

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083COMMISSION MEETING
October 15, 1992 - 10:00 A.M.
Radisson Hotel
Monarch I & II
18800 McArthur Boulevard
Irvine, CA 92715
(714) 833-8197**AGENDA**

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS
INTRODUCTIONS

APPROVAL OF MINUTES

- A. Approval of the minutes of the July 16, 1992 regular Commission meeting at the Red Lion Hotel in San Diego.

CONSENT CALENDAR**B.1 Receiving Course Certification Report**

Since the July meeting, there have been 29 new certifications, 10 decertifications, and 12 modifications. In approving the Consent Calendar, your Honorable Commission receives the report.

B.2 Receiving Financial Report - First Quarter FY 1992/93

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

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

The Parlier Police Department and the Kern County Department of Coroner have met the Commission's requirements and have been accepted into the POST Regular (Reimbursement) Program. In approving the Consent Calendar, your Honorable Commission receives the report.

B.4 Receiving Report on Withdrawal of Merced College Police Department

The Merced College Police Department has been disbanded and in its place a Security Department has been established. In approving the Consent Calendar, the Commission takes note they are no longer part of the POST reimbursement program.

B.5 Receiving Information on New Entry Into the Public Safety Dispatcher Program

Procedures provide that agencies that have expressed willingness to abide by POST Regulations and have passed ordinances as required by Penal Code Section 13522 may enter into the POST Reimbursable Public Safety Dispatcher Program pursuant to Penal Code Sections 13510(c) and 13525.

In approving the Consent Calendar, your Honorable Commission notes that since the July meeting, the California City Police Department has met the requirements and has been accepted into the POST Reimbursable Public Safety Dispatcher Program. This new entrant brings to 315 the number of agencies joining the program since it began July 1, 1989.

PUBLIC HEARING

C. Receiving Testimony on Proposed Regulations Relating to Review of Video Tapes in POST-Certified Training

Concern has existed for some time that audio/visual training aids, particularly videotapes, may not always be appropriately screened before being used in POST-certified training courses. The consequences of inappropriate video training tapes being used include potential erroneous actions by officers and liability for employers, trainers, and POST.

The public hearing is to consider adoption of regulations requiring review of audio/visual aids before their use in certified courses. Guidelines for conducting a review have been developed as a complement to proposed regulations.

Subject to the results of the public hearing, the appropriate action would be a MOTION to adopt regulations requiring audio/visual aids to be reviewed before use in POST-certified courses.

MANAGEMENT COUNSELING

D. California Student Aid Commission Appeal from Recommendation of Peace Officer Feasibility Study

Penal Code Sections 13540-42 require that persons who desire to obtain peace officer status shall request the Commission on Peace Officer Standards and Training to undertake a feasibility study pertaining to the peace officer designation. In March 1990, Samuel M. Kipp III, Executive Director, California Student Aid Commission (CSAC), requested a peace officer feasibility study on behalf of the CSAC investigators. CSAC administers student loan and financial aid programs and is responsible to protect the programs from fraud, waste and abuse.

The completed study concluded that CSAC investigative activity appears to be performing satisfactorily and is consistent with the needs of the Student Aid Commission. CSAC investigations do not appear to be either impaired or limited by the lack of peace officer authority. Further, new peace officer authority will not significantly expand the duties and responsibilities of CSAC investigators.

Specifically, the study concluded: (1) CSAC investigations do not involve a significant amount of criminal activity; (2) more than 85% of all investigations are resolved by administrative action; (3) arrests and searches do not often occur; (4) individuals who are the focus of CSAC investigations are predominantly students or employees of educational and financial institutions; and (5) investigations focus on incidents of error, fraud and misrepresentation that involve the paper processes of the financial aid programs.

The recommendation of the study was not to designate CSAC investigators as peace officers.

POST staff summarized the completed study and the recommendation to the POST Commission at the November 1990 meeting. Copies were forwarded to the Legislature and Executive Director Kipp. In August 1992, following discussion of the study between CSAC and POST staff, CSAC Executive Director Kipp requested an appeal from the study recommendation, as provided by Commission Regulation 1019.

A summary of the study and the appeal, together with the complete study report and the information submitted by CSAC in support of the appeal, are provided in the report under this tab.

If the Commission concurs, subject to the discussion of the appeal with representatives of the California Student Aid Commission, the recommended action would be a MOTION to deny the appeal and uphold the recommendation not to designate CSAC investigators as peace officers.

COMPLIANCE AND CERTIFICATES

E. Discussion of POST Commission Action which Expanded the Basis for Cancellation of POST Certificates

At its July 1991 meeting, following a public hearing, the Commission approved revisions of its regulations concerning cancellation of professional certificates. Prior to the revision, certificates of convicted felons were revoked.

Under Penal Code Section 17, certain felony crimes can be reduced to misdemeanors following conviction. When a crime punishable as a felony results in a misdemeanor conviction, POST has not canceled certificates. One effect of regulation changes was to make certificates subject to cancellation in selected instances where a felony was reduced to misdemeanor following conviction. The new criteria would apply only in those instances where the conviction involved: (1) unlawful sexual behavior; (2) assault under the color of authority; (3) dishonesty associated with official duties; or (4) a narcotic offense.

The revised regulations included a provision to require Commission review of any cancellation of certificates under these new criteria. In these instances, the Commission requires a notice of proposed cancellation to the individual and concerned department head with an invitation for them to submit information to the Commission. The Commission would review the input prior to proceeding with cancellation.

The revisions also included provisions for the first time for cancellation of certificates when the individual is disqualified by Government Code Section 1029 (a) from serving as a peace officer when: (1) adjudged by a Superior Court to be mentally incompetent; (2) found not guilty by reason of insanity of any felony; (3) determined to be a mentally disordered sex offender; (4) adjudged addicted or in danger of becoming addicted to narcotics and committed to a state institution; or (5) any person who has been convicted of any offense in any other state which would have been a felony if committed in this state.

To date, no cases have been encountered requiring cancellation action under any of the new provisions.

Representatives of law enforcement labor associations, who opposed the regulation changes, have requested that the Commission consider rescinding its July, 1991 action. Following a meeting with Commissioners and representatives from law enforcement labor associations, the Commission agreed to put the request on the agenda to permit interested persons to comment informally. Labor association representatives are expected to appear at the Commission meeting and provide input.

Options for the Commission to consider include:

1. Reaffirm the Commission's previous action and take no further action.
2. Reschedule a public hearing to consider rescinding the regulation.
3. Continue the matter for additional input from the field.
4. Refer the matter to the joint committee consisting of Commissioners and labor representatives with a report back at a future Commission meeting.
5. Take no action on the request at this time, but direct staff to analyze in depth one or more certificate revocations under this regulation and report back to the Commission on any positive/negative impacts. Analysis would also include input from the impacted agency as well as concerned law enforcement labor leaders.

F. Scheduling a Public Hearing for January 1993 to Consider Adoption of Regulations to Recognize Degrees and Units Awarded by Certain Non-Accredited Colleges and Universities

SB 1126 has been signed by the Governor with provisions to become effective January 1, 1993. One provision of the bill is a requirement that the Commission recognize, for professional certificate awards, units awarded by non-accredited colleges and universities that specialize exclusively in criminal justice degree programs. The only institution known to be affected by this law is August Vollmer University.

In 1991 the Commission declined to modify its regulations to accept units from August Vollmer University. Among concerns was that allowing AVU, which exclusively presents a Criminal Justice Program, an exception, the Commission would be opening the same provision to all non-accredited institutions, whatever their curriculum. The law now

provides the narrow option not available earlier, and now requires Commission action. Accordingly, as described in the enclosed report, a public hearing is recommended for the January 1993 Commission meeting.

If Commissioners concur, the appropriate action would be a MOTION to approve scheduling a public hearing for January 1993 to consider adoption of regulations to recognize degrees and units awarded by certain non-accredited colleges and universities.

EXECUTIVE OFFICE

G. Report on Academy Test Security Violation

The Commission, with cooperation and assistance of basic course presenters, manages a testing system for the basic academies. These test items are written by instructors and POST staff are assembled into block exams and stored electronically in Sacramento. Local academies access the exams by modem.

Recently, POST learned that several instructors at one academy had revealed the test questions in their subjects to the students prior to administration of the test. An investigation of this matter has been completed by academy and POST staff. Results are described in the enclosed report.

The incident prompted a review of the test security agreement that is signed by POST and the academies. The enclosed report includes a revised security agreement that tightens controls and should provide assurance that similar security breaches will not occur in the future.

The academy involved in this incident has been very cooperative, has dismissed the instructors involved, and have volunteered to provide staff to assist in writing replacement test items.

This report is intended to provide the Commission with information and to provide opportunity for discussion of any policy direction that members of the Commission may believe appropriate.

H. Proposal to Reschedule a Public Hearing Regarding Adoption of Regulations to Allow Reimbursement for Satellite Antennas

At its October 31, 1991 meeting, the Commission held a public hearing to adopt regulations to provide reimbursement to eligible agencies for the purchase of satellite antennas. The hearing was the result of the Long Range Planning

Committee's recommendation to move forward on ACR 58 issues and a highly positive response by local agencies to a field survey soliciting input regarding satellite purchase cost reimbursement (see Attachment A).

The Commission did not act on the proposal at that time for reasons related to: (1) a significant shortfall in revenue which compelled temporary suspension of salary reimbursement; (2) technical questions; and (3) concerns regarding the equitable distribution of reimbursement monies. As a result, the satellite reimbursement issue was referred to the Long Range Planning Committee for further study and recommendation.

The Long Range Planning Committee has since completed its review and concludes that satellite delivery of law enforcement training will become increasingly important. The Committee also concludes that the proposal before the Commission in 1991 should be reconsidered for adoption with the following additional provisions:

- o Reimbursement will be made only if sufficient funds are available; and
- o Large departments that have multiple sites where officers are convened for training would receive reimbursement for multiple satellite antenna purchases.

The enclosed report describes these issues more fully and recommends that a new public hearing, required if the Commission wishes to proceed, be scheduled for January 21, 1993.

If the Commissioners concur, the appropriate action would be a MOTION to schedule a public hearing in January 1993 to consider adoption of regulations allowing reimbursement for purchase of satellite receivers by participating agencies.

I. Report and Recommendation on Initiating a Center for Labor/Management Training

Based upon Commission direction at its April 9, 1992 meeting, a concept for the establishment of a Center for Law Enforcement Labor/Management Training has been prepared and is presented for consideration. Input for developing the Center's mission and goals was received from a committee of POST Commissioners and representatives of management and labor associations. The proposed Center would restrict its activities to researching and developing training which would foster cooperative relationships, effectiveness, and mutual understanding. Attendees would include law

enforcement labor leaders and managers (supervisors, middle managers, and executives). Labor/management training needs exist which suggest the need for modifying existing courses and developing new ones. There are a number of steps which need to be taken to move toward implementing the Center for Labor/Management Training. These include:

1. Identifying California's training needs, instructional methodologies, and curriculum from existing courses nationwide for labor management training.
2. Reviewing and developing appropriate labor/management curriculum recommendations for existing courses, i.e., Supervisory Course, Supervisory Leadership Institute, Management Course, Executive Development Course, Command College, and other courses.
3. Developing a recommended program of needed new courses/workshop. This includes, but is not limited to:
 - o Building Collaborative Behaviors
 - o Leadership/Administrative Training for Labor Leaders
4. Providing an informal vehicle for the periodic convening of labor leaders and managers to provide input to POST on these goals.

If the Commission concurs, the appropriate MOTION would be to approve the concept of the Center and to direct staff to develop a proposed implementation plan and report back.

COMMITTEE REPORTS

J. Finance Committee

Commissioner Wasserman, Chairman of the Finance Committee, will report on the committee meeting held October 14 in Irvine. The Finance Committee will include discussion of:

1. Approaches for a new financial support system
2. Budgetary and revenue concerns
3. POST assistance to departments in acquiring IVD equipment

K. Training Review Committee

Commissioner Wasserman will report on the Training Issues Symposium II which was held in San Diego on September 15, 16 and 17. The symposium program included two keynote speakers, presentations by POST staff, and structured

feedback sessions for the attendees. The symposium agenda focused attention on issues of use of force, cultural awareness, supervisory accountability, the basic course, and community-oriented policing.

Attendees validated the Commission's work since the 1991 symposium and made recommendations for work in the future. Training for supervisors and field training officers were identified as two high-priority areas. Cultural awareness and ethics training, at all levels, was also perceived as an equally high priority.

L. Long Range Planning Committee

Chairman Maghakian, who also chairs the Long Range Planning Committee, will report on the Committee meeting held in Los Angeles on September 3, 1992.

M. Legislative Review Committee

Chairman Block, Chairman of the Commission's Legislative Review Committee, will report on the Committee meeting held October 15, 1992 in Irvine.

N. Advisory Committee

Charles Brobeck, member of the POST Advisory Committee, will report on the Committee meeting held October 14, 1992 in Irvine.

OLD/NEW BUSINESS

O. Appointment of Advisory Committee Member

The Chairman will appoint a public member to fill the vacancy on the Advisory Committee from names submitted by the Commissioners.

CORRESPONDENCE

- P. Letter from San Jose Police Chief Louis Cobarruviaz Regarding Dispatcher Position on Advisory Committee.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

January 21, 1993 - Holiday Inn Embarcadero, San Diego
April 15, 1993 - Pan Pacific Hotel - San Diego
July 22, 1993 - Pan Pacific Hotel - San Diego
November 3, 1993 - San Diego

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083**COMMISSION MEETING MINUTES**July 16, 1992
Red Lion Hotel
San Diego, CA

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

Commissioner Montenegro led the flag salute.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:Edward Maghakian, Chairman
Sherman Block, Vice-Chairman
Jody Hall-Esser
Edward Hunt
Marcel Leduc
Ronald E. Lowenberg
Daniel E. Lungren, Attorney General
Raquel Montenegro
Devallis Rutledge
Floyd Tidwell
Robert Wasserman**POST Advisory Committee Members Present:**Charles Brobeck
Don Brown
Jay Clark
Donald Forkus, Committee Chairman
Carolyn Owens
Cecil Riley**Staff Present:**Norman C. Boehm, Executive Director
Glen Fine, Deputy Executive Director
Hal Snow, Assistant Executive Director
Rick Baratta, Special Consultant, Training Program Services
John Berner, Bureau Chief, Standards and Evaluation
Dave Hall, Special Consultant, Training Program Services
Tom Liddicoat, Acting Bureau Chief, Administrative Services
Holly Mitchum, Bureau Chief, Special Projects
Otto Saltenberger, Bureau Chief, Training Program Services
Darrell Stewart, Bureau Chief, Information Services

Doug Thomas, Bureau Chief, Center for Leadership Development
Vera Roff, Executive Secretary

Visitor's Roster:

Hugh Foster, Goldenwest College
Michael Grogan, Millbrae Police Department
Ed Hendry, Orange County Sheriff's Department
Jeff Kermode, Irvine Police Department
Carly Mitchell, Rio Hondo Community College
I. F. Patino, Rio Hondo Community College

A. APPROVAL OF MINUTES

MOTION - Montenegro, second - Wasserman, carried to approve the minutes of the April 16, 1992 regular Commission meeting held at the Red Lion Hotel in San Diego.

CONSENT CALENDAR

B. MOTION - Wasserman, second - Block, carried unanimously to approve the following Consent Calendar:

- B.1 Receiving Course Certification Report
- B.2 Receiving Financial Report - Fourth Quarter FY 1991/92
- B.3 Receiving Information on New Entries into the POST Regular (Reimbursement) Program
- B.4 Receiving Information on New Entries into the Public Safety Dispatcher Program
- B.5 Approving Resolutions Commending Retiring Advisory Committee Members Carolyn Owens and Joe McKeown and Former Commissioner Robert L. Vernon

PRESENTATION

Chairman Maghakian presented a Resolution honoring Carolyn Owens for her service as a member and former Chair of the Commission's Advisory Committee. Mr. McKeown was traveling out of state and unable to attend the meeting; however, the Resolution will be forwarded to him. The Resolution for former Commissioner Robert L. Vernon will be presented at his retirement dinner on July 23, 1992 by Commissioner Block.

C. Scheduling a Public Hearing on October 15, 1992 Relating to Review of Video Tapes in POST-Certified Training

Concern has existed for some time that audio/visual training aids, particularly videotapes, may not always be appropriately screened before being used in POST-certified training courses. The consequences of inappropriate video training tapes being used include potential erroneous actions by officers and liability for employers, trainers, and POST.

It was recommended that the Commission schedule a public hearing for October 15, 1992 to receive testimony on the proposal to establish regulations relating to review of video tapes in POST-certified training.

MOTION - Tidwell, second - Lowenberg, carried unanimously to schedule a public hearing for October 15, 1992, to consider adopting the proposed regulations relating to review of video tapes in POST-certified training.

D. Approval of Voluntary Guidelines Relating to Evaluation of Canine Teams

In response to a request for POST to consider adoption of standards for law enforcement canine programs, representatives from 26 agencies were brought together and guidelines were developed. Staff presented the proposed guidelines for evaluating performance of officer/canine teams. Evaluation will be conducted by the departments using canine team evaluators who are experienced and trained in a POST-certified evaluator's course.

The Advisory Committee reviewed the guidelines at its meeting on July 15 and recommended several amendments to the guidelines which the Commission agreed be incorporated.

MOTION - Hall-Esser, second - Montenegro, carried unanimously to approve the guidelines with amendments and disseminate a copy to each participating department.

