement Training,
Riverside City College
* JOE RICE, Sheriff, Riverside County

* Attended only part of the meeting.

APPROVAL OF MINUTES

There being no corrections or additions, the minutes of September 21, 1960, were declared approved as mailed to all Commissioners.

ELECTION OF VICE CHAIRMAN

Commissioner Martin C. McDonnell was elected Vice Chairman upon a motion by Hicks, duly seconded, unanimously carried.

APPROVAL OF EXPENSE CLAIMS

The following travel expense claims of the Executive Officer were declared approved by Chairman Ficklin, after calling for discussion and hearing no objections:

September 28, 1960, San Francisco/Millbrae and return	\$ 10.25
October 21, 1960, Vallejo/Fresno/San Diego/Bakersfield & return	150.11
October 31, 1960, Los Angeles/Arcadia/Anaheim/Long Beach/ Concord and return	81.12
November 11, 1960, Oakland/San Francisco and return	33.42
November 25, 1960, San Diego/Long Beach/Los Angeles & return	53.57

PENDING FROM LAST MEETINGState Car Vs. Private Car

The Executive Officer reported that a comparison had been made between the use of a State car and a private vehicle. He further reported that the State Department of Finance charges approximately 5.5¢ per mile, plus a slight charge to cover dispatch and storage. Details of the report are set forth in Attachment "A". Milage allowed for the use of a private vehicle is 6¢ per mile.

Chairman Ficklin directed the Executive Officer to investigate the feasibility of purchasing a vehicle and requested a report at the next meeting.

Assistant to the Executive Officer

The position of Assistant to the Executive Officer was discussed at length and the typical tasks of the position, minimum qualifications, education, knowledge and ability required, physical and personal qualifications and the proposed relative weights of the written and oral examinations were discussed and revised as set forth in Attachment "B". Motion by Kelsay, seconded and unanimously approved, that the oral examination be weighted at 70% and the written examination at 30%.

Following a discussion and there being no objections, the Chair ordered that the Executive Officer and at least one member of the Commission serve on the oral board with such other personnel as may be required by the State Personnel Board.

CLAIMS FOR REIMBURSEMENT - DATE FOR FIRST PAYMENT

A motion was made by Kelsay, seconded and carried unanimously, that June 30, 1961, be the first cut-off date on which claims for reimbursement may be honored.

providing they have met all of the requirements set forth in the rules and regulations.

A lengthy discussion, prior to the motion, pointed up the desirability of setting the annual allocation on a calendar-year basis rather than a fiscal-year. It was noted, however, that none of the jurisdictions under the program would be eligible for reimbursement by January 1, 1961. It was based upon this fact that June 30 was selected as the first cut-off date.

*Allocation of \$350,000 to be mentioned in news release by
Exec. Officer of \$400,000*

REPORT OF THE EXECUTIVE OFFICER

The next six items were covered in the report of the Executive Officer:

Liaison with Other Agencies

The Executive Officer commented on the measures which had been taken to establish formal liaison with the following agencies. Most of the liaison has been established by personal meetings between the Executive Officer and key personalities within the groups. In many cases appearances have also been made before the groups mentioned.

- (a) State Colleges
- (b) Junior Colleges
- (c) Peace Officers Association of California
- (d) P. O. R. A. C.
- (e) F. B. I.
- (f) C. H. P.
- (g) Personnel Directors
- (h) The California Marshals Association
- (i) County Supervisors Association
- (j) League of California Cities
- (k) State Department of Education
- (l) Chiefs of Police via Attorney General's Zone Meetings
- (m) Sheriffs via Attorney General's Zone Meetings
- (n) New York Municipal Training Council via regular exchange of correspondence
- (o) I. A. C. P. via exchange of information and personal contacts

F. E. P. C.

Details of the meeting held with F. E. P. C. representatives and the Executive Officer on November 9 were discussed. The informal meeting took place in San Francisco upon an invitation from F. E. P. C. Present were Edward Howden, Chief of Division; D. Donald Glover, Assistant Chief of Division; Charles E. Wilson, Legal

Counsel; and Mr. Merrill Gaffney, Executive Secretary of the Peace Officers Association. It was further reported that a committee from the Peace Officers Association plans to meet informally with F. E. P. C. representatives in the near future. Results of the meeting will be made known to the Commission.