E. Report of the Basic Course Study

Over the past several years, and more particularly since September of 1991, the Commission has devoted considerable time and energy to analyze and recommend ways to improve the effectiveness of the Basic Course. Staff presented its report outlining a number of steps which could be taken to make the transition from the current Basic Course if it is ultimately decided that the anticipated improvements are worth the effort, time, and money. It was noted that each of the report's components would need to be developed

further and brought back to the Commission for approval, including estimates of costs and benefits.

During discussion, the Commission tended toward an approach in which the Commission would proceed with the various steps outlined in the report incrementally as warranted, carefully monitoring and approving each step.

MOTION - Wasserman, second - Tidwell, carried unanimously to approve the report in concept, to conduct a patrol officer job task analysis to determine the current and projected future job responsibilities, and to authorize the conversion of instructor unit guides into student workbooks as the first step in this process, and to report back to the Commission for authorization to work on other steps as indicated.

STANDARDS-AND EVALUATION

F. Development and Implementation of Selection Standards for Public Safety Dispatchers

Upon establishment of the Public Safety Dispatcher Program in 1989, the Commission adopted initial selection standards for dispatchers with the expectation that more definitive standards would be forthcoming upon completion of a statewide job analysis. The job analysis was recently completed and resulted in the identification of 22 abilities and 14 personality traits that are both essential for successful performance of dispatcher work and necessary upon entry into the profession.

A program of research to develop selection procedures for public safety dispatchers will extend into late 1994. Initial efforts are being focused on the development of written and audio-tape based performance tests for various cognitive abilities, with initial field testing of an experimental battery of such tests scheduled to begin in late July 1992.

This report was presented to inform the Commission on progress being made in the development of more definitive selection standards for public safety dispatchers, and to confirm that the directions being taken with regard to developing and implementing such standards are supported by the Commission.

MOTION - Tidwell, second - Wasserman, carried unanimously to authorize staff to proceed with the development and implementation of selection standards for public safety dispatchers.

G. Results of Field Survey Regarding Fiscal Year 1992/93 Expenditures

The results of the recently completed field survey regarding FY 92/93 expenditures were reviewed. The information received will be useful as the Commission deliberates on POST issues relating to training and reimbursement policy.

By consensus the Commission received the report.

EXECUTIVE OFFICE

H. Report on a New Basis for POST Financial Training Support

Staff reported on a proposed new basis for POST financial training support as an alternative to the current formula the Commission uses to allocate resources. The concept represents a shift in emphasis away from reimbursement based on a salary formula and toward support for training.

The report contained three recommendations: (1) that POST analyze training needs from recruit to executive levels and develop a proposed integrated and correlated set of recommended priority training; (2) working with others, including experts, match the most effective training methods to correspond to the content of courses identified in step #1; (3) to prepare a report on changing the bases of POST's financial support from a salary based formula to one more directly related to developing and delivering training. Other issues mentioned in the report and Commission discussion included the desirability of bringing training to departments and regions, conserving travel and per diem money as a consequence, and exploring the idea of assigning weight to courses as part of the presentation's financial support formula.

After discussion, MOTION - Lungren, second - Hunt, carried unanimously to approve the studying of the concept further and to report back to the Commission on each segment as appropriate.

I. Report and Recommendation to Pilot Test Several Outreach Presentations of the Supervisory Leadership Institute

The Supervisory Leadership Institute program has proven highly successful and is believed to significantly enhance leadership capabilities of first line supervisors. The current volume of training results in approximately 200 graduates per year. While significant, this volume is less than the statewide annual attrition for the supervisory position. A waiting list of 400 currently exists.

An outreach program would increase volume of supervisory leadership training; however, POST needs experience to learn the potential strengths and weaknesses of various approaches in the outreach format of the Supervisory Leadership Institute. Therefore, it was proposed that several pilot offerings in local jurisdictions over the next 18 months be conducted.

MOTION - Block, second - Lowenberg, carried unanimously to approve the pilot project for the Supervisory Leadership Institute outreach experiment and report back to the Commission in approximately 18 months.

J. Report and Recommendation to Eliminate Salary Reimbursement to Agencies Whose Officers Attend the Command College, and to Conduct a Study on the POST Executive Training and Command College Programs

POST's Executive training and development program currently includes the Executive Development Course, the Office of the Sheriff series, Area Executive Workshops, and the Command College. The Commission received a report and recommendation that training and development needs of California law enforcement leadership be reviewed from a fresh perspective with a report and recommendations to be brought back to the Commission. The review of the Command College and other programs will include input from a committee of top experts as well as law enforcement representatives.

The Commission also received the recommendation of the Finance Committee that POST eliminate salary reimbursement for those who attend the Command College, effective with Class 18.

MOTION - Block, second - Wasserman, carried unanimously to eliminate salary reimbursement to agencies having officers attending the Command College effective with Class 18 which begins in July, 1992, and to authorize a study of executive and leadership training and development program needs.

K. Approval of a One-Year Pilot Program Allowing Conditional Continuing Professional Training (CPT) Credit for POST-Approved Telecourse Videos

Staff presented a proposal that would permit viewing of videotape recordings of POST-certified telecourses to be credited toward meeting the continuing professional training requirement. It was proposed that a one-year pilot project, to begin by January 1, 1993, be conducted wherein local agencies would be certified to present POST telecourse

recordings, and related instructional materials, for the purpose of meeting the CPT requirement.

The Long Range Planning Committee previously reviewed the proposed pilot project and recommended approval.

MOTION - Lowenberg, second - Montenegro, carried unanimously to authorize a one-year pilot project to allow conditional continuing professional training (CPT) credit for POST-approved telecourse videos.

L. Approval to Apply for a \$3.5 Million Federal Grant Relating to Law Enforcement Satellite Training for Both Courseware and Hardware

Staff reported that a preliminary proposal has been submitted requesting a grant from the Federal Department of Justice, Bureau of Justice Administration (BJA) for \$3.5 million. Proposals must include research, training, technical assistance, and evaluation in the areas of Narcotics and Violent Crime. POST would propose to complete the work by implementing a State Model Distance Learning Program.

MOTION - Block, second - Montenegro, carried unanimously to authorize the Executive Director to apply for a \$3.5 million federal grant relating to law enforcement satellite training for both courseware and hardware.

M. Approval of a \$21,000 Contract with Ingres Corporation for Data Base Technical Support

Staff requested that a maintenance contract for an amount not to exceed \$21,000 be awarded to the Ingres Corporation. The contract will provide annual technical support and modifications to the Ingres data base management system currently installed on POST's VAX minicomputer. The term of the contract would be July 1, 1992 to June 30, 1993.

MOTION - Block, second - Montenegro, carried unanimously by ROLL CALL VOTE to authorize the Executive Director to sign a contract with Ingres for support services for an amount not to exceed \$21,000.

N. Approval of a \$50,000 Contract for Maintenance of the VAX Computer and Some Peripherals

It was recommended that a maintenance contract for an amount not to exceed \$50,000 be awarded to the lowest qualified bidder for POST's VAX minicomputer and peripheral equipment. The term of the contract would be for the 12-month period commencing September 1, 1992.

MOTION - Wasserman, second - Montenegro, carried unanimously by ROLL CALL VOTE to authorize the Executive Director to sign a contract with the successful bidder for an amount not to exceed \$50,000.

COMMITTEE REPORTS

O. Training Review Committee

As an outcome of the Symposium on Training Issues held in September 1991, a POST Management Fellow was hired as a special consultant to develop a report addressing the use of force issues identified. Staff presented an overview of the report to the Commission.

Commissioner Wasserman, Chairman of the Training Review Committee, reported that the Committee met on June 11 and July 15 to review final drafts of both the Basic Course Study and the Use of Force Report. As a result of detailed discussion, the Committee recommended that the Commission pursue the following:

- a. Accept and endorse the Use of Force Report. POST should share the study by publishing and widely distributing the results.
- b. Direct staff to begin implementing critical recommendations identified for immediate consideration.
- c. Direct staff to report the status of the implementation of the recommendations to the Training Review Committee on a quarterly basis.
- d. Share the findings from the Use of Force Report with agencies, professional law enforcement organizations, trainers, and community representatives to ensure the successful implementation of the training recommendations. To accomplish this, the Committee recommended approval to reconvene the Symposium on Training Issues to provide wide-based input on implementation strategies and plans.

MOTION - Wasserman, second - Lowenberg, carried unanimously to approve the recommendations of the Training Review Committee, including reconvening the Symposium on Training Issues to be held on September 15/17 in San Diego.

P. Long Range Planning Committee

Chairman Maghakian, who also chairs the Long Range Planning Committee, reported that the Committee met in Los Angeles on June 23, 1992. In addition to certain topics already addressed on the agenda, the Committee received presentations by experts in the field of distance learning technology. Another committee meeting will be held to include organizations who have expressed an interest in making arrangements with POST regarding satellite distance learning.

In addition, consistent with Commission policy, the Committee reviewed the Executive Director's vacation (and education expense) allowances. The Director's compensation package otherwise is set by the State. The Committee recommended continuation of the current 33 days vacation and \$5,000 annual educational expense.

MOTION - Wasserman, second - Block, carried unanimously to approve the Committee's recommendation.

Q. Finance Committee

Commissioner Wasserman, Chairman of the Finance Committee, reported the Committee met on Wednesday, July 15 in San Diego.

1. The Committee reviewed the year end financial report which indicated a training reimbursement fund balance of \$4.25 million. It was recommended that the Commission approve a retroactive salary reimbursement adjustment at a cost of approximately \$1 million. This is an equity adjustment to bring the salary reimbursement rate to 20% for the basic and 35% for all other qualifying training courses for last fiscal year.

MOTION - Wasserman, second - Lowenberg, carried unanimously to approve the salary reimbursement rate at 20% for the basic course and 35% for all other qualifying training courses retroactive to July 1, 1991.

2. Reimbursement options for FY 92/93 were reviewed and, based on training projections and available revenue, the Committee recommended the Commission adopt a starting salary level rate of 20% for all courses. This recommendation is subject to the passage of the state budget. The Finance Committee will reconvene to confirm this action after the budget is passed and POST's final funding level is known.

MOTION - Wasserman, second - Tidwell, carried unanimously to adopt a starting salary level rate of 20% for all eligible salary courses for FY 92/93.

3. The committee also considered a number of alternatives to free up revenue, but most touched on programs which would require further study. The committee feels that the better course would be to review the new finance support approach that was discussed earlier on the agenda and to defer decisions depending on the outcome of that study.

This was for information only and no action was taken.

The Committee also recommended that staff study the feasibility of some level of financial support for equipment associated with the interactive videodisc program. This would be similar to the satellite dish proposal but on a smaller scale. It would be designed to encourage and assist departments to gear up for IVD training with POST paying an incentive, but by no means the full cost of equipment.

MOTION - Wasserman, second - Tidwell, carried unanimously that staff study the feasibility of some level of financial support for equipment associated with the interactive videodisc program and report back.

4. The budget change proposals (BCPs) for FY 93/94 were also reviewed, and the Committee recommends approval of the continuation of two limited-term positions on a full-time basis (Associate Government Program Analyst and Office Assistant). These two were previously approved and no increased budget costs will be incurred.

A third BCP was recommended to formally place asset forfeiture funds for FY 93/94 in the amount of approximately \$2.55 million in POST's budget. This is in keeping with the existing law which requires annual appropriation for this purpose.

MOTION - Wasserman, second - Block, carried unanimously to approve the budget change proposals for FY 93/94 as presented.

5. The Committee also reviewed contracts entered into by POST during the FY 92/93. Those contracts which exceed \$10,000 are approved by the Commission. The authority to enter into contracts and agreements of

lesser amounts is delegated to the Executive Director with an annual review by the Finance Committee.

This item was for information only and no action was required.

R. Legislative Review Committee

Chairman Block, Chairman of the Commission's Legislative Review Committee, reported on the results of the Committee meeting held July 16, 1992 just prior to the Commission meeting and recommended the following positions on current legislation:

	<u>Recommended Position</u>
1. AB 401 (Epple) - Establishes California Commission on Law Enforcement Policies, Procedures, and Training	Support with Amendments
2. AB 2662 (Hayden) - Requires specified hate crime training to be included in the Basic Course	Oppose unless Amended
3. AB 2782 (Campbell) - Mandates tuition of \$50/semester unit at community colleges for persons possessing a BA degree	Oppose unless Amended

There was consensus that the Commission adopt the recommendations of the Legislative Review Committee.

S. Advisory Liaison Committee

Raquel Montenegro, Chairman of the POST Advisory Liaison Committee, reported that the Committee met July 15, 1992 in San Diego and discussed a request resulting from the Joint Labor/Commission Workshop to expand labor representation on the POST Advisory Committee. The Committee recommended deferring this matter pending: (1) input from the Advisory Committee; (2) the outcome of an amended AB 401 which would add two rank and file members to the POST Commission; and (3) the outcome of establishing a Labor/Management Institute within POST.

The Commission concurred with the Committee's recommendation, and Chairman Maghakian assigned this matter to the Advisory Committee for its review and recommendation.

T. Advisory Committee

Donald L. Forkus, Chairman of the POST Advisory Committee, reported the Committee met on July 15, 1992 in San Diego.

In addition to items already discussed on the agenda, the Committee suggested that POST begin acting as a clearing-house of information on random drug testing. Staff reported that the POST library would serve as a repository to assist agencies in this regard. It was the consensus of the Commission that POST begin this service.

The Committee also discussed the desirability for POST's program and services to be better known. Chairman Maghakian directed staff to research methods of enhancing awareness of POST's programs and services.

The Committee was very supportive of the proposed satellite training and suggested an informational bulletin be sent to the field advising of the current status. Staff will prepare a bulletin for dissemination within the next few weeks.

OLD/NEW BUSINESS

U. Appointment of Advisory Committee Members

Chairman Maghakian made the following recommendations:

- Appoint Alicia Powers as representative of the Women Peace Officers' Association of California, Inc. (WPOA), to fill the position vacated by Dolores Kan which expires September 1992;
- Appoint Norm Cleaver, representing California Academy Directors' Association (CADA) for a three-year term of office beginning in September 1992; and
- Reappoint the following members for a three-year term of office beginning in September 1992

Charles Brobeck, representing California Police Chiefs' Association (CPCA);

Don Brown, representing California Organization of Police and Sheriffs (COPS);

Cecil Riley, representing California Specialized Law Enforcement.

MOTION - Tidwell, second - Block, carried unanimously to accept the appointments of Alicia Powers and Norm Cleaver,

and the reappointments of Charles Brobeck, Don Brown, and Cecil Riley as members of the Advisory Committee.

Chairman Maghakian requested that Commissioners submit names for consideration to fill the unexpired public member position of Carolyn Owens who resigned. The appointment will expire September 1993.

W. Report on Activities Resulting from Joint Labor/Commission Workshop

It was reported that a meeting has been scheduled for July 16/17 to consider the potential mission and benefits of a Labor/Management Institute. Attendees will include representatives from law enforcement management, rank and file associations, the Commission and the POST Advisory Committee.

Shaun Mathers, President of the Association for Los Angeles Deputy Sheriffs, Inc. presented letters from various rank and file associations, requesting that the Commission rescind the action taken at the July 1991 Commission meeting regarding the revocation of POST certificates.

MOTION - Lowenberg, second - Lungren, carried unanimously, that the Commission schedule the request to rescind its previous action regarding the revocation of POST certificates at its October 15, 1992 meeting, and that representatives of rank and file associations be invited to provide the Commission with their concerns.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

October 15, 1992 - Radisson Hotel - Irvine
January 21, 1993 - Holiday Inn Embarcadero, San Diego
April 15, 1993 - Pan Pacific Hotel - San Diego
July 22, 1993 - San Diego

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Course Certification/Decertification Report		Meeting Date October 15, 1992
Bureau Training Delivery Services	Reviewed By <i>RSA by BT</i> Ronald T. Allen, Chief	Researched By <i>Rachel S. Fuentes</i> Rachel S. Fuentes
Executive Director Approval <i>Moussa C. Beelum</i>	Date of Approval 9-28-92	Date of Report September 16, 1992
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.

The following courses have been certified or decertified since the July 16, 1992 Commission meeting:

CERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1.	Skills & Knowledge Modular Training	Mono Co. S.D.	Technical	IV	\$ 4,400
2.	Aviation Security (P.C. 832.1)	Ventura College	Technical	IV	-0-
3.	Firearms/Semi-auto Pistol	San Bernardino Co. S.D.	Technical	IV	23,328
4.	School Peace Officer (832.2)	Ventura College	Technical	IV	-0-
5.	School Peace Officer (832.2)	Rio Hondo RTC	Technical	IV	-0-
6.	Physical Training Instructor's Course	Golden West Col. RCJTC	Technical	IV	11,520
7.	Skills & Knowledge Modular Training	San Francisco S.D.	Technical	IV	-0-
8.	Skills & Knowledge Modular Training	Stockton P.D.	Technical	IV	960
9.	Skills & Knowledge Modular Training	Monterey Peninsula College	Technical	IV	16,128

CERTIFIED (Continued)

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
10.	Missing Persons/ Runaways	Ventura Co. CJTC	Technical	IV	\$ -0-
11.	Missing Persons/ Runaways	Tuolumne Co. SD	Technical	IV	-0-
12.	Defensive Tactics Instructor Update	San Bernardino Co. S.D.	Technical	IV	13,440
13.	Team Building Wkshp.	Ellen Kirschman, Ph.D.	TBW	III	10,978
14.	Team building Wkshp.	Selfridge & Assoc.	TBW	III	10,978
15.	Forensic Exam of Paint	Calif. Crim. Inst.	Technical	IV	11,400
16.	Forensic Exam-Poly- merase Chain	Calif. Crim. Inst.	Technical	IV	6,118
17.	Basic Course-Extended	Monterey Penin- sula College	Technical	N/A	-0-
18.	Injury & Illness Prev.	CPOA	Mgmt. Sem.	III	12,276
19.	Supervisory Course	Kern Co. S.D.	Supv. Trng.	II	11,154
20.	Reserve Training, Module A & B	Cerro Coso Comm. College	Reserve Training	N/A	-0-
21.	Tactical Communication	Butte College	Technical	IV	6,336
22. - 29.	8 additional Proposition 115 Hearsay Evidence Testimony Course Presenters have been certified as of 09-16-92. Presentation of this course is generally done using a copy of POST Proposition 115 Video Tape. To date, 241 presenters of Proposition 115 have been certified.				

DECERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Category</u>	<u>Reimbursement Plan</u>
1.	Sexual Assault Invest.	Redwoods Center	Technical	IV
2.	Traffic Acc Collision Skidmark Analysis	Redwoods Center	Technical	IV
3.	Missing Persons/ Runaways	Whittier P.D.	Technical	IV
4.	Field Evidence Techn.	Riverside City Col.	Technical	IV
5.	Supervisory Press Relations	Los Angeles P.D.	Supv. Trng.	IV
6.	Conduct and the Community	Long Beach P.D.	Technical	IV
7.	R.R. Grade Crossing Acc. Inv.	San Diego LETC	Technical	IV
8.	Civil Disobedience Trng. - Supv.	San Diego P.D.	Supv. Trng.	IV
9.	Defensive Tactics, Adv.	FBI - L.A.	Technical	IV
10.	Driver Awareness Update	Madera Co. S.D.	Technical	IV

TOTAL CERTIFIED	<u>29</u>
TOTAL DECERTIFIED	<u>10</u>
TOTAL MODIFICATIONS	<u>12</u>

1327 Courses certified as of 09-16-92
381 Presenters certified as of 09-16-92

644 Skills & Knowledge Modules certified as of 09-16-92
60 Skills & Knowledge Presenters certified as of 09-16-92

1,971 TOTAL CERTIFIED COURSES

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title NEW AGENCY - KERN COUNTY DEPARTMENT OF CORONER		Meeting Date October 15, 1992
Bureau COMPLIANCE AND CERTIFICATES SERVICES	Reviewed By <i>[Signature]</i> Frederick Williams	Researched By Thomas Farnsworth
Executive Director Approval <i>[Signature]</i>	Date of Approval 8.31.92	Date of Report August 26, 1992
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 Kern County Department of Coroner is seeking entry into the POST Reimbursable Program on behalf of its investigators.

BACKGROUND

The provisions of 830.35 Penal Code permit the Department of Coroner to employ sworn investigators. The County of Kern has submitted the proper documentation supporting POST objectives and regulations.

ANALYSIS

The Kern County Department of Coroner has 8 full-time sworn investigators. Adequate background investigations have been conducted and the agency is complying with POST Regulations.

Fiscal impact for reimbursement of training costs approximate \$8,000 per year.

RECOMMENDATION

The Commission be advised that the Kern County Coroner's Department be admitted into the POST Reimbursement Program consistent with Commission policy.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title CANCELLED MEMBERSHIP - MERCED COLLEGE POLICE DEPARTMENT		Meeting Date October 15, 1992
Bureau COMPLIANCE AND CERTIFICATES SERVICES	Reviewed By <i>Frederick Williams</i>	Researched By Thomas Farnsworth <i>TF</i>
Executive Director Approval <i>Monroe C. Boehm</i>	Date of Approval 9.24.92	Date of Report August 17, 1992
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.		
<p><u>ISSUE</u></p> <p>The Merced College Police Department has been disbanded and in its place a Security Department has been established.</p> <p><u>BACKGROUND</u></p> <p>The Security Department of the College is no longer eligible for POST membership. Documentation from Dr. Duran of Merced College has been received advising POST of that fact.</p> <p><u>ANALYSIS</u></p> <p>The Police Department had two sworn officers plus a Security Department.</p> <p>This change will result in a savings to the POST budget of approximately \$1,000 per year.</p> <p><u>RECOMMENDATION</u></p> <p>The Commission be advised that the Merced College Police Department has been removed from the POST Reimbursement Program.</p>		

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Safety Dispatcher Program		Meeting Date October 15, 1992
Bureau Compliance and Certificates Services	Reviewed By <i>Frederick Williams</i> Frederick Williams	Researched By Gay Clark
Executive Director Approval <i>Norman C. Belton</i>	Date of Approval 9-21-92	Date of Report September 14, 1992
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

Acceptance of agencies into the Public Safety Dispatcher Program.

BACKGROUND

The agency shown on the attached list has requested participation in the POST Reimbursable Public Safety Dispatcher Program pursuant to Penal Code Sections 13510(c) and 13525. The agency has expressed their willingness to abide by POST Regulations and has passed an ordinance as required by Penal Code Section 13522.

ANALYSIS

The agency presently employs full-time dispatchers, and some part-time dispatchers. The agency has established minimum selection and training standards which equal or exceed the standards adopted for the program.

RECOMMENDATION

That the Commission be advised that the subject agency has been accepted into the POST Reimbursable Public Safety Dispatcher Program consistent with Commission policy.

NEW AGENCY IN THE PUBLIC SAFETY DISPATCHER PROGRAM

JULY 1992 - OCTOBER 1992

<u>AGENCY</u>	<u>ORD/RES/LETTER</u>	<u>ENTRY DATE</u>
California City P.D.	Ord. 89-415	8-11-92

315 participating agencies

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Hearing. Proposed Regulation Requiring the Review of Audio-Visual Training Materials		Meeting Date October 15, 1992
Bureau Training Program Services	Reviewed By Otto Saltenberger	Researched By Gary Sorg
Executive Director Approval <i>William C. Bullock</i>	Date of Approval 9-29-92	Date of Report September 28, 1992
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 mandate a review by certified course presenters of audio-visual training materials prior to classroom presentation using POST provided guidelines?

BACKGROUND

At the July 6, 1992 Commission meeting, the Commission received a report describing concerns that audio-visual training materials used in POST-certified courses may not always be appropriately screened prior to use in the classroom. The use of inappropriate audio-visual training materials could have serious consequences, including erroneous action by officers, injury to officers or the public, and liability for employers, trainers, and POST.

The Commission was informed that in response to direction of the Long Range Planning Committee, POST staff formed an advisory committee comprised of academy coordinators, training presenters, instructors, and video producers who have developed the POST Guidelines for Reviewing Audio-Visual Training Materials. A copy of the guidelines and list of committee members are attached (see Attachment A).

In order to ensure that audio-visual materials are reviewed prior to use in POST-certified courses, staff drafted an addition to Title II, Chapter 2, Section 1052 of the California Code of Regulations as found in the POST Administrative Manual. This section deals with "Requirements for Course Certification". The Commission approved the scheduling of a public hearing at the October 15 Commission meeting to consider adoption of the proposed regulation. The proposed regulation, Notice of Public Hearing, and Statement of Reasons are attached (see Attachment B).

The purpose of the proposed regulation and guidelines is to provide assurances that audio-visual training materials used in POST-certified courses:

- * would not lead a student to under or over react to a similar situation on the job
- * are compatible with existing laws, ethics, and procedures
- * are free of bias and not unnecessarily offensive
- * are relevant to the subject being taught
- * are appropriate for the intended audience

ANALYSIS

As proposed, the regulation would require that all audio-visual materials be reviewed by the presenter prior to allowing use in a POST-certified training course. Guidelines would be recommended for use in the conduct of the review. The Commission's principle concern has been with materials relating to critical, high liability subjects.

The Commission's special interest in critical, high liability subjects is reflected in the proposed regulation. Under the regulation, presenters would use methods of their choice to effect a review of materials generally. But, a prescribed review process would be required where the subject matter involved **cultural awareness, use of force, officer safety, field tactics, or driver training**. Requirements for review in these subject matter areas is proposed to include a written critique from (1) a law enforcement command officer, (2) a law enforcement supervisor, (3) a trainer, and (4) a subject matter expert. These requirements are proposed to ensure thorough review in these most sensitive areas.

Following release of the public hearing announcement a follow-up meeting has been conducted with the advisory committee, and input has been received from academy directors. Based upon these inputs, the following changes to the regulations submitted for public hearing are proposed for Commission consideration:

- o Delete language that makes subject to special review "Other subjects that might impact the safety of the public or the trainee". This provision has caused concerns of interpretation and appears to be excessively vague.
- o Add a provision exempting from required review those audio-visual materials already reviewed under POST auspices and made available to presenters. This provision is necessary to avoid redundant review and would also enable POST to convene experts to assist presenters with the review of commonly used materials.

- o Add a provision clarifying the prospective nature of the requirement. Some academy directors have expressed concerns that the regulation would force an expensive review of hundreds of existing videotapes in academy libraries. Prospective application of the regulation would seem appropriate to avoid undue hardship.

The proposed revised regulation reflecting the above proposed revisions is attached (see Attachment C).

A remaining concern of presenters is with the detailed requirement for special review when the subject matter is one of the five critical, high liability areas. In the view of some presenters, the requirement for review by a law enforcement command officer may be unnecessary and law enforcement agency heads may be reluctant to make the time of command officers available. Presenters assert that the regulation in this regard is unnecessarily prescriptive. This concern was shared by the committee of trainers and producers who assisted in the development of review guidelines (the committee, however, was supportive of a regulation requiring all materials to be reviewed).

Should the Commission so desire, the prescriptive requirements in the critical areas could be shifted from the regulation to the proposed guidelines. Alternatively, the Commission could simply delete the special requirements in the critical subject areas. Deletion would, however, leave the regulation and guidelines without explicit language addressing the area of the Commission's primary concern.

A remaining concern expressed by academy directors is that the regulation is simply not needed. Some believe that review of audio-visuals are now appropriately conducted by the academies. Testimony may be offered at the hearing.

RECOMMENDATION

Subject to input from the public hearing it is recommended that the Commission adopt the regulation with revisions as shown in Attachment C.

POST GUIDELINES FOR REVIEWING AUDIO-VISUAL TRAINING MATERIALS

Commission on Peace Officer Standards and Training
Sacramento, California

August 1992

TRAINING MATERIALS REVIEW ADVISORY COMMITTEE

Thomas H. Anderson
Justice Training Institute

Sergeant Roy Levario
Los Angeles County Sheriff's
Department Academy

Lieutenant Jim Cooper
South San Francisco
Police Department

Sergeant Jim Starr
Los Angeles Police Department
Academy

Sergeant John Currie
San Francisco Police
Department Academy

Rick Michelson
California Association of
Criminal Justice Educators

Lyle Davis, Instructor
Administration of Justice
Merced College

Officer Ken Sanchez
San Francisco Police
Department Academy

Sergeant Steve Foulds
California Highway Patrol
Academy

Carley Mitchell, Chairman
California Academy Directors
Association

Art Garrett, Executive Secretary
California Association of Police
Training Officers

Sergeant Richard Shiraishi
Sacramento Police Department
Academy

Sergeant Patrick Haw
Oakland Police Department
Academy

Sergeant John Smiertelny
Orange County Sheriff's
Department Training Academy

Deputy Juanita Hufalar
Sacramento County Sheriff's
Department Academy

Judy Tucker, Senior
Investigator
Fresno County District
Attorney's Office

**GUIDELINES FOR REVIEWING
AUDIO-VISUAL TRAINING MATERIALS**

The use of inappropriate or inaccurate audio-visual training materials in law enforcement training can result in civil litigation, poor tactical decisions, or may be offensive to students based on negative stereotyping. The purpose of these guidelines is to give direction and assistance to presenters and instructors.

GUIDELINE I

AUDIO-VISUAL TRAINING MATERIALS SHOULD GUIDE THE STUDENT TO RESPOND APPROPRIATELY TO SIMILAR SITUATIONS ON THE JOB.

1. Audio-visual training materials should eliminate controversy and confusion to ensure that students do not under or over-react to similar situations on the job. To this end the instructor should identify, clarify, and discuss any controversial part within the training material and any appropriate civil liability issues.

Note: This does not preclude the use of materials depicting incorrect or inappropriate behavior in order to illustrate a training point. However, these examples should be followed by materials showing correct behavior and/or an explanation by the instructor.

GUIDELINE II

AUDIO-VISUAL TRAINING MATERIALS SHOULD BE COMPATIBLE WITH EXISTING LAW, LAW ENFORCEMENT ETHICS, AND PROFESSIONAL TRAINING PHILOSOPHIES.

GUIDELINE III

AUDIO-VISUAL TRAINING MATERIALS SHOULD BE FREE OF BIAS OR STEREOTYPING ON THE BASIS OF RACE, GENDER, NATIONAL ORIGIN, RELIGIOUS BELIEF, POLITICAL AFFILIATION, DISABILITY, OR SEXUAL ORIENTATION.

1. It may be necessary to depict stereotypes in order to illustrate a point, such as in courses dealing with:
 - a. sexual harassment,
 - b. hate crimes,
 - c. gangs, or
 - d. other "group specific" training.

GUIDELINE IV

AUDIO-VISUAL TRAINING MATERIAL SHOULD BE FREE OF OFFENSIVE LANGUAGE OR INAPPROPRIATE HUMOR.

1. Offensive language may be necessary to illustrate a point or create a realistic training experience.
2. Humor that is demeaning to any group or individual should be avoided.

GUIDELINE V

AUDIO-VISUAL TRAINING MATERIALS SHOULD BE RELEVANT TO THE SUBJECT MATTER BEING TAUGHT.

1. Audio-visual training materials involving other issues may be interesting, but tend to dilute the intended training and use up valuable class time.

Note: The use of brief audio-visuals unrelated to the subject matter which provide a needed break in instruction may be used if they meet the other criteria within these guidelines.

2. Instructors should be familiar with the audio-visual training material prior to classroom use.

GUIDELINE VI

THE CONTENT OF AUDIO-VISUAL TRAINING MATERIAL SHOULD BE AT THE APPROPRIATE LEVEL FOR THE INTENDED AUDIENCE.

1. Consideration should be given to the experience level and classification of the audience, such as:
 - a. entry level vs. advanced personnel
 - b. sworn vs. non-sworn personnel

2. The composition of the audience should be considered when using audio-visual training materials that contain confidential or sensitive information.

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

REVIEWING AUDIO-VISUAL TRAINING MATERIALS

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, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the Commission on:

Date: October 15, 1992
 Time: 10:00 a.m.
 Place: ~~Red Lion Hotel~~ Radisson Hotel, 18800 McArthur Blvd.
 Irvine, 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

Currently over 1,800 training courses are certified by POST involving some 345 different presenters. POST has a responsibility for the content of the courses it certifies, but allows for program flexibility to accommodate local tactics, policies, and procedures. In the past, POST has placed no restriction on the use of audio-visual training materials used to aid instruction. It has been left solely to the discretion of the presenter to ensure that audio-visual training materials are appropriate.

There are numerous audio-visual training materials available to presenters of certified training. We have discovered that in many cases these materials are shown to trainees without previous review. This can lead to officers being exposed to audio-visuals which are not consistent with existing laws and/or accepted statewide practices and procedures. If so, there is a hazard that officers may take incorrect action in the field, based on audio-visual training material they viewed in class.

In an effort to improve the quality and appropriateness of audio-visual training materials used in law enforcement training, POST has developed guidelines for reviewing audio-visual training materials. This document, entitled *POST Guidelines for Reviewing Audio-Visual Training Materials*, encourages presenters to confirm, prior to use in the classroom, that their audio-visual training materials:

- o would not lead a student to under or over-react to a similar situation on the job

- o are compatible with existing laws, ethics, procedures
- o are free of bias and not unnecessarily offensive
- o are relevant to the subject being taught
- o are appropriate for the intended audience

The proposed amendment would also require that the presenter's review include a critique of the audio-visual material from a law enforcement command officer, a law enforcement supervisor, a law enforcement trainer, and a subject matter expert when the subject matter of the audio-visual material addresses high liability issues or issues that might impact the safety of the public or the trainee.

To ensure that a review occurs, it is proposed that Regulation 1052 be amended to add section (g), which would require POST-certified presenters to subject their audio-visual materials to review and refer them to the *POST Guidelines for Reviewing Audio-Visual Training Materials* as reference. Such a regulation would serve to enhance course quality and reduce the potential for civil liability.

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 September 28, 1992. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and training, 1601 Alhambra Blvd., 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 written request 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

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Small Business Impact: None

Declaration on Small Business Impact: The Commission on Peace Officers Standards and Training, in the development of the proposed regulation, has assessed the potential for adverse economic impact on small businesses in California and has found that the proposed amendment of the California Code of Regulations will have no effect. This finding was based on the determination that the proposed amendment to the California Code of Regulations in no way applies to small businesses, other than private POST-certified training presenters.

Costs Impact on Private Persons or Entities: None

Housing Costs: None

CONSIDERATION OF ALTERNATIVES

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

Inquires concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Anna Del Porto, Associate Governmental Program Analyst, 1601 Alhambra Blvd., Sacramento, CA or by telephone at (916) 739-5400.

Note: Authority cited: Sections 13503 and 13506, Penal Code.
Reference: Section 13503(e), Penal Code.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083



August 4, 1992

BULLETIN: 92-23

SUBJECT: PUBLIC HEARING: TO ADOPT A REGULATION TO REQUIRE
POST-CERTIFIED TRAINING PRESENTERS TO REVIEW
AUDIO-VISUAL TRAINING MATERIALS PRIOR TO USE IN
THE CLASSROOM.