Commission Emblem

Upon a motion by Hicks, seconded by Andersen, the official emblem or seal of the Commission was adopted as designed and submitted at this meeting. In the discussion that followed, it was stated that the emblem would be used on stationery, certificates and other official documents and publications of the Commission.

Necessary Living Expenses

The Executive Officer requested the Commission to define "necessary living expenses" as set forth in Section 13523 of the Training Act. Motion by Kelsay, seconded and unanimously approved, that the Commission pay expenses covering board and room only.

Motion by Seares, seconded and unanimously approved, that the following basis be used in determining necessary living costs:

- (a) Where board and room are provided at the school, the living costs allowed shall be based upon the charge made by the school.
- (b) In no case shall the cost exceed one-half of the maximum legal allowance permitted by the jurisdiction submitting the claim.
- (c) In cases which do not fall in categories (a) or (b), the cost allowed for board and room shall be based upon the rate for rooms and meals granted State employees under Section 711 and 712 of the Rules and Regulations of the California State Board of Control. The 1960 rules and regulations of the State Board of Control permit \$7.00 per day for lodging and \$5.75 per day for meals. Meals are based upon the following schedule:

Breakfast	\$1.30
Lunch	1.75
Dinner	2.70

Eligibility for meal allowance is subject to the following requirements as to departure or return time:

<u>To be Eligible for</u>	<u>When departing, departing time must be before</u>	<u>When returning, return time must be after</u>
Breakfast	0700	0700
Lunch	1200	1200
Dinner	1900	1900

Certification of Schools

The following list of schools were declared officially certified by the Commission, by action of the Chairman, there being no objections from the Commission.

<u>School</u>	<u>Address</u>
Alameda County Sheriffs Department Training School	P. O. Box 787 Pleasanton, California
Fullerton Police Training School	237 W. Commonwealth Avenue Fullerton, California
Long Beach Police Academy	400 West Broadway Long Beach, California
Los Angeles Police Academy	1880 North Boylston Street Los Angeles, California
Los Angeles Sheriffs Academy	Biscailuz Center Los Angeles, California
Northern California Peace Officers School	c/o Concord Police Academy Concord, California
Oakland Police Academy	1710 - 45th Avenue Oakland, California
San Diego Police Academy	801 West Market Street San Diego, California
Southern California Peace Officers Training School	Riverside Sheriffs Training Center P. O. Box 512 Riverside, California

Motion by Seares, seconded and unanimously approved, that the Bakersfield Police Academy be approved, providing they meet the recommendation that administrative assistance be provided the Training Division.

Los Angeles County Test of Mental Ability

Section 1002 (a)(6) of the Rules and Regulations states in part ". . . . or a score on a written test of mental ability approved by the Commission and equivalent to that attained by the average high school student. "

Motioned by Leask, seconded and carried, that the Executive Officer obtain opinions on the Los Angeles County Test of Mental Ability through the cooperation of the State Department of Education and the State Personnel Board.

A discussion followed regarding a clarification of the term "... equivalent to that attained by the average high school student." It was the consensus of the Commission that "average high school student" as set forth in Section 1002(a)(6) of the Rules and Regulations means the equivalency of completion of the 12th grade.

Financial Report

As of November 30, 1960:

- (a) Fund has grossed \$288,315.00 since it became effective on September 18, 1959.
- (b) Administrative Expenses have totaled \$18,649.00, leaving a current net balance of \$269,666.00 in the Fund.
- (c) Gross revenue has averaged \$22,178.00 per month and net revenue has averaged \$20,743.00 per month.
- (d) Administrative costs average approximately \$1,434.00 per month.
- (e) Fund should total approximately \$415,000.00 by end of fiscal year, June 30, 1961.