A public hearing has been scheduled in conjunction with the
October 1992 Commission meeting:

Date: October 15, 1992
Time: 10:00 a.m.
Place: Red Lion Hotel ←
Irvine, California

The hearing is to consider a proposed addition to Commission regulations that would require POST-certified course presenters to review their audio-visual training materials prior to use in the classroom. The POST-certified presenter would be encouraged to use the *POST Guidelines for Reviewing Audio-Visual Training Materials*. The guidelines are intended to assist presenters in reviewing audio-visual training materials to ensure that the materials used in the classroom:

- o would not lead a student to under or over-react to a similar situation on the job
- o are compatible with existing laws, ethics, procedures
- o are free of bias and not unnecessarily offensive
- o are relevant to the subject being taught
- o are appropriate for the intended audience

Additionally, the regulation would require the presenter's review to include written critiques from various law enforcement professionals when the material addresses specific high liability issues.

The Commission may adopt other changes based upon the public hearing proceedings and written comments received.

REGULATIONS

1052. Requirements for Course Certification

(a) - (f) continued

(g) The presenter of a POST-certified course shall review all audio-visual training materials prior to use in the classroom. (For reference see "POST Guidelines for Reviewing Audio-Visual Training Materials"). The review of audio-visual training material shall emphasize the avoidance of materials which depict situations, tactics, and procedures that could lead a trainee to take inappropriate actions on the job. The review shall also include careful examination of depictions of law enforcement work to assure consistency with existing law and accepted practices.

(1) The presenter's review shall minimally include a written critique of the material by a law enforcement command officer, law enforcement supervisor, law enforcement trainer, and a subject matter expert when the subject matter of the audio-visual training material addresses any of the following topics:

- (A) Cultural awareness
- (B) Use of force
- (C) Officer safety
- (D) Field tactics
- (E) Driver training
- (F) Other subjects that might impact the safety of the public or the trainee

The critiques shall be retained as record by the presenter.

(2) For the purposes of this regulation, "audio-visual training materials" are defined as: audio tapes, videotapes, films, slides, and other similar media. They do not include classroom hand-out material.

Note: Authority cited: Sections 13503 and 13506, Penal Code.
Reference: Section 13503(e), Penal Code.

Commission on Peace Officer Standards and Training

REVIEWING AUDIO-VISUAL TRAINING MATERIALS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on October 15, 1992, for the purpose of receiving comments on proposed changes to Commission Regulation 1052 of Chapter 2 of Title 11 of the California Code of Regulations. Specifically, this would be the addition of subsection (g) of Regulation 1052.

POST has the responsibility for course content of the training it certifies, but allows for program flexibility to accommodate local tactics, policies, and procedures. In the past, POST has placed no restriction on the use of audio-visual training materials used in POST-certified courses. It was left to the training presenter to ensure the appropriateness of audio-visual training materials. What POST has discovered is that in many cases in the past there has been no review of these materials prior to being used in the classroom. This can lead to officers being shown audio-visuals which are not consistent with existing laws, and/or accepted statewide law enforcement practices and procedures. This could result in incorrect actions/responses by officers who have viewed these non-previewed materials in class. The proposed addition to Regulation 1052 will require POST-certified presenters to review their audio-visual training materials prior to use in the classroom which would serve to enhance course quality and reduce the potential for civil liability.

It is proposed that a newly developed document entitled, *POST Guidelines for Reviewing Audio-Visual Training Materials*, be included as a reference in Regulation 1052. This document is designed to provide assistance to presenters in examining their audio-visual materials for appropriateness.

The following provides the justifications for the language to be added under the proposed amendment to Regulation 1052 (g):

The presenter of a POST-certified course shall review all audio-visual training materials prior to use in the classroom.

Justification:

This language is necessary to ensure that as part of the course certification requirements a POST-certified presenter will review any audio-visual training material prior to use.

The required review will reduce the potential for civil liability for the training presenter and for all those impacted by the training, and will also serve to enhance the quality of POST-certified courses.

(For reference see "POST Guidelines for Reviewing Audio-Visual Training Materials")

Justification:

In order to perform a review of audio-visual training material effectively, POST has developed guidelines to assist presenters in their review. The guidelines are aimed at addressing high-liability issues, and when used as part of the review may protect the presenter, the trainee's agency, the trainee, and the public who the trainee will ultimately serve.

The review of audio-visual training material shall emphasize the avoidance of materials which depict situations, tactics, and procedures that could lead a trainee to take inappropriate actions on the job. The review shall also include careful examination of depictions of law enforcement work to assure consistency with existing laws and accepted practices.

Justification:

Incorrect depictions could have serious consequences. This could range from the trainee later taking action which is unnecessarily offensive or depriving a citizen of their civil rights to causing physical harm to the trainee or the public.

The presenter's review shall minimally include a written critique of the material by a law enforcement command officer, law enforcement supervisor, law enforcement trainer, and a subject matter expert when the subject matter of the audio-visual training material addresses any of the following topics:

- cultural awareness
- use of force
- officer safety
- field tactics
- driver training
- other subjects that might impact the safety of the public or the trainee

The critiques shall be retained as record by the presenter.

Justification:

The subjects delineated in this part of the proposed regulation deal mainly with life and death issues and in one case, "cultural awareness", addresses an area where there is a great need for sensitivity. Improper actions as a result of viewing non-previewed material could lead to civil disobedience, property damage, injury or death.

The critiques from a command officer and a supervisor are required to assure that the presenter has obtained the views of individuals who could cover the areas of liability and personnel management concerns. Critiques from a law enforcement trainer and subject matter expert are required to assure that the presenter has obtained the views of individuals who could cover the areas of quality and appropriateness of the material dealing with these crucial subjects.

The critiques are required to be in writing and on record, so that, if necessary, a POST Consultant can determine that the critiques are being included as part of the review. The written critiques are also available for discussion, if necessary, between the presenter and the POST Consultant.

For the purposes of this regulation, "audio-visual training materials" are defined as: audio tapes, videotapes, films, slides, and other similar media. They do not include classroom hand-out material.

Justification:

This language serves as clarification, to avoid having a presenter conduct unnecessary reviews, and to assure that a presenter understands what is meant by audio-visual training material and, therefore, materials described here do not go unreviewed.

REGULATIONS

1052. Requirements for Course Certification

(a) - (f) continued

(g) The presenter of a POST-certified course shall review all audio-visual training materials prior to use in the classroom. (For reference see "POST Guidelines for Reviewing Audio-Visual Training Materials"). The review of audio-visual training material shall emphasize the avoidance of materials which depict situations, tactics, and procedures that could lead a trainee to take inappropriate actions on the job. The review shall also include careful examination of depictions of law enforcement work to assure consistency with existing law and accepted practices.

(1) The presenter's review shall minimally include a written critique of the material by a law enforcement command officer, law enforcement supervisor, law enforcement trainer, and a subject matter expert when the subject matter of the audio-visual training material addresses any of the following topics:

- (A) Cultural awareness
- (B) Use of force
- (C) Officer safety
- (D) Field tactics
- (E) Driver training
- ~~(F) Other subjects that might impact the safety of the public or the trainee~~

The critiques shall be retained as record by the presenter.

(2) For the purposes of this regulation, "audio-visual training materials" are defined as: audio tapes, videotapes, films, slides, and other similar media. They do not include classroom hand-out material.

(3) Audio-visual materials cataloged on the "POST Approved Media List," maintained by the Commission on Peace Officer Standards and Training, need not be subjected to the requirements of this regulation.

(4) Audio visual training materials in use prior to the effective date of this regulation shall not be

subjected to the requirements of this regulation.

Note: Authority cited: Sections 13503 and 13506, Penal Code.
Reference: Section 13503(e), Penal Code.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Appeal - Peace Officer Feasibility Study California Student Aid Commission.		Meeting Date October 15, 1992
Bureau Management Counseling Services Bureau	Reviewed By	Researched By <i>DiMiceli</i> Michael C. DiMiceli
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 9-24-92	Date of Report September 16, 1992
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 grant the appeal of the Student Aid Commission from the recommendation of the peace officer feasibility study not to designate as peace officers the investigators of the Student Aid Commission?

BACKGROUND

Senate Bill 353 (Presley) became effective May 3, 1990, adding Sections 13540-42 to the Penal Code. These sections assign to the Commission on POST the responsibility to conduct a study and provide a recommendation concerning whether certain persons who are not peace officers, and who request a study, should be designated as peace officers.

To implement the provisions of Sections 13540-42, Penal Code, the Commission adopted Regulation 1019. Regulation 1019(g) permits the employing jurisdiction or person who requested the study to appeal the study recommendation to the POST Commission.

In 1990, Samuel Kipp III, Executive Director, California Student Aid Commission (CSAC), requested a peace officer feasibility study on behalf of the investigator positions of CSAC.

After reviewing the work of the CSAC investigators, POST staff concluded: 1) the investigators are satisfactorily performing the duties and responsibilities specified for the position; and, 2) peace officer powers and authority are not required to conduct CSAC investigations.

Accordingly, staff recommended the investigator position at CSAC not be designated as a peace officer.

The completed study report and recommendation was summarized for the Commission at the November 1990 meeting, and sent to the Legislature and CSAC Executive Director Kipp in March 1991.

The completed study report is attached, Attachment A.

During July 1992, CSAC staff met with POST staff to discuss the completed study and present additional information in support of a request to revise the recommendation to support peace officer designation. POST staff reviewed the information CSAC presented and concluded that it did not demonstrate errors or omissions in the original study that materially affect the conclusions or recommendation.

In August 1992, CSAC Executive Director Kipp, pursuant to Commission Procedure 1019(g), requested an appeal from the recommendation of the study. That appeal is now before the Commission.

The request from Executive Director Kipp and the memorandum describing the reasons why the investigator positions should be designated as peace officers are attached, Attachment B.

ANALYSIS

Methodology of the Study

Penal Code Section 13541 describes the scope of the study as including but not 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.

In preparation for this study, which was the first since the new law became effective, POST staff developed internal policies and procedures to guide the study process. In addition to the requirements for the study that are specified in law and POST regulations, important considerations in the study process are:

1. Data collection should include comprehensive interviews with all concerned staff, or with a significant and representative number of staff;
2. Data collection will review relevant case files, narrative and statistical reports from the employing agency and other agencies, job descriptions, and other information, as appropriate;
3. Data collection will include contact with allied agencies that cooperate with or assist the agency involved in the study, as appropriate;

4. The position that is the subject of the study will not be compared with existing peace officer positions;
5. The study will focus narrowly on the job tasks of the position under study to identify tasks that specifically require peace officer authority; and,
6. Collateral benefits of peace officer status (e.g., improved recruitment and retention, improved retirement benefits) that are not directly related to the current or proposed duties and responsibilities will be acknowledged but will not influence the final recommendation.

POST staff interviewed CSAC Executive Director Kipp, the Audits and Investigation Division Chief, the Investigations Branch Supervising Special Investigator, the Senior Special Investigator and the three Special Investigators assigned to the Investigations Branch. The CSAC memorandum that described the investigative workload and reasons why peace officer status is necessary was studied.

CSAC policies, procedures and investigative case files were reviewed. The legal responsibility and authority that supports CSAC investigative activity was examined. The manner in which investigative cases are opened and categorized for investigation was discussed with CSAC staff. CSAC opens an investigation based upon information it receives that, if correct, would constitute a criminal offense. During each investigation, the circumstances and information frequently shift the emphasis from criminal to administrative.

One hundred and twenty-six individual case files, classified by CSAC as closed or inactive, were examined. These files covered a period of 18 months during 1989 and 1990. A brief summary of each of the closed/inactive cases was prepared and retained in the feasibility study file. In addition, 110 investigative cases, classified by CSAC as open, were reviewed and, to the extent possible, discussed with the assigned investigators.

At the conclusion of the data collection and analysis, POST staff discussed the progress of the study and preliminary findings with the CSAC Supervising Special Investigator. The discussion confirmed the accuracy of the analysis of the investigative workload.

Analysis of Data

Exhibit 1, following this page, is an exhibit from the completed feasibility study report. That exhibit depicts the analysis of the 236 investigative cases that were reviewed. The analysis reveals:

STUDENT AID COMMISSION FEASIBILITY STUDY

	CASES EXAMINED			CASE DISPOSITIONS						ARREST AND SEARCH WARRANT ACTIVITY				
	Number of closed/inactive case files examined	Number of active cases examined	Total number of cases examined	Criminal complaints filed	Criminal complaints denied by Prosecutors	Case referrals to DOE/CIG for Federal Resolution	Case clearances through administrative actions	Case clearances through prosecutions by other agencies	Total ongoing active cases	Non Warrant arrests	Arrest Warrants issued	Arrest assistance by Peace Officer Agency served	Search Warrants	Search Warrant assistance by Peace Officer Agency
CATEGORY #1 CASES Serious violations. Not bona fide students. Commits or attempts theft of student aid loan funds through misrepresentation.	8	4	12	4	0	5	1	0	2	0	3	2	0	0
CATEGORY #2 CASES Bona fide students through misrepresentation attempts or acquires a student aid loan, falsifies attendance records, grades, etc.	30	57	87	10	3	4	25	2	43	2	7	5	1	1
CATEGORY #3 CASES Miscellaneous circumstances involving potential fraud, errors in use of SSN's check irregularities, anonymous tips, etc.	66	16	82	0	0	0	76	0	6	0	0	0	0	0
CATEGORY #4 CASES Allegations against schools or training institutions which indicate fraud, waste, or abuse. Includes school as victim.	12	30	42	3	0	2	22	0	15	0	3	2	0	0
CATEGORY #5 CASES Situations in which assistance is provided to Federal, State, County or Municipal Agencies.	10	3	13	0	0	0	11	1	1	0	0	0	1	1
TOTALS	126	110	236	17	3	11	135	3	67	2	13	9	2	2

1. Approximately 88% (208) of the 236 cases examined are resolved by administrative action.
2. Approximately 12% (28) of the cases examined resulted in prosecution action. Of these 28 cases, 17 were accepted by local prosecutors. The remainder were referred to federal authorities and the final disposition is not known.
3. Approximately 5% (12) of the cases examined were classified as involving the most serious (Category 1) fraud wherein non-students obtained student financial aid through misrepresentation. Four of those cases were prosecuted locally, five were referred to federal authorities, one was closed by administrative action and two remain under active investigation.
4. Approximately 6% (13) of the cases examined were opened to assist the investigation of an allied agency.
5. Thirteen arrest warrants were obtained, nine of which were served with local agency assistance; two non-warrant arrests were made at the request of local agency investigators who had an interest in those cases.
6. Two search warrants were obtained and served with local agency assistance. One search warrant was obtained while assisting another agency.

POST staff learned during the study that the designation as peace officers will not expand or impose new duties or responsibilities on CSAC investigators. Similarly, the nature and frequency of field law enforcement duties and responsibilities of CSAC investigators is not expected to change significantly.

POST staff also learned that undercover operations in the field are not conducted and surveillance is only occasionally employed. After the study, the CSAC investigators were able to describe only one incident where a verbal threat was made to an investigator; no assaults or violent confrontations have occurred.

Conclusions and Recommendation

After completing the analysis of the information and data collected during the study, POST staff conclude:

1. The investigative function is a necessary and integral responsibility of the CSAC;

2. The nature and frequency of field law enforcement duties and responsibilities will not change significantly in the future;
3. The investigators appear to be performing satisfactorily and in a manner consistent with the needs and direction of the Student Aid Commission;
4. CSAC investigators occasionally obtain arrest and search warrants, and need access to criminal offender records information;
5. CSAC investigations, even though opened with allegations of potential criminal activity, are closed most frequently by administrative action rather than criminal prosecution;
6. The investigations focus primarily upon students, staff and employees of educational institutions and financial organizations. Persons with established or serious criminal backgrounds are not the primary focus of the investigations; and,
7. The absence of peace officer authority and powers creates some inconvenience for the investigators but does not appear to present an obstacle that is detrimental to the successful performance of the duties and responsibilities of the CSAC Investigations Branch.

POST staff recommended the CSAC investigators not be designated as peace officers.

Staff also recommended CSAC explore legislation to include the investigators in Penal Code Section 830.11. This section provides peace officer authority, within the limited scope of employment, to make arrests, serve warrants and receive criminal offender record information but specifically does not designate the positions named as peace officers.

APPEAL - CALIFORNIA STUDENT AID COMMISSION

The following summarizes the memorandum submitted by CSAC in support of this request for appeal (the complete memorandum is attached, Attachment B):

1. CSAC believes POST staff incorrectly evaluated the need for peace officer designation based upon the conclusion or disposition of investigative cases.

CSAC proposes to evaluate the need for peace officer designation based upon the initial report of potential

criminal activity and, therefore, characterizes each investigation as criminal.

2. CSAC reviewed 154 investigative cases, opened in 1991, and reports the evaluation of those cases. The CSAC review discloses:
 - a. Approximately 96% (148) of the cases received a criminal investigation;
 - b. Approximately 4% (6) of the cases have been closed administratively;
 - c. 3% (4) of the cases are classified as Category 1, the most serious fraud wherein a non-student attempts to obtain student financial aid by misrepresentation;
 - d. Approximately 6% (9) of the cases were opened to assist the investigation of an allied agency;
 - e. Thirty-one arrest warrants were issued (and 11 more cases are pending with prosecutors). Twenty-five arrest warrants were served with allied agency assistance; the remaining warrants were apparently not served. No warrantless arrests were mentioned.
 - f. No search warrants were issued.

In addition, CSAC offers the following reasons why peace officer designation is necessary:

3. Safety - CSAC states the investigators are not now permitted to search for weapons, use force to effect an arrest or prevent an escape, nor are they protected from assaults.
4. Liability - CSAC states the investigators (and the agency) are not now protected from civil liability that may arise from claims of improper actions (false arrest or improper detention); are unable to prosecute when they receive false information or are obstructed during the investigation.
5. Legality Issues - CSAC states the investigators have difficulty or are unable to obtain information necessary to pursue their investigations because they are not peace officers; they are unable to obtain criminal records information.

6. Performance - CSAC states the performance of the investigators is impaired because: a) they do not have access to the automated information contained in the California Law Enforcement Telecommunication System (CLETS); and, b) peace officer cooperation is reduced.

CSAC staff will be present at the Commission meeting to present oral testimony in support of their position.

RESPONSE TO THE APPEAL - CONCLUSION and RECOMMENDATION

Response

POST staff have reviewed the original study and the information submitted by CSAC. Two issues appear to be central to the appeal:

1. The CSAC position is that because most new complaints (96%) are initially categorized as a potential criminal violation, peace officer designation and authority is required to conduct the investigation.

POST staff considered this initial classification of complaints during the study because the same process was in place at that time. Staff believe the disposition of all complaints describes the peace officer authority that is required during an investigation more accurately than the original classification. Peace officer designation provides the authority specifically to make arrests, with and without a warrant, serve search warrants, and receive criminal offender records information.

CSAC information does not indicate the final disposition of the cases described in the appeal except to report that 4% (6 cases) were initially classified as obvious administrative violations. Of the 148 cases in the CSAC review, only 31 arrest warrants (21%) were issued to clearly indicate a criminal investigation and the potential need for peace officer authority. No arrests without a warrant were reported. The remaining investigations apparently were referred to other agencies, unfounded, declined for prosecution, or remain under investigation. This workload does not differ significantly from the larger study completed by POST staff.

2. The CSAC position is that peace officer authority is required to provide additional safety to the investigators; to protect CSAC from liability from improper actions; to deal with false information and

obstructions the investigators encounter, and to obtain criminal offender records information.

None of the information collected by POST staff, either from the original study or the CSAC appeal, demonstrates that physical attacks on investigators or civil suits that allege improper actions by investigators occur. Because arrests are made solely on the basis of court issued warrants, in the cases studied, CSAC investigators are generally protected from allegations of illegal or improper arrests.

Although CSAC investigators are not authorized to receive criminal records information, that authority may be obtained by adding CSAC to Penal Code Section 830.11 without creating a new peace officer designation.

Conclusions

After reviewing the information from the study and the CSAC appeal, POST staff conclude:

1. Although the investigations that identified criminal activity and resulted in prosecution apparently increased during 1991, this criminal investigative activity still does not represent a significant portion of the total workload responsibilities;
2. The persons who are the subject of CSAC investigations are primarily students, employees and staff of educational and financial institutions who ordinarily have minor or no criminal backgrounds;
3. CSAC investigations focus on allegations of fraud or misrepresentation committed by misusing or manipulating the paper processes associated with student financial aid programs. No crimes of violence were discovered during the study;
4. The CSAC appeal does not demonstrate errors, omissions, or new data that significantly contradicts the original study data or the conclusions of POST staff;
5. Although the service of arrest and search warrants with allied agency assistance may be inconvenient, CSAC investigative work does not appear to be prevented nor significantly hindered by the lack of peace officer authority; and,
6. Alternatives to designation as peace officers exist that will provide sufficient authority to enhance the

limited criminal investigative responsibility of CSAC. Specifically, one alternative exists within the provisions of Penal Code Section 830.11.

Recommendation

Subject to the result of the discussion at the meeting with representatives of the California Student Aid Commission, it is recommended the appeal be denied.

STATE OF CALIFORNIA

PETE WILSON, Governor

DEPARTMENT OF JUSTICE

DANIEL E. LUNGREN, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING601 ALHAMBRA BOULEVARD
SACRAMENTO, CA 95816-7083GENERAL INFORMATION
(916) 739-5328EXECUTIVE OFFICE
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Administrative Services
(916) 739-5354*Center for Leadership
Development*
(916) 739-2093*Compliance and Certificates*
(916) 739-5377*Information Services*
(916) 739-5340*Management Counseling*
(916) 739-3868*Standards and Evaluation*
(916) 739-3872*Training Delivery Services*
(916) 739-5394*Training Program Services*
(916) 739-5372*Course Control*
(916) 739-5399*Professional Certificates*
(916) 739-5391*Reimbursements*
(916) 739-5367*Resource Library*
(916) 739-5353

March 20, 1991

Samuel M. Kipp, III
Executive Director
California Student Aid Commission
1515 S. Street, North Building, Suite 500
P.O. Box 942845
Sacramento, CA 94245-0845

Dear Mr. Kipp:

Penal Code Sections 13540-42 require that persons who desire to obtain peace officer status shall request the Commission on Peace Officer Standards and Training (POST) to undertake a feasibility study pertaining to the peace officer designation.

On March 13, 1990, you requested a peace officer feasibility study regarding the Student Aid Commission investigative staff.

The feasibility study is completed and the final report and recommendation is enclosed. The report fully describes the study and includes an executive summary for your convenience.

Pursuant to Penal Code Section 13542, a copy of the study and recommendation is submitted to the Legislature.

If you have any questions, please direct them to Michael C. DiMiceli at (916) 739-3868.

Sincerely,

Norman C. Boehm

NORMAN C. BOEHM
Executive Director

Enclosure

A Report to the Legislature
and the
California Student Aid Commission
on

Peace Officer Feasibility Study

Required by:
Section 13540-42, Penal Code

COMMISSIONERS

Floyd Tidwell
Chairman

Sheriff
San Bernardino County

Carm J. Grande
Vice-Chairman

Police Officer
San Jose Police Department

Sherman Block

Sheriff
Los Angeles County

Edward Hunt

District Attorney
Fresno County

Ronald Lowenberg

Chief of Police
Huntington Beach

Edward Maghakian

District Safety Manager
Northern California
Waste Management

Raquel Montenegro

Professor of Education
C.S.U.L.A.

Richard L. Moore

City Manager
City of Atherton

C. Alex Pantaleoni

Division Dean
Department of Public Services
Rio Hondo College

Robert L. Vernon

Assistant Chief
Los Angeles Police Department

Robert Wasserman

Chief of Police
Fremont

Daniel E. Lungren

Attorney General

Norman C. Boehm

Executive Director
Commission on POST

EXECUTIVE SUMMARY

BACKGROUND OF THE PEACE OFFICER FEASIBILITY STUDY

Senate Bill 353 (Presley) added Sections 13540-42 to the Penal Code, effective May 1990. The law requires any person who desires peace officer status and who was not, on January 1, 1990, a peace officer, to request the Commission on Peace Officer Standards and Training (POST) to undertake a feasibility study regarding the designation of peace officer status.

The law authorizes the Commission to adopt regulations necessary to undertake a study and to recover from the requesting person the actual costs of the study.

Section 13541, Penal Code, requires the study to include the current and proposed duties and responsibilities of the persons who seek designation as a peace officer, their field law enforcement duties and responsibilities, their supervisory and management structure, and their proposed training methods and funding sources.

Section 13542, Penal Code, requires the employing agency to have a chief law enforcement officer and to agree to comply with the training requirements of Section 832, Penal Code.

A copy of the study and recommendations shall be submitted to the Legislature (Section 13542 P.C.).

CALIFORNIA STUDENT AID COMMISSION

In March 1990, Samuel M. Kipp III, Executive Director, California Student Aid Commission (CSAC), requested a peace officer feasibility study on behalf of the personnel of the Investigations Branch of CSAC.

The CSAC administers student loan and financial programs, statewide, which are supported by federal and State funds. The staff of the Commission consists of approximately 240 positions, including five investigators. The investigative positions are the focus of this study.

The Investigations Branch is a unit of the Audit and Investigations Division of the Commission. The division is responsible for complying with federal and State requirements to protect the financial program from fraud, waste, and abuse.

METHODOLOGY OF THE STUDY

POST staff discussed the study with Executive Director Kipp, and conducted detailed interviews, using a structured questionnaire, with the manager of the Audits and Investigation Division, the

supervising special investigator, and the four special investigators. Pertinent internal policies, procedures, and orders were reviewed. The budget and training plan for the Investigation Branch was also reviewed.

POST staff conducted a comprehensive review of the investigative workload for a period of 18 months, ending in September 1990. Of the 236 cases reviewed, 126 were classified as closed/inactive and 110 were classified as active.

ANALYSIS OF STUDY DATA

The analysis of the investigative caseload identified 12 cases which involve apparent serious criminal activity. Two of those cases are still under active investigation. Of the remaining ten cases, four resulted in complaints for criminal prosecution; five were referred to the federal authorities; and one was closed by administrative action. In the 224 other cases examined, only 13 resulted in a criminal complaint; 140 cases were referred to federal authorities or closed by administrative action. Overall, approximately 88% of the investigative workload was closed by administrative action. Finally, the 236 cases reviewed resulted in 13 arrest warrants issued and two search warrants served during the 18 month review period.

Staff did not discover any incidents of threats, violent confrontations, or assaults that involve the investigative staff.

The investigators occasionally use criminal offender information to identify the subject of an investigation and to prepare cases for prosecution.

CONCLUSIONS

The investigative function is a necessary and integral responsibility of the California Student Aid Commission. Most, nearly all, of the investigative work is non-criminal and is resolved by administrative action. The investigators appear to be performing satisfactorily and in a manner consistent with the needs and direction of the Commission. On the basis of the information obtained during the study, POST staff concludes that peace officer status is not required to conduct Commission investigations.

Nevertheless, staff recognizes that investigators have occasional need to use arrest and search warrant authority to complete their investigations. The investigators also require occasional access to criminal offender record information.

Penal Code Section 830.11 identifies positions which specifically are not peace officers but which have the authority, within the limited scope of employment, to make arrests, serve search warrants, and receive criminal offender records information.

RECOMMENDATION

Accordingly, the Commission recommends the California Student Aid Commission consider legislative action to extend to the investigators the authority that is described in Section 830.11, Penal Code.

SECTION I

BACKGROUND OF THE PEACE OFFICER FEASIBILITY STUDY

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

Section 13540 requires:

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

Section 13541 describes the scope of the study. 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 in order to give a favorable recommendation for a change in designation to peace officer status, the following conditions shall exist:

- 1) persons who request law enforcement status shall be employed by an organization which has a chief law enforcement officer; and,
- 2) the employing organization must agree to comply with Penal Code Section 832 training requirements.

The law also requires POST to issue the study and recommendations to the requesting organization within 18 months, if the request was made in accordance with POST regulations, and to send a copy of the study and recommendations to the Legislature.

To implement Sections 13540-42, Penal Code, the Commission adopted Regulation 1019. The regulation provides, in part:

- 1) the department head of the entity which employs the person(s) who requests the study shall acknowledge the study request, in writing;
- 2) on-site visits to verify duties and responsibilities shall be made;
- 3) written comments will be solicited by POST from the employing jurisdiction's chief administrator and from the concerned department head; and,
- 4) an appeals procedure provides that if there is disagreement with the study recommendations, the person(s) who request the study or the employing jurisdiction may appeal in writing to the Commission.

In March 1990, Samuel M. Kipp III, Executive Director, California Student Aid Commission (CSAC), requested a peace officer feasibility study on behalf of the personnel of the Investigations Branch of CSAC. Appendix A is the request and a supporting memorandum.

SECTION II

CALIFORNIA STUDENT AID COMMISSION

BACKGROUND

The California Student Aid Commission (CSAC), headquartered in Sacramento, consists of fifteen members. The Governor, with Senate confirmation appoints eleven members. Two members are appointed by the Speaker of the Assembly and two are appointed by the Senate Rules Committee. An executive director is appointed by the Commission to manage the organization, which consists of approximately two hundred and forty staff.

Exhibit I, following this page, depicts the overall organization of the CSAC. Exhibit II, following Exhibit I, depicts the organization of the Administration Bureau which includes the Investigations Branch.

The CSAC program and administrative responsibilities include Federal and State student loan and financial programs which are funded through two sources. The State General Fund supports activities related to various California grant programs, including related administrative support services. The second funding source, the Guaranteed Student Loan Reserve Fund, provides the operating expenditures for the student aid loan programs and receives Federal sustenance.

INVESTIGATIVE AUTHORITY

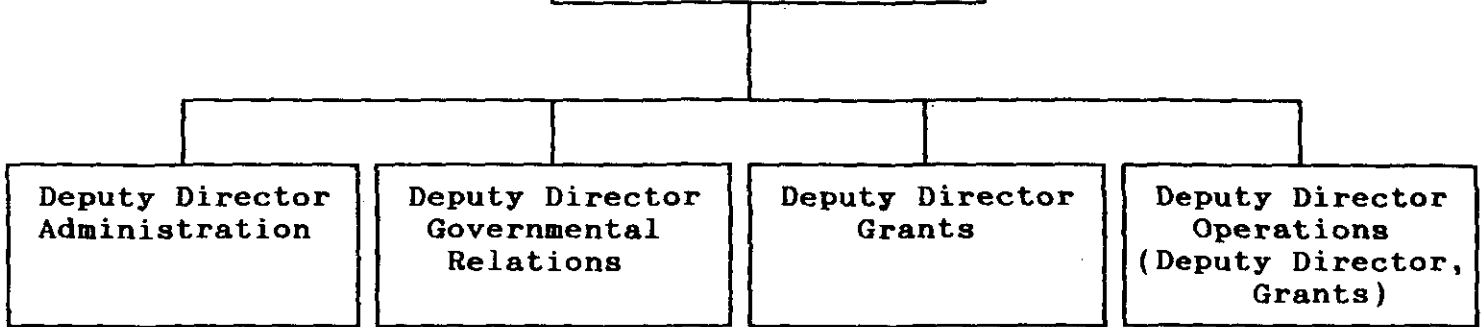
There is no mandated authority for the CSAC to employ investigators. However, Federal guidelines require the safeguarding of monies and program integrity. The United States Code of Regulations, Title 34, Section 682.410(c)(3)(4) states, in part:

"A guarantee agency shall take such measures, and establish such controls, as are necessary to ensure ... enforcement of all federal, state, and guarantee agency requirements ... including ...;

- Adopting procedures for identifying fraudulent loan applications; and,
- ... arranging with state or local law enforcement agencies for, the prompt and thorough investigation of all allegations and indications of criminal or other programmatic misconduct, including violations of federal law or regulation...."

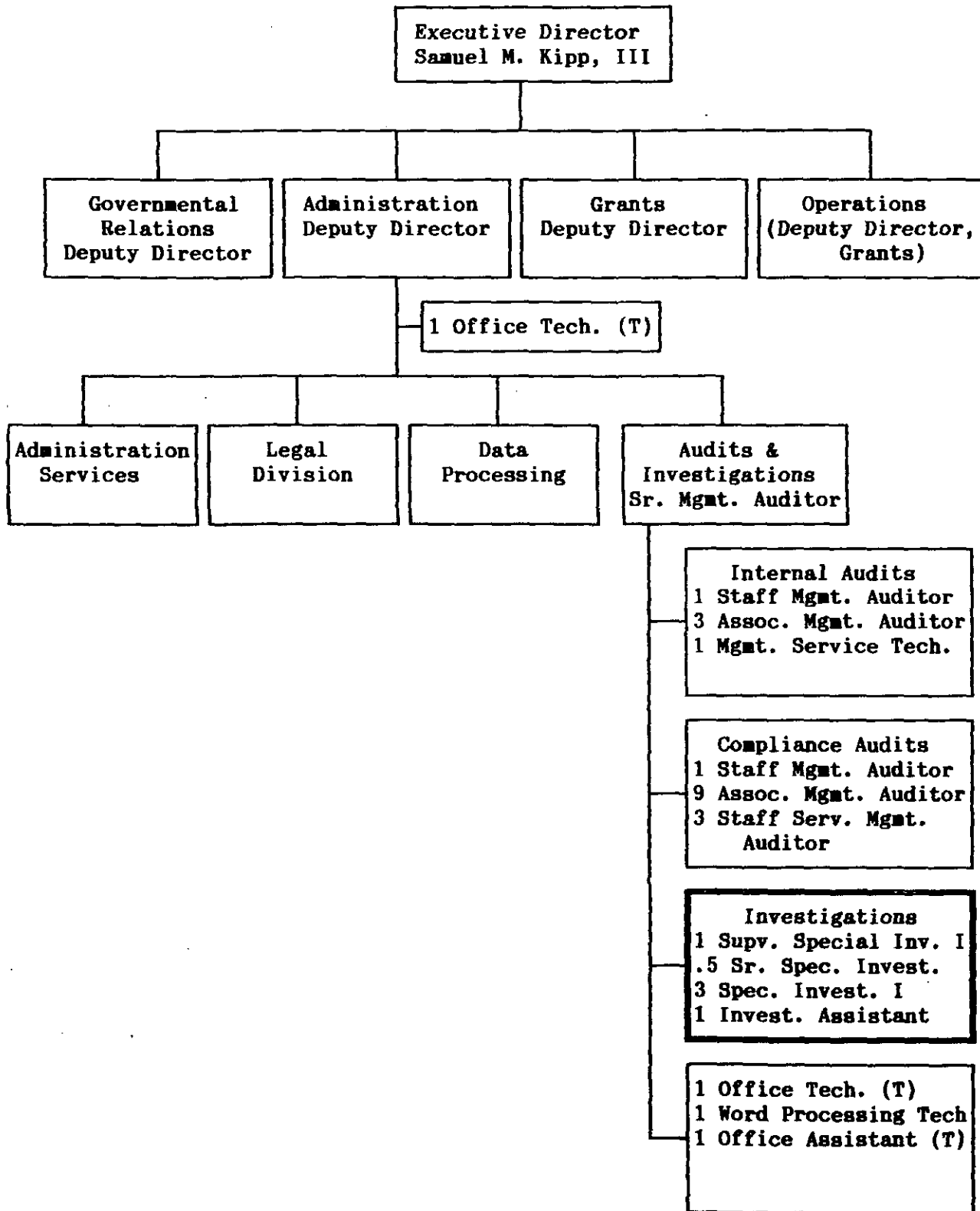
CALIFORNIA STUDENT AID COMMISSION
ORGANIZATION CHART

Executive Director
Samuel M. Kipp, III



CALIFORNIA STUDENT AID COMMISSION

ADMINISTRATION BUREAU



The CSAC considers the regulation to provide the statutory authority under which they employ investigators. Currently, both auditors and investigators are deployed to protect against fraud, waste and abuse.