STATE PEACE OFFICER TRAINING CERTIFICATES

Mr. John Peper, State Supervisor of Peace Officer Training, requested authority to use the Commission's name as a cooperating agency on certificates issued to graduates of State-sponsored Peace Officer Basic Training Courses. Hearing no objection, the Chair authorized Mr. Peper to use the Commission's name for this purpose.

REIMBURSEMENT TO JURISDICTIONS WHO TRAIN IN EXCESS OF AN EIGHT-HOUR DAY

It was pointed out that in some jurisdictions it is the practice to require a trainee to work six to eight hours per day in the field and then spend four or more hours in the class room.

A lengthy discussion then took place on whether the Commission should permit reimbursement to jurisdictions who require trainees to undertake training in excess of the normal eight-hour work day; and if so, whether reimbursement should be based upon an eight-hour day or upon an hourly rate computed upon the total combination of field assignment plus the training.

After Mr. Momboisse verbally affirmed his earlier written opinion on the general point (see Attachment "C"), the discussion centered on a practical method for distinguishing reliably between salary paid for duty hours and salary paid for approvable training. Because other items required consideration during the time remaining for the meeting, the matter was postponed until the next meeting.

ATTORNEY GENERAL'S SURVEY

The Executive Officer reported that the Training and Education Committee of the Peace Officers Association has requested the Attorney General's Office to conduct an extensive survey on Peace Officer training in the State of California. Mr. George Brereton is acting in a liaison capacity between the Peace Officers Association and the Attorney General's Office regarding the survey. He has reported that, if the survey is authorized, questions recommended by the Commission will be included.

Commissioner Seares suggested that monthly reports submitted by each City and County to the Bureau of Criminal Identification and Investigation might include total personnel changes, if such information would be helpful to the Commission.

PEACE OFFICERS CONFERENCE

The Executive Officer was authorized to attend the County Personnel Officers Conference at San Diego on January 26 and 27.

PSYCHIATRIC TESTING

Chairman Ficklin reported on the liaison that has been established with Doctors Dwight M. Bissell and Ruth Levy on a research project to establish tests which would evaluate the emotional stability of Peace Officer candidates. He further reported that he had requested Commissioner McDonnell to attend an Advisory Committee meeting on the subject in San Jose on December 1, 1960. Mr. Ficklin also stated that the League of California Cities had endorsed Dr. Levy's request for a grant of research funds from the National Institute of Health.

Commissioner McDonnell reported on the Advisory Committee meeting and stated that the research contemplated would take place within Police Departments who volunteer to cooperate with the program. He further stated that their current thoughts are to attack the problem from an evaluation of negative personality qualities. He further stated that the Advisory Committee requested that the Commission merely approve the objectives of the research contemplated.

From the discussion that followed, it was the consensus of the Commission that there would be no objection to providing a letter to the Advisory Committee approving their objectives. It was further pointed out that it is not legal to use money from the Peace Officer Training Fund for grants.

TERM OF THE CHAIRMAN

Chairman Ficklin requested the Commission to set a term for the office of Chairman. The matter was tabled until the next meeting.


NEXT MEETING

Motion by Andersen, duly seconded and unanimously approved, that the next Commission meeting be held February 7, 1961, at a location in the immediate vicinity of the San Francisco International Airport. The Executive Officer is to make arrangements.

ADJOURNMENT

The meeting was adjourned at 5:30 P. M.