AUDITS/INVESTIGATIONS DIVISION

The Audits/Investigations Division is the organizational entity charged with responsibility for oversight activity for the Commission. The Chief, Audits/Investigations Division, works under the dual direction of the Executive Director and the Deputy Director, Administration. He reports directly to the Executive Director on the internal oversight activities of the Commission and to the Deputy Director on external oversight activities. This position manages the audit, investigation, and clerical support staff. He is the designated authority for developing and implementing policy within the Division which includes the Investigations Branch.

INVESTIGATIONS BRANCH

The Investigations Branch is charged with investigation, prosecution, and administrative disposition of allegations of fraud committed against CSAC programs. The Investigations Branch also provides service to criminal justice and other agencies at the Federal, State and local levels.

The Investigations Branch consists of:

- o Supervising Special Investigator I

A full-time position which supervises all staff assigned to the Investigations Branch, conducts investigations, and performs administrative and staff functions related to the investigative operation. The position is the designated chief law enforcement officer, and reports directly to the Chief, Audits/Investigations Division.

- o Senior Special Investigator

This half-time position conducts the more difficult and complex investigation as a lead investigator and assists in administrative matters.

- o Special Investigator I

Three positions conduct and assist in investigations.

- o Investigative Assistant

One position provides assistance to investigators and is an investigator trainee.

- o Student Assistant, one part-time position.

The Investigations Branch maintains a close working relationship with the United States Department of Education, Office of the Inspector General (USDE-OIG). This agency provides investigative services related to student loan fraud in a manner similar to those provided by the Investigations Branch. The Investigations Branch considers the USDE-OIG to be their Federal counterpart. The two agencies work independently and in concert. The USDE-OIG has oversight responsibilities for State agencies, nationwide, to assure compliance with Federal regulations.

BUDGET

The Investigations Branch budget is approximately \$380,000.00 for State Fiscal Year 1990-91. This includes salaries, benefits, operating expenses, equipment, indirect costs and clerical support.

The training budget for the Investigations Branch is approximately \$2,400.00 for Fiscal Year 1990-91. The Branch's budget experience, however, is that additional training funds are allotted above the amount budgeted, if needed. For Fiscal Year 1990-91, approximately \$8,520.00 has been expended to provide 304 hours of training. This cost includes tuition, travel, and per diem.

TRAINING

The Investigations Branch does not have a training manager. This function is managed by the Chief, Audits/Investigations Division. Department-wide coordination of training is the responsibility of the Administrative Services Division.

The Investigations Branch consists of five former peace officers, all of whom have completed the training required by Penal Code Section 832.

Four investigators are graduates of POST-certified academies and have basic, intermediate, advanced or supervisory POST certificates. All have attended additional peace officer training courses.

Although no structured training program exists for investigators, training is provided to improve the technical skills of staff. On occasion, staff attend training conferences and seminars.

The CSAC will continue to budget for training to sustain peace officer status for investigators. This includes compliance with Penal Code Section 832 requirements and participation in the POST-certified training programs, if peace officer status is acquired.

INVESTIGATIONS

Investigative activity originates primarily from information received from law enforcement agencies, financial and educational institutions, students and the public. Case leads also result from information developed during audits.

When information is received which, if true, would constitute a criminal offense, the information is evaluated to determine whether an investigation should be opened.

Each new investigation is considered to involve a potential criminal violation. A standardized procedure is initially used in all investigations.

During the course of an investigation, circumstances and information developed shift the emphasis of a case from criminal to administrative. This includes some cases which show prima facie evidence of criminal activity but which are not considered appropriate for prosecution.

Completed criminal investigations are submitted to local prosecutors for consideration. If a Federal law violation is involved, the completed investigation may be referred to the Office of Inspector General, U.S. Department of Education, or to the United States Attorney.

Criminal complaints and search warrant affidavits are submitted to the District Attorney. Arrest warrants which result are sent to local agencies for service. Federal prosecution is handled by the USDE-OIG after the referral by the CSAC.

CRIMINAL OFFENDER RECORDS INFORMATION

Investigators do not have access to criminal offender records information (CORI). Investigators allege this to be a significant hindrance because they are unable to utilize criminal history information during criminal investigations. They also perceive this lack of access to be a safety issue because they cannot prepare in advance to deal with known, violence-prone individuals. The inability to receive CORI is cited as a major concern.

SECTION III

METHODOLOGY OF THE STUDY

METHODOLOGY

POST staff discussed the study with Executive Director Kipp who reaffirmed his support for peace officer status for the investigators and for the feasibility study. However, he expressed reservation as to providing firearms to CSAC investigators. Director Kipp was offered the opportunity to provide additional comments in writing but declined, referring to a memorandum from Raymond Brown, Supervising Investigator, that was attached to the request for the feasibility study. The memorandum states that peace officer status is needed:

- o To complete the variety of investigations that are opened;
- o To obtain criminal offender records information;
- o For investigator safety;
- o to provide arrest authority;
- o To provide search warrant service authority;
- o To overcome the inadequate assistance provided by other law enforcement agencies;
- o To support expertise required of CSAC investigative staff; and,
- o For purposes of equity (i.e., staff currently perform duties similar to peace officers).

POST staff interviewed Reginald Treece, Chief, Audits/Investigations Division, Raymond Brown, Supervisor, Investigations Branch, and each investigator.

Work related data was collected from the individual review of 126 closed/inactive investigative case files, and 110 active status cases. This review encompassed 236 investigations which occurred over approximately 18 months. The review involved all cases closed or inactive over that time period, and includes all active status cases as of September 5, 1990. The review of active investigations included discussions with the assigned investigator.

ANALYSIS OF THE DATA

Investigative Workload

The review of the investigative workload determined that:

- A. Approximately 88% (208) of the 236 cases examined are resolved by administrative action;
- B. Approximately 12% (28) of the cases examined resulted in prosecution action. Of these 28 cases, 17 (60%) were accepted by local prosecutors, the remainder were referred to federal authorities;
- C. Thirteen arrest warrants were obtained, nine of which were served with local agency assistance; and,
- D. Two search warrants were served with local agency assistance.

The review and analysis of the investigative workload is summarized in Exhibit III, following this page.

Current and Proposed Duties

POST staff examined the current duties and responsibilities of CSAC investigators. Peace officer status, as proposed by the request for the feasibility study, will not add new duties or responsibility nor expand the Commission responsibility to safeguard student financial aid programs.

The absence of peace officer powers does limit the investigators' ability to:

- o make arrests;
- o obtain and serve search warrants; and,
- o obtain criminal offender record information.

However, the limits that result from the absence of peace officer authority do not appear to significantly impair the Commission's investigative effectiveness.

Field Law Enforcement Duties and Responsibilities

The investigative and law enforcement duties and responsibilities of the Commission are highly specialized and, accordingly, limited in scope. The investigations focus generally on fraud and program abuse.

STUDENT AID COMMISSION FEASIBILITY STUDY

	CASES EXAMINED			CASE DISPOSITIONS						ARREST AND SEARCH WARRANT ACTIVITY				
	Number of closed/inactive case files examined	Number of active cases examined	Total number of cases examined	Criminal complaints filed	Criminal complaints denied by Prosecutors	Case referrals to DOE/OCG for Federal Resolution	Case clearances through administrative actions	Case clearances through prosecutions by other agencies	Total ongoing active cases	Non Warrant arrests	Arrest Warrants issued	Arrest Assistance by Peace Officer Agency served	Search Warrants	Search Warrant assistance by Peace Officer Agency
CATEGORY #1 CASES Serious violations. Not bona fide students. Commits or attempts theft of student aid loan funds through misrepresentation.	8	4	12	4	0	5	1	0	2	0	3	2	0	0
CATEGORY #2 CASES Bona fide students through misrepresentation attempts or acquires a student aid loan, falsifies attendance records, grades, etc.	30	57	87	10	3	4	25	2	43	2	7	5	1	1
CATEGORY #3 CASES Miscellaneous circumstances involving potential fraud, errors in use of SSN's check irregularities, anonymous tips, etc.	66	16	82	0	0	0	76	0	6	0	0	0	0	0
CATEGORY #4 CASES Allegations against schools or training institutions which indicate fraud, waste, or abuse. Includes school as victim.	12	30	42	3	0	2	22	0	15	0	3	2	0	0
CATEGORY #5 CASES Situations in which assistance is provided to Federal, State, County or Municipal Agencies.	10	3	13	0	0	0	11	1	1	0	0	0	1	1
TOTALS	126	110	236	17	3	11	135	3	67	2	13	9	2	2

Investigations are developed primarily from loan applications, financial records, and similar information sources. Personal interviews are conducted in the field and surveillance tactics are occasionally employed.

Occasional surveillance activity is rarely for the purpose of apprehending a suspect. Ordinarily, surveillance is for the purpose of identifying a suspect or gathering evidence by observing the collection of mail at a post office. Undercover operations are not conducted. The majority of suspects are students who have applied for or received student aid loans using fraudulent false applications.

The investigative workload analysis determined that 12% (28) of the cases reviewed resulted in criminal prosecution, including service of nine arrest warrants and two search warrants.

The nature and frequency of law enforcement duties and responsibilities in the field is not expected to change significantly.

Investigator Safety

Safety is cited as a significant reason for seeking peace officer status for the investigators. The memorandum attached to the study request, Appendix A, refers to dangerous situations, verbal threats of physical violence, and potentially dangerous individuals who are the subjects of investigations.

Interviews with the investigative staff and the supervisor revealed that no assaults, threatened assaults, or dangerous confrontations have occurred.

Collateral Issues

In addition to the increased authority which will result, other reasons for peace officer status are cited. These include:

- o Equity -- because the investigators perform duties similar to those performed by peace officers;
- o Support -- because the investigators are generally former peace officers;
- o To overcome the inadequate assistance provided by other law enforcement agencies.

However, interviews with the investigators revealed no significant problems in obtaining assistance from other law enforcement agencies.

- o Safety -- because peace officer status is necessary for the personal safety of the investigators.

These issues, while important to the CSAC investigators, are beyond the scope of the study and focus substantially on policy matters that are the purview of the Student Aid Commission.

Finally, peace officer authority to carry firearms appears to be an unstated issue in the request for this feasibility study.

Penal code sections which confer peace officer authority on State employees also:

- A) Expressly authorize firearms to be carried (i.e., 830.1, 830.2);
- B) Reserve the decision about firearms to the employing agency (e.g., 830.3, 830.36, 830.4); and,
- C) Expressly prohibit carrying firearms (i.e., 830.3 h, k, l, m, o, q).

The Commission's Executive Director expressed concern about authorizing firearms for the investigators, even if peace officer status is granted to them.

POST staff consider the authority to carry firearms to be a management issue to be resolved by the Commission. As such, it is incidental to the broader issues of peace officer authority that may be required to perform current and proposed duties and responsibilities.

SECTION IV

CONCLUSIONS AND RECOMMENDATIONS

The California Student Aid Commission administers student loan and financial programs. To fulfill this responsibility, the Commission developed an Investigations Branch to protect the programs from abuse and fraud. The principle activity of the Investigations Branch is to provide an investigative service to program administration.

The current investigative process appears to be consistent with the desires of the Commission and meets the investigative mandate established by agreement with the United States Secretary of Education regarding the Commission's fraud oversight responsibility.

Investigators are former law enforcement officers who appear to have a good knowledge of the criminal justice system. This background has assisted them in acquiring expertise in the specialized and technical investigative field related to student financial aid programs.

Investigative activity is generally similar to that of other state and local investigative agencies. The scope of the investigative activity is more limited, however. The types of investigations undertaken do not routinely require search warrants or arrests. When these actions are necessary, it is established practice to obtain the assistance of local, state, or federal peace officers. Investigators describe little difficulty in obtaining the assistance of peace officers in these circumstances.

CONCLUSION

The investigative function is a necessary and integral responsibility of the CSAC. The investigators appear to be performing satisfactorily and in a manner consistent with the needs and direction of the Commission. After completing the analysis of the information obtained during the study, POST staff concludes that peace officer status is not required to conduct investigations or fulfill the administrative responsibilities of the Commission.

The CSAC investigators occasionally need the authority to serve arrest and search warrants in completing student aid program investigations. They also need access to criminal offender record information, which is an investigative tool.

Section 830.11, Penal Code, identifies positions which specifically are not peace officers but which have the authority, within the limited scope of employment, to make arrests, serve search warrants, and receive criminal offender record information.

RECOMMENDATION

Accordingly, the Commission recommends the Student Aid Commission consider legislative action to name the investigators in Section 830.11, Penal Code, and grant them the specific limited peace officer authority described therein.

STATE OF CALIFORNIA

CALIFORNIA STUDENT AID COMMISSIONP.O. BOX 942845
SACRAMENTO, CA 94245-0845

March 13, 1990

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer
Standards and Training
1601 Alhambra Blvd.
Sacramento, CA 95816-7083

Subject: Request For Peace Officer Status Feasibility Study

Dear Mr. Boehm:

As Executive Director of the California Student Aid Commission, I acknowledge and support the request of our Investigations Branch to have your agency conduct the Peace Officer Status Feasibility Study. This study is to be performed in accordance with Section 13540 of the California Penal Code and Section 1019 of POST Regulations.

The Commission will pay the actual cost for conducting the study and will provide POST with necessary information to assist in the conducting of the study. With regard to the latter, I am attaching our investigators' written request for the study which includes a great deal of background and supporting data for your consultants to review before they begin their onsite analysis.

I will have my staff get in touch with you soon to begin the contract language for an inter-agency agreement and look forward to the results of your review of our investigators work. Based on my knowledge of what our investigators do and what they have accomplished with a small staff, I'm sure you will concur that they also should have police officer status to more effectively carry out their assignments.

Thank you for your assistance and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Samuel M. Kipp, III".

Samuel M. Kipp, III
Executive Director

cc: Jackie Tsang
Reg Treece

CALIFORNIA STUDENT AID COMMISSIONP.O. BOX 942845
SACRAMENTO, CA 94245-0845

March 2, 1990

Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083**SUBJECT:** Request for Feasibility Study for Peace Officer Status.

Dear Sir:

In accordance with Section 13540 of the California Penal Code (PC), and Section 1019 of POST Regulations, the Special Investigators assigned to the California Student Aid Commission ("Commission") request that a feasibility study be conducted regarding the designation of these investigators as peace officers.

The purpose of this request is to describe the responsibilities of the Commission, the mission requirements of the Investigations Branch, the types of cases investigated, the investigators and their backgrounds.

The objective of this request is to clearly demonstrate the need for the Commission's investigators to be appointed peace officers to permit the most efficient use of financial and human resources and to bring the offenders of the Commission's programs to justice in the most expedient way with the minimal use of allied law enforcement agencies' assistance.

BACKGROUND:

By direction of the United States Education Code as outlined in Title 34 Code of Federal Regulations, Section 682.410(c), the Commission is required to investigate all allegations and indications of criminal conduct involving federal and state student financial aid. This includes violations of federal law and regulations by the program participants, i.e. students, schools and lenders.

The Commission presently administers a \$6.5 billion student loan program. The relative ease in obtaining student financial aid has attracted both organized career white-collar criminals and individuals with prior violent crime histories. These include, but are not limited to, prior felony convictions for homicide, assault, drug abuse and sex offenses. The investigation branch was established in 1984. From 1984 through most of 1986, the majority of the complaints were administrative in nature and few criminal complaints were received and handled. Since 1987, investigations have increasingly been focusing on the more serious type violations involving fraud through forgery, fraudulent applications, conspiracy, grand theft, perjury, counterfeiting, embezzlement, mail fraud and theft of federal funds.

The function of the Commission investigator is similar to a law enforcement officer in that the steps taken to meet requirements for filing criminal cases are identical to those taken by the police detective. The investigators' responsibility is to investigate and/or seek out violators of various laws through activities outside of an office setting. Consequently, a thorough knowledge of criminal law and procedure is necessary to collect the information and documentation required to successfully file a criminal complaint.

The Commission presently has four investigators: one Supervising Special Investigator, one Senior Special Investigator and two Special Investigators. All investigators are POST certified and were full time peace officers.

CONSIDERATIONS:

The Commission, the investigators, the California Union of Safety Employees (CAUSE), and other supporters base the criteria for obtaining Peace Officer status for the Commission's investigators on the following considerations:

1. Type of cases typically being handled
2. Access to criminal information files concerning the subjects of our investigations
3. Safety
4. Degree of assistance generally received from law enforcement agencies
5. Degree of expertise required to successfully prosecute cases involving student financial aid
6. Effectiveness and Efficiency
7. Equity

The issues listed above reflect the rapidly changing and increasingly dangerous nature of our work. They also address the limitations we face in carrying out our statutorily assigned tasks with daily reliance on other law enforcement agencies who often lack the personnel and expertise to adequately assist us.

1. As Commission investigators, we are tasked to protect the State, the Federal Government, and ultimately the taxpayer from economic loss from student aid fraud. Student financial assistance involves both grant and loan programs with many varied and changing laws and rules to administer. Financial aid is a highly complex and specialized field. It has become apparent that the majority of the police agencies lack the expertise required to successfully prosecute our cases. Most police departments are hard pressed to adequately enforce the provisions of the Penal Code and they are increasingly less willing and qualified to dedicate time and personnel to enforce regulatory statutes not involving violent crimes. Our investigations involve the following felony offenses:

- Grand theft
- Perjury
- Forgery
- Conspiracy
- False financial statements
- False or forged instrument for record
- Counterfeiting of Driver License
- Possession or receipt of forged bills and notes
- Fictitious instruments
- Forged checks
- Embezzlement
- Mail fraud
- Theft of public money
- Theft from program receiving federal funds
- Possession of counterfeit immigration documents
- Use of fraudulent social security account numbers

Simple and what may be considered more routine investigation cases for the Student Aid Commission's investigators can be described as follows:

1. There would only be one individual involved who falsified information on a student loan application with the intent to obtain enrollment in a school that he/she would not otherwise be eligible for without the deception. This could occur when this individual already has a student loan that is in default or this new loan would exceed the loan limit that this person is qualified for. The information can come to the Investigations Branch while the application is in process and the suspect can be apprehended as he/she is picking up the check or after the student has graduated and there are other attempts to fraudulently obtain enrollment or student loan funds. These type of cases can take from three days to two weeks to investigate and conclude depending on the cooperation received from the school staff and local law enforcement agencies.

This type of case usually involves the interview of the suspect for the purpose of obtaining a confession. Corroborating interviews are also conducted with school management and employees. The evidence is properly documented and secured. An arrest is made using other law enforcement personnel if the local District Attorney accepts the case and accordingly, the case is then processed through the local court jurisdiction. An attempt is made in the trial to obtain restitution for the loan funds improperly obtained.

We often refer to this type of case as an individual investigation because it only concerns one student loan applicant, usually only one school although this individual may attempt this activity at many schools, and the evidence is easy to see and obtain and so overwhelming that the suspect has no alternative but to confess to the crime.

The above description of a simple case takes a dramatic turn when, through additional investigation pursuit, it is found that this one individual has used multiple names and social security numbers to obtain student loans at many different schools. These individuals in addition will also forge signatures of financial aid officers in schools and work directly with lenders to have loan funds sent to their homes using a phony address. Rings of individuals can work together to perpetrate this kind of activity to obtain hundreds of thousands of dollars in illegal student loan funds. What may appear at the outset of an investigation to be a simple routine case will more times than not lead into a much larger more complicated investigation.

Several local law enforcement agencies become involved as well as different court jurisdictions. The federal investigators must be informed and many times asked to assist in the investigation because of the volume of fraudulent activity. Also, the schools and their employees can be implicated because it can appear that the individual or individuals may have been assisted from the "inside" for the amount of activity that took place.

Another factor that enters into the above scenario is the uncovering of other forms of fraud that these individuals are doing at the same time such as welfare fraud, credit card fraud, motor vehicle registration fraud, illegal alien fraud, etc. The investigators must be alert as well as fundamentally familiar with these programs and work with the appropriate agencies to investigate the extent of the fraudulent activity in these areas.

These simple cases would be assigned initially to a Special Investigator. As the case develops and it becomes a more complex case because of the volume of crime activity and the number of participants grows, a senior investigator is asked to assist in the planning and direction that is needed.

More difficult and complex cases can be categorized as follows:

1. Those cases where school employees in their capacity of having access to financial aid applications, disbursement documentation, enrollment and attendance records work alone or in conspiracy with others within or outside the school to obtain financial aid loan funds fraudulently. In their capacity, these employees and accomplices can create phony applicants, maintain the attendance and withdrawal records of these students and receive for their own benefit the proceeds of the loan funds. These cases take much more time to develop because of the interviewing of victims and witnesses and the working with owners of the school and lenders to develop the case. A determination must be made in the investigative process how many and the dollar amount of stolen loan dollars is involved. Because other federal financial aid funding is usually identified and the volume of activity so great, the federal investigators are most often brought into the picture as soon as possible. These type of cases require handwriting analysis, identification of improper I.D. used to make up the loans such as drivers licenses from California and other states and the various other laws and codes that are listed in the justification package. It can take up to six months or longer for these cases as described above to develop and conclude.

The above circumstance has a school employee and others conspiring to defraud the student loan programs. There is an even greater problem in recent years that has grown to almost epidemic proportions. School owners and executive management are deliberately recruiting students into their schools using deceptive means. Ability to benefit testing goes to the extreme of the answers either given to the applicants or the test taken for them. Students who drop out early in the program and would be due a substantial refund of their loan funds are shown on the attendance records as attending classes regularly and graduating from the course with good grades. Student file records are altered to show low or no income from parents to assist these students for financial aid. As was described above, student applicants are made up and are shown as attending the school when no individuals exist. Additionally, the quality of education for these institutions is extremely poor as compared to the advertising and promises that are made to the students. Teachers are not qualified and often students are asked to conduct the classes. The equipment is either substandard or never exists. For some computer courses that include computer equipment to be retained by the student are never delivered. These students have spent their tuition funds for an education that will do them little good for future employment.

What has been described above is a major conspiracy by a school owner or a corporation owning many campuses in California as well as other campuses in the United States to take advantage of the educational system for profit motives. Because most students cannot afford the high tuition to attend these schools, student loan financial aid is the only way they can enroll in such a school. The investigation of these cases is of such a monumental magnitude that several other investigation agencies must be brought into the picture. A task force is assembled to work together for the purpose of rectifying the abuses that these schools have applied. Those agencies that we work with in an investigation are the Attorney General, Dept. of Consumer Affairs, U.S. Inspector General Investigations Branch, U.S. Inspector General Audits Branch, U.S. Attorney, U.S. Immigration and many others that may be brought in depending on the jurisdictions involved. Many witnesses/victims must be interviewed. A great deal of evidence must be gathered and tagged. We and others must testify in a court of law as to what we found and what laws have been violated. A year of intense investigation has been taken on some of these cases before it gets into court.

There was one case that was concluded about a year ago where one of our senior investigators had to testify in Washington D.C. for debarment proceedings against one of these national school corporations. A temporary restraining order kept the judges order of suspension from taking effect.

Our investigators must be knowledgeable of the various laws and penal codes. It must be pointed out also that the Commission's investigators must also keep on top of the many and varied changes that occur within the Title 4 regulations for the student loan programs. These regulations are voluminous and are in a constant state of change. In reviewing a single borrower's loan activity over a period of years will involve many different applications of terms and conditions for his/her loans. When developing a case, all of these conditions must be brought into the picture requiring extreme accuracy of the allegations that are posed against an individual. All of this is compounded when the number of borrowers are multiplied and the regulations affecting the schools themselves have changed over the same periods.

Penal codes are changing also and the investigators are required to keep themselves updated on all these codes. This is necessary so as not to apply an improper law to the crime being alleged.

One other area that must be reemphasized for our investigators is that they within a short time of employment, must be capable of conducting an investigation on their own with little or no supervision. Very few of our investigations can be completed in the office. The staff must visit the schools, lenders, talk with the complainant and possible suspects, law enforcement agencies and all other participants that have an interest in the outcome of the investigation. The case is handled by the investigator in the field using the knowledge and experience that brought with them and whatever we can teach them in a short period of time. With such a small staff and what is required of them to do, it is apparent that law enforcement status should be provided with the highest classification and commensurate with the duties they must perform.

2. Our investigators frequently encounter situations where they are unexpectedly placed in danger of physical harm. They are often verbally threatened with physical violence by the person they have been investigating, or by their associates. Sometimes they are reluctant to pursue their subject because of the uncertainty of who or what they may be facing. Prior knowledge of the subject as to his/her criminal record would eliminate the unexpected nature of pursuing the individual(s).

Section 94316.6(h) of the California Education Code provides the Commission to ascertain in an investigation, whether any person responsible for the operation of the school has violated any administrative, civil or criminal law involving state or federal loans or grants.

For these reasons, access to criminal records is essential. Section 11105 P.C. lists agencies having access to arrest and conviction records. Section 15163 of the Government Code provides that only agencies, having statutory powers of arrest (i.e. Peace Officers), are permitted to obtain arrest and conviction records. Consequently, Commission investigators must be given Peace Officer status to obtain the information necessary to safely and effectively comply with the legal requirements of the Education Code.

3. Commission investigators believe that getting involved with a variety of other laws places them into further jeopardy. Some of the safety concerns are addressed above. We feel that we should be protected by harsher penalties in the event of any assaults; the law provides for increased punishment if the victim is a peace officer. We are concerned about attempts by those under investigation to do injury to us, our families and our property. The Penal Code and the Vehicle Code allow peace officers the option to keep their home addresses confidential in DMV records. A similar provision exists for voter registration records.

4. When assistance is required of local police officers in acquiring search and arrest warrants, it is readily apparent that these officers are not familiar with the type of violations handled by the Commission's investigators. As a result, these police officers frequently do not attribute sufficient importance to the cases presented and will assign a lower priority to them. Peace officer status is necessary to prepare and execute search and arrest warrants, and to make warrantless searches and arrests. Because Commission investigators are lacking these statutory powers, we lose time and valuable evidence. This lack of authority also gives suspects the opportunity to leave, and locating them again becomes difficult or almost impossible.

5. Student loan fraud investigations are a complicated and rapidly changing specialty. Because of the complexity of the loan process, combined with limitations established by the Privacy Act in obtaining and releasing protected financial information and documentation, the Commission investigator has developed areas of expertise not found in local police departments. Recently, organized groups from Nigeria have discovered the ease in obtaining student financial aid. Their applications display unmistakable characteristics which are identifiable only by specially trained investigators. This expertise is rarely found in regular law enforcement agencies because the groups' modus operandi are specifically directed toward defrauding financial institutions and State and Federal loan programs. In order to be able to successfully prosecute these cases, the Commission's investigator has to be able to collect the necessary evidence. By not being a Peace Officer, critical evidence is frequently not obtained because it is overlooked by law enforcement officers who do not possess the proper expertise. Successful prosecution is further complicated by enforcement responsibility involving both State and Federal codes.

6. As a direct result of our overdependence on understaffed law enforcement agencies, Commission investigations are delayed, affording violators the opportunity to continue taking advantage of the student financial aid program. This results in reduced effectiveness because the disbursement of additional monies to ineligible persons cannot be stopped in time. It also allows the violators to leave the area and/or the State. In most cases this places them beyond the reach of California's legal system.

7. Finally, there are important equity considerations in the Commission's investigators' request for peace officer status. Other investigators in departments performing similar duties at similar or lesser levels of accentuated physical danger and stresses, have been afforded peace officer status and are receiving equitable compensation for the health and safety rigors of law enforcement duties. Although an extensive record of dangerous confrontations has not yet been established, our law enforcement activities will no doubt continue to be increasingly dangerous and will put us in perilous situations.

SUMMARY:

Section 830.3 P.C. currently designates certain persons as Peace Officers for the purpose of enforcing those laws which are of primary cognizance to their employing agencies.

The term "Peace Officer" has many legal implications. By law, such designation includes enhanced powers and responsibilities that are not vested in non-peace officer investigators. Because peace officers make arrests, execute search warrants, etc., they are responsible for an additional amount of knowledge of criminal law and procedure. It is of equal importance to recognize that the peace officer designation also places considerable responsibility, and potential exposure to greater liability, on the employing agency. The Commission and its investigators are fully aware of these implications.

In view of this, we request to be given the necessary tools to do our job efficiently and properly.



Raymond Brown
Supervising Special Investigator
Audits-Investigations Division

RB:WW:vm

* CALIFORNIA STUDENT AID COMMISSION

P.O. BOX 510845
SACRAMENTO, CA 94245-0845

August 4, 1992

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer Standards and Training
1601 Alhambra Blvd.
Sacramento, Calif. 95816-7083

RE: Appeal, Peace Officer Feasibility Study

Dear Mr. Boehm:

Pursuant to P.O.S.T. regulation 1019, subsection (g), I am formally filing an appeal concerning the peace officer feasibility study which was completed on our agency's Investigations Branch.

I am requesting that the POST Commission allow our staff to make a presentation to your October 15, 1992 Commission meeting. I would request that the your Commission consider our arguments and reconsider changing their recommendation to full peace officer status as defined in California Penal Code section 830.3.

I have also attached a background document (with exhibits) which was completed by the Investigations Branch. This document can serve as a reference and addresses the California Student Aid Commissions position and concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Samuel M. Kipp III".

Samuel M. Kipp III, Executive Director
California Student Aid Commission

COMMISSION ON POST
AUG 6 8 19 AM '92

California Student Aid Commission
Investigations Branch

Background Document Concerning Peace Officer Status

In March of 1991, the Commission of Peace Officer Standards and Training (POST) completed a feasibility study on the California Student Aid Commission's Investigations Branch. The study was requested by Dr. Samuel M. Kipp, Executive Director of the California Student Aid Commission (Commission). The purpose of the study was to establish if the investigations personnel of the Commission should be considered for peace officer status.

The feasibility study was conducted for a time period of 18 months ending in September of 1990. The study indicated that approximately 12% of the cases investigated were criminally prosecuted and 88% were resolved by administrative action.

POST concluded that based on this "feasibility study", the investigation personnel do not meet the requirements for the designation "peace officer status" as provided in Penal Code section 830.3. POST stated, however, that the Investigations Branch of the Commission has a need for the limited peace officer authority outlined in Penal Code section 830.11. The study further stated that if the Commission sponsors a bill, POST would support legislation to have the investigators incorporated into section 830.11 of the Penal Code.

It is important to note that this was the first feasibility study conducted by POST after legislation was passed requiring such studies; Senate Bill 353 added sections 13540-42 to the Penal Code, effective May 1990. This law requires any person who desires peace officer status and who was not a peace officer on January 1, 1990, to request POST to undertake a feasibility study regarding the designation of peace officer status.

In reviewing the feasibility study and its recommendation to the legislature, the Investigations Branch of the Commission takes a

different view of how cases were categorized in the study. POST categorized investigations and case closures based on the final disposition of the case (i.e warrant, arrest, conviction, administrative resolution) against an individual or institution. Investigations Branch staff believe that the recommendation of the feasibility study was based on the final case disposition. It did not take into consideration that criminal violations were reported and the resulting investigation was into the criminal activity of the suspect. The mere fact that the case eventually was closed "administratively" does not change the fact that a criminal investigation was conducted.

As a result, the study reported that 88% of the cases reviewed for the eighteen month period were closed administratively. The study, however, does not reflect that approximately 90% of these cases involved criminal violations and the investigations were pursued with the intent of filing criminal complaints with local district attorneys.

The study should have also reflected at a minimum the following reasons why cases were closed administratively:

- 1) District Attorneys having jurisdiction declined prosecution because the case lacked "jury appeal".
- 2) Suspects could not be located.
- 3) Dollar loss was insufficient to warrant prosecution.
- 4) Statutory time for prosecution had expired.
- 5) Insufficient evidence to successfully prosecute.

Included in the POST study was an exhibit that displayed the disposition of the 236 cases reviewed and analyzed. It is from this exhibit that the 88% of cases examined are described as resolved by administrative action. Not addressed, specifically, is the amount of investigator time spent on the administratively closed cases versus those cases which resulted in prosecution. There was not a formal time reporting system in place at the time the study was conducted and accordingly, it was difficult to ascertain the amount of time spent on the criminal cases, time spent investigating criminal cases not filed and time taken for the investigation and resolution of administratively handled cases.

The Investigations Branch has implemented new reporting procedures and time tracking for cases along with implementing new and revised regulations/laws involving Student Financial Aid Programs. These changes have resulted in accurate classification of the activities by the Investigations Branch during 1991. An examination of the 1991 case load reveals the following data:

- * 154 cases were opened during the year.
- * 148 or 96% of these cases have or are undergoing criminal investigation.
- * 6 or 4% of these cases were criminal investigations, but for previously mentioned reasons, were administratively closed.

In 1991, 31 cases were closed through issuing arrest warrants. An additional 11 cases are pending issuance of arrest warrants.

Also in 1991, 96 cases were closed. Virtually all of these cases were investigated for criminal violations.

The 154 cases opened in 1991 had a total dollar loss of \$1,565,888. This represents more than a \$10,000 loss per case. As the cost of education and financial aid borrowing increase, the total dollar losses from investigations will increase.

One 1990 case has taken almost two years to investigate. It involves a loss to the student financial aid programs of approximately \$6.4 million due to criminal activities by the school's owner. Most of the owner's business and personal assets have been seized with the intent of recouping some of the loss to the program. The authority vested in U.S. Department of Education, the Federal Bureau of Investigation, the U.S. Marshall's Office and the California Department of Justice were used to accomplish this. We believe that this case demonstrates the extent of how prevalent criminal activity is in student financial aid. It also demonstrates that successful investigation and prosecution of this type of case can only be achieved by having authority to serve search warrants and subpoena records and witnesses.

The media has played a major roll by increasing public awareness to the problem of abuse and fraudulent activities in the Student Financial Aid Programs. This in turn helps educate and persuade local county district attorneys and magistrates to accept and prosecute these cases.

Many new fraud schemes have surfaced with regard to student financial aid. Perpetrators have become more sophisticated and in some cases violence and murder have resulted. Exhibit 3 summarizes some of the investigations that have emerged over the past year that are typical of the kinds of white collar crime committed in the student financial aid environment.