Respectfully submitted,


GENE S. MUEHLEISEN
Executive Officer

STATE POOL CAR RENTAL PROCEDURES AND POLICIES (Rev. 7/1/60)

The State pool operates passenger cars and pickup trucks at the following locations:

1. Los Angeles
2. Sacramento
3. San Francisco
4. Berkeley
5. Fresno (Open after July 18, 1960)
6. Paso Robles (reserve use through Sacramento, HI 5-4711, Ext. 2067)
7. Eureka (reserve use through San Francisco, UN 1-8700, Ext. 2056)
8. Reno (reserve use through Berkeley, TH 3-7900, Ext. 463)
9. San Diego (reserve use through Los Angeles, MA 6-1515, Ext. 2313)
10. Oakland

Public transportation between the above points is encouraged and employees may reserve the use of pool cars at their destination by teletype or mail. Because of limited numbers of pool cars at Eureka, Reno, Paso Robles and San Diego, reservations must be made and confirmed in order to insure a car being available.

State pool cars will be dispatched only when a Form G8, Request for Pool Car and Dispatch Ticket, is given to the Dispatcher by the employee wanting the car.

1. The employee is to type or legibly write on the Form G8 as this ticket is used for billing purposes.
2. The employee's supervisor or other authorized person is to sign the Form G8 on the line marked "Signature of Authorizing Person" to indicate approval of car use.

State pool charges for use of vehicles are on a mileage basis, 5.5¢ per mile, with the following exceptions:

1. A minimum charge is made for each dispatch to cover the storage and five miles of operation.

2. A minimum charge of five miles for each hour on dispatch, up to 200 hours per month, is required.
3. Cars dispatched on a monthly basis will be charged either a minimum rate or mileage, whichever is greater.

The rental rate is all-inclusive for the use of the car except:

1. Damages to a car caused by an employee while driving the car not in the course of his State employment, or which is due to driving the vehicle while under the influence of alcohol or drugs. These will be charged to the driver.
2. Repairs or charges for other than normal "over-the-road" operation. Examples are: Towing when the car has been needlessly driven into a swampy area or other place from which the vehicle cannot be driven; repair of damage caused by heavy articles carried on tops of vehicles or employees standing or walking on hoods or tops. These will be charged to the department renting the car.
3. Parking charges when the car is on dispatch (unless the car is stored in a Department of Finance garage). Parking charges or travel expenses, except when charged on a credit card, should be submitted on the employee's Travel Expense Claim, Form 262, and paid by the department renting the car.

Mileage payments for individual employees will be authorized when the use of pool cars or the acquisition of a State vehicle is not economical. As a general rule, mileage payments should not be authorized for individuals who average 800 miles or more per month (9,600 miles per year). State cars (except those assigned from the State pool or agency pools) will not be provided if the individual travels 90% of the annual total in less than six calendar months.

Mileage for private cars is 6¢ per mile.

Attachment B

State of California
Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

SUBJECT: Recommendations for position of
Assistant to the Executive Officer,
Commission on Peace Officer Standards and Training

SALARY

\$710 - \$745 - \$782 - \$821 - \$862

TYPICAL TASKS OF THE POSITION

Under the supervision of the Executive Officer:

1. Prepares correspondence for signature of Executive Officer.
2. Conducts research and prepares reports covering projects identified by the Executive Officer.
3. Supervises Commission office in absence of Executive Officer. Accommodates office visitors and telephone inquiries by providing the information and material requested.
4. Serves as liaison officer on behalf of the Executive Officer with designated governmental agencies.
5. Fills speaking engagements as assigned by the Executive Officer.
6. Attends conferences and meetings of interest to the Commission as assigned by the Executive Officer and gives reports on the meetings to the Executive Officer.
7. Under supervision of Executive Officer directs and participates in processing of claims for reimbursement and other office routines.
8. Contacts specified local government officials to provide information on program and enlist local government support in achieving the objectives of the program.
9. As assigned, assists local officials in developing and carrying out law enforcement training programs in compliance with Section 1016.(a) of the regulations.
10. Assists Executive Officer in conducting inquiries to determine whether every local jurisdiction receiving aid pursuant to the act is adhering to the established standards (13612 P. C.).

Note: The inquiry to establish compliance with recruitment standards may entail a spot check or, in some cases, a detailed examination of proof of citizenship, age, criminal record, education, physical examination, method of hiring (oral interview) and items covered in the personal history investigation.

The inquiry into training standards may require a spot check or detailed examination of time limit for completion of the basic course, evidence of illness or injury in hardship cases, reviewing lesson plans, course descriptions, study guides, curriculums, competency of instructors, effective use of training aids, and other means to determine effectiveness of specific training programs.

11. As assigned by Executive Officer conducts inspections in reply to requests for certifications of schools to determine whether they meet the prescribed standards.

MINIMUM QUALIFICATIONS REQUIRED

1. A minimum of five years of full-time, paid experience in law enforcement.
2. Must have acquired a minimum of 60 college credits.

KNOWLEDGE AND ABILITY REQUIRED

1. Knowledge of and ability to interpret Sections 13500-13523 of the Penal Code and Sections 1000-1016 of the Administrative Code (Rules and Regulations of the Commission on Peace Officer Standards and Training).
2. General knowledge of law enforcement training in California; general knowledge of principles of administration and supervision and demonstrated ability to conduct a training program.
3. Ability to plan and organize work; ability to establish and maintain cooperative relations with the public, law enforcement, and governmental and educational agencies.
4. Ability effectively to give public addresses; ability to teach law enforcement subjects; use good English; write effectively; prepare reports and to deal tactfully with associates.

PHYSICAL AND PERSONAL QUALIFICATIONS

1. Neat personal appearance, tact, pleasing voice, pleasant personality, good poise and free from disabling defects or diseases.

EXAMINATIONS

1. Written, oral and physical examinations shall be conducted by the State Personnel Board.
2. Relative weight, 30% written and 70% personal interview.
3. Scope of written examination.
4. Scope of personal interview.

Inter-Departmental Communication

To: Mr. Gene S. Muehlheisen, Executive Officer
Commission on Peace Officers Standards
and Training
235 Forum Building
Sacramento, California

Date: November 28, 1960

File No.

Subject: Reimbursement to city
or county for training program

From: Office of the Attorney General
Department of Justice

Raymond M. Momboisse
Deputy Attorney General

You have asked our opinion on the following questions:

1. Is a city or county entitled to reimbursement when a police officer or member of a sheriff's staff procures his training during his "off-duty" hours?
2. In the event that the city or county is entitled to reimbursement in the above case, can the city or county remit all or part of the amount received to the officer?
3. Is the city or county which requests reimbursement for expenses incurred by an officer while participating in the training program required to pay the balance of the expenses incurred by that peace officer while obtaining his training?

Our opinion may be summarized as follows:

1. There is nothing in section 13523 of the Penal Code which would limit reimbursement to those instances where the training is taken during "duty hours". Indeed, such an interpretation would have the effect of discouraging the participation of the very units that the law was intended to assist. More than that, there is a serious question as to whether in fact this required training is taken in "off-duty" hours. A recent decision indicated that a peace officer is such during the entire 24 hours of each day (People v. Derby, 177 Cal.App.2d 626, 630). If this is true and if he is taking the training at the direction of his superiors in order to retain his position, it would appear that in fact the taking of this training is the performance of an official duty.
2. The law provides that the reimbursement shall be paid to the city or county (Pen. Code sec. 13523). What that governmental unit does with the money is entirely a question to be determined by them. As to whether or not such governmental unit could remit such money to the peace officers who take said required training in their

Mr. Gene S. Muehlheisen

"off-duty" hours is one which would have to be determined by the attorney for the particular governmental unit, as the answer to this question would be based upon the ordinances of that governmental unit.

3. Insofar as the expenses incurred by a trainee are concerned, the particular governmental unit involved determines what constitutes reasonable and necessary expenses and pays these expenses. In turn, that governmental unit is reimbursed for such expenditures out of the fund.

It is thus apparent that the necessary expenses are paid in total by the county or city and to that extent it can be said that that unit of government must and does bear one-half of the cost of necessary expenses incurred by a peace officer.


Raymond M. Momboisse

RMM:pm

bcc:

C. A. O'Brien SF

William James LA