The experiences to date show a need for better educated, qualified, and experienced investigators. If a bill were passed granting the Commission Investigators peace officer status under the authority of section of 830.3 P.C., it would be much easier to recruit and retain qualified investigators. There are four major criteria that

need to be considered in evaluating the appropriate status for the Commission's investigators. These are Safety, Liability, Legality, and Performance.

SAFETY

When addressing the issue of investigative safety, it should be understood that the word "safety" does not equate with the carrying of firearms. The carrying of firearms shall strictly be at the discretion of the director of a State agency and need not be an issue when considering the differences between Penal Code Sections 830.3 and 830.11.

The issue that should be considered is what status will best serve the investigators making them more effective and efficient in their investigative duties.

In comparing these two penal code sections it is important to understand that if the investigators for the Commission are included in section 830.11 P.C, they will not be peace officers. Rather the investigators will only be vested with the powers of arrest and warrant service while in the performance of their duties.

Under section 830.3 P.C, Commission investigators would be peace officers. As designated peace officers the investigators would have the necessary powers of arrest, warrant service, and the protection afforded this designation.

The Commission and its investigators as designated peace officers would be protected from a safety standpoint by California Penal Code Sections 833, 835, 835a, and 243. These sections give a peace officer the right to search for weapons that may be used against him or her (during the confrontation of a suspect). It would also deter an individual from assaulting a person (designated a peace officer) because of the fear of being charged with a felony crime. It is a felony to assault a peace officer while he/she is in the performance of his/her duties. A non-peace officer exercising the powers of arrest and warrant service would not benefit from these safeguards enumerated in the above listed penal code sections.

In comparing Penal Code Sections 830.3 and 830.11, it should be noted that the Commission has the greatest concern for the safety of its employees.

This concern is best stated in the Commission's Investigative Manual: "It shall be the policy of the Student Aid Commission, Investigations Branch, that above all, the safety and welfare of the employees are its first concern."

For this very reason Section 830.11 P.C. does not meet the Commission's requirements for providing the safest investigative environment. Under Section 830.11 P.C., the investigators would be given the powers of arrest and warrant service without the safeguards provided under Section 830.3 P.C.

Also, with regard to the safety issue that is a concern to the investigations staff, is the danger prevalent in the routine pursuit of suspects. Even though common sense and good judgment dictate that a suspect not be interviewed in a high crime area, there are those instances, which are all too frequent, in which a suspect interviewed in a reasonably safe area and under controlled circumstances can be life threatening to the investigator. Exhibit 4, a threat warning, is a recent example of an individual who is a suspect in obtaining student aid funds illegally and, feeling threatened, has communicated his intent to shoot the investigator. Exhibit 3 also describes the types of individuals investigators encounter on a daily basis.

Penal Code Section 830.3 was established and is maintained to provide definitive peace officer powers to approximately thirteen State of California Departments having an investigations branch.

Penal Code Section 830.11 was established to provide powers of arrest and warrant service to persons working for approximately four State of California Agencies dealing with banking, real estate and State Lands. Unlike the Commission, none of these agencies have "investigators" or investigation branches/units.

The persons addressed in Penal Code section 830.11 are not in the State's classification of Special Investigators. For example, included under this section are members of the "Crisis Response Team" of the Department of Real Estate whose primary duty is the administrative enforcement of the California Business and Professions Code as it pertains to their agency. A review of the other three listed agencies revealed that the Department of Savings and Loan and the Department of State Lands have eliminated those positions which provided persons enumerated under Penal Code Section 830.11. The State Bank Department has two positions in its agency which are classified as "bank examiners". Again, these individuals are not criminal investigators and, therefore, do not function in the same job duties as the Commission's investigators.

Section 830.11 P.C. was not designed for use with the classification of "Special Investigator" and this section does not provide "peace officer status" and the necessary tools to conduct investigative duties involving criminal activity.

LIABILITY

Liability is of great concern to the California Student Aid Commission. Since California Penal Code Section 830.11 expressly states, "The following persons are not peace officers, but may exercise the powers of arrest...", the investigators and the Commission face potentially very serious liability concerns if those powers are exercised.

In People v. Wilson (1918) 36 CA 589, it was upheld that a peace officer properly engaged in attempting to make an arrest on a misdemeanor charge has the right to resist attacks made upon him and having the right and legal authority to be there, he (peace officer) will not be legally considered the aggressor and may in his own defense take appropriate defensive action.

The ruling in the above listed case pertains only to those persons listed and defined as peace officers, not those merely exercising the powers of peace officers. Not being a peace officer and attempting an arrest could lead to injuries to either the investigator or the person(s) being arrested. The liability of all injuries could fall on the Commission.

A Peace Officer and his or her Department's liability is specifically covered in Penal Code Section 847. Section 847 of the Penal Code states: "There shall be no civil liability on the part of and no cause of action shall arise against any peace officer, acting within the scope of his authority, for false arrest or false imprisonment arising out of any arrest."

Again, the above listed protections are afforded to those designated as peace officers, not to individuals merely exercising the powers of arrest and warrant service of peace officers (as designated under 830.11 P.C.).

Additionally, investigators of the California Student Aid Commission, if designated as peace officers under 830.3 P.C., would be afforded all protection granted to peace officers under the law. Investigators could not be successfully sued nor could the California Student Aid Commission be successfully sued for any legal actions taken by investigators in the performance of their duties. (Penal Code Section 847)

The Commission and its investigators as designated peace officers would have protection against a civil law suit stemming from false arrests.

People v. Harris (1963) 212 CA2d 845; People v. Amos (1961) 190 CA21 384 sustains that a detention for questioning or for a computer records check is not an arrest or an illegal detention when done by a peace officer. However this may not hold true for

non-peace officers exercising the powers of arrest and warrant service.

Investigators, if obstructed or delayed in their investigations, could file appropriate charges pursuant to Section 148 P.C. Under 830.11 P.C., investigators could not file charges because they would not be peace officers as defined in 148 P.C..

Investigators, if given false representation of identity by a suspect or other involved party, could file appropriate charges pursuant to 148.9 P.C. Under 830.11 P.C., investigators could not file charges because they would not be peace officers as defined in 148.9 P.C.

Protection for peace officers listed under Section 830.3 P.C. are enhanced by court decisions.

For example:

People v. Fuller (1969) 268 CA2d 844; Officer's not Liable.
People v. Curtis (1969) 70 C2d 347; Suspect may not resist officer.

People v. Denby (1895) 108 C 54; No right to resist Peace Officer.
Terry v. Ohio Justifies a detention without an arrest by officer.

These describe just a few of the relevant court decisions. Suffice it to say that the protection afforded to peace officers and their respective departments has a very strong foundation in both the California Penal Code and Court decisions.

Therefore California Penal Code Section 830.3 would clearly better serve the California Student Aid Commission and its Investigations Branch.

LEGALITY ISSUES

The Commission's investigators have been reasonably successful in gathering evidence, documentation and necessary information from various sources to complete their cases. This success is based on the good relationships and rapport established by our investigators with other law enforcement agencies. More and more, however, the question is posed whether or not the investigator is sworn (peace officer) as a prerequisite to providing the information. As the information needed is denied or made more difficult to obtain, the investigation cannot be concluded in a timely manner.

It has been stated that the Commission's investigators should request any necessary evidence or documentation from other sworn agencies or obtain it from the district attorney where the case is to be filed. However, when the Commission's investigators make these requests, only a few are accommodated. Local law enforcement agencies are spending more of their time with increasing non-white

collar crime and cannot or will not take the time to learn the financial aid process and accordingly, provide the staff to gather the data requested. The district attorneys in most instances do not want to put any of their efforts in the case development. They want the entire completed case file presented to them before even considering a case for filing. It has become a most frustrating sequence of events when a district attorney who requests a certain piece of evidence to be supplied, but the investigators cannot secure that documentation because they legally are not entitled to get it.

A district attorney sometimes only assist investigators if the case has a very high dollar value involved or the case has media appeal.

It is essential that the Commission's investigators have the proper tools and records access to conduct criminal investigations. Penal Code Section 830.11 provides only limited access to records and most of these records can be secured without this penal code designation. Criminal Offender Records Information (CORI, better known as RAP sheets) can only be obtained through sections 830.3 and 830.11 P.C., but access to the California Law Enforcement Telecommunications System (CLETS) is only available through 830.3. Also, the information from CLETS can only be shared with another peace officer. To share the information or have it in the files is an illegal extraction of information. Investigators must not be placed in a situation that will compromise the evidence obtained. Exhibit 2 further explains and describes the difficulty in conducting investigations by not having peace officer status.

PERFORMANCE

Performance is measured by the efficiency and effectiveness of the investigator and how soon after a case is assigned is completed. It is also measured by whether those cases suitable for filing in the proper jurisdiction are readily accepted. In the section addressing legality, there is discussion about the investigators' ability to secure legal documentation and information to "make a case." It is clear that road blocks are being placed in the way of obtaining vital data or of being able to pursue the investigation further due to of lack of interest or ability by other law enforcement agencies to assist the investigators.

Investigators must be able to obtain vital information while in the field with regards to suspect, witness and location of these and other individuals. This information can only be provided by other law enforcement agencies to the investigators if they are peace officers. Non-peace officers have to follow a routine which requires regular business hour contact at the jurisdiction's business office location. This eliminates the investigators ability to make field contact with a jurisdictions field patrol unit for assistance in obtaining investigative information.

Additionally, the investigators are denied valuable investigative tools that Section 830.3 P.C. provides to peace officers; i.e. access to the California Law Enforcement Telecommunications System (CLETS), Law Enforcement Training for Sworn Personnel and improved responsiveness for assistance from other law enforcement agencies.

If the Commission's investigators are incorporated under Section 830.3 P.C, sufficient information could then be made available in the field to make an appropriate and timely evaluation prior to making contact with an individual important to the case. Information through the California Law Enforcement Telecommunications System (CLETS) and local law enforcement agencies is only available to peace officers.

Cooperation from other law enforcement agencies will be greatly improved through equal status as sworn investigators. This is a real issue that comes to light in almost every case. More than ever before, the investigators are queried as to their legal authority to request certain information. The Commission's current authority and the authority granted under 830.11 limits accessibility to all critical investigative matter. Cases will either have to be dropped or excessive amounts of time will be needed to complete them. Time is of the essence in the building of a case. Unnecessary time taken on case after case due to difficulty in obtaining documentation results in cut backs on the number of cases investigated. It can also allow suspects to avoid arrest and prosecution.

Finally, the projections of new investigations caseload in the 1992-93 FY BCP has been decreased to almost half that of the two prior years because a large number of complaints or claims of fraud can only be given cursory review. This is partly due to staff shortages and the length of time it takes to determine whether a crime has been committed. The extra time it takes to complete these cases has had an adverse effect on pursuing further investigation into other criminal cases.

CONCLUSION

The study completed by POST in March 1991 recommended the investigators be placed under Penal Code Section 830.11. This status gives limited peace officer authority, but falls short of the status that is required with regards to safety, liability, legality and performance.

The POST study was thorough and covered a large number of cases over an eighteen month period. As previously pointed out, however, the study did not recognize that the majority of investigations were conducted for criminal violations. The fact that an investigation did not result in criminal prosecution was used as the primary reason for determining that the investigation

activities of the Investigations Branch were mostly administrative in nature.

Exhibits 1 - 4 analyze the 1991 investigations case load and provide supporting analysis and evidence for giving the full police officer status to the investigators. Exhibit 3, especially, identifies the typical case scenarios that are prevalent among the day to day activities of the investigator staff.

Criminal: 148
 Admin. 6
 Total 154

STUDENT AID COMMISSION FEASIBILITY STUDY

Exhibit 1

1991 CASES	CASES EXAMINED			CASE DISPOSITIONS										ARREST AND SEARCH WARRANT ACTIVITY				
	Number of Closed/Inactive Case Numbers Examined	Number of Active Cases Examined	Total Number Of Cases Examined	Complaints Filed	Complaints Declined	Complaints Referred To DDE/OKG	Cases Referred To Law Enforcement	Final Disposition Pending	Complaint Unfounded	Minimal Or No Loss	Insufficient Evidence	Unable To Identify Or Locate Suspect	Too Dangerous To Continue	Arrest Warrants Pending	Arrest Warrants Issued	Arrest Assistance By Peace Officer Agency	Search Warrants Served	Search Warrant Assistance By Peace Officer Agency
CATEGORY #1 CASES Serious violation. Not bonafide students. Comments or attempts theft of student aid loan funds through misrepresentation.	4	0	4	4	0	0	0	0	0	0	0	0	0	0	3	3	0	0
CATEGORY #2 CASES Bonafide students through misrepresentation attempt or acquire a student aid loan, examine attendance records, grades, etc.	53	44	97	31	2	5	1	24	11	7	3	9	4	10	22	20	0	0
CATEGORY #3 CASES Miscellaneous circumstances involving potential fraud, errors in use of SSN's, check irregularities, anonymous tips, etc.	30	3	33	2	2	0	0	2	19	2	4	2	0	1	2	0	0	0
CATEGORY #4 CASES Allegations against schools or lending institutions which indicate fraud, waste or abuse. Includes schools as victims.	5	6	11	3	0	1	0	3	1	1	2	0	0	0	2	2	0	0
CATEGORY #5 CASES Situations in which assistance is provided to Federal, State, County or Municipal Agencies.	4	5	9	2	0	3	1	2	1	0	0	0	0	0	2	0	0	0
TOTALS	96	58	154	42	4	9	2	31	32	10	9	11	4	11	31	25	0	0

Percentages:

62.3	37.7	100	27.3	2.6	5.9	1.3	20.1	20.7	6.5	5.9	7.1	2.6	26.2	73.8	80.6	0	0
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EXHIBIT 1-B

1991 CASE EVALUATION

An examination of 1991 cases reveals the following break-down:

- 154 investigations were initiated during the year.
- 148 (96.1%) were investigated for criminal violations, 6 (3.9%) were either civil or administrative matters.
- Of the 46 cases presented to the local District Attorney or United States Attorney, 4 (8.7%) were declined for prosecution, on 31 (73.8%) arrest warrants were issued, and 25 (80.6%) arrest warrants were executed with assistance from law enforcement agencies. An additional 11 have been accepted for prosecution and the issuance of arrest warrants is pending.

The POST study did not sufficiently distinguish between the definitions "Administrative Closure" and "Criminal Prosecutions". "Administrative Closure" does not mean that a case initially is not criminal in nature and investigated with the intent to file a criminal complaint. It means that the case was closed, without prosecution, for any of the following reasons:

- District Attorneys, or United States Attorneys, declined prosecution because their offices' guidelines for prosecution were not met (4 cases; 2.6%).

- Following initial investigation, complaints were referred to USDE for investigation because the California Student Aid Commission lacks jurisdiction or authority to investigate the violation (9 cases; 5.9%).

- Following initial investigation, complaints were referred to other law enforcement agencies because the California Student Aid Commission lacks expertise or authority to investigate the violation (2 cases; 1.3%).

- Complaint was unfounded; the complainant made a false report to the California Student Aid Commission and investigation into the matter proved that the complainant is responsible for the loan. False Reports of Crime are punishable under Section 148.5 of the Penal Code, if the false report is made to a peace officer. The incidence of false reports would decline if the complainant knew he or she could be prosecuted. (32 cases; 20.7%)

- Suspect cannot be identified or located (11 cases; 7.1%). A victim contacted the California Student Aid Commission and reported that someone had used her identity to obtain student loans. The victim also stated that she had been contacted by an

unknown police department in the past because the suspect had been arrested using the victim's identity, but she could not recall the name of the police department. Lacking other investigative leads and without the ability to conduct a criminal history check, Commission investigators were unable to further investigate the case.

- Insufficient evidence or the statute of limitation has expired. This includes cases where the evidence cannot be obtained because the investigators lack subpoena power. (9 cases; 5.9%).

- Minimal or no loss involved (10 cases; 6.5%). The amount of loss was not enough to justify the expense of further investigation.

- Too dangerous to continue investigation (4 cases; 2.6%)

The case disposition "Final Disposition Pending" is lists cases under investigation where the investigator has not yet collected sufficient information or documentation to define which direction to go with the case. Based on the percentage of complaints filed, it is expected that approximately 9 of the 32 pending cases will eventually be prosecuted. This would mean that 33% of all complaints received in 1991 were prosecuted.

Arrest warrants are pending in 11 cases. In these cases, the prosecuting attorney has accepted the case for filing a criminal complaint, but the warrant has not yet been issued.

In 80.6% of the cases filed, assistance was needed from another law enforcement agency to make the arrest. In 6 of the 31 cases, arrest warrants were issued, but the suspect found out about it and disappeared. By not being able to make the arrest in a timely manner, the suspect was given the opportunity to leave. Law enforcement agencies generally are not willing to or have the staff to spend the time necessary to attempt to locate and arrest the suspect.

EXHIBIT 2

QUESTION OF PEACE OFFICER STATUS

The question whether the investigator is a peace officer becomes an issue every time we contact a law enforcement agency for assistance or information or the district attorney's offices to file a case.

If the question is not asked, the investigator is obligated to clarify the non-peace officer status to prevent the unintentional release of privileged information.

In dealing with law enforcement agencies and district attorney's offices, a great deal of time is unproductive by waiting to meet with an officer or DA because sworn personnel always are afforded priority over non-sworn personnel (i.e. citizens).

The above listed factors have a significant effect on our ability to handle cases in an expeditious manner.

One of our investigators relates this incident while attempting to file one of her cases:

"On March 24, 1992, I went to the San Bernardino District Attorney's office in Fontana to file a case. I was asked if I had a suspect in custody. After I replied no, I was ask if I was a peace officer, I replied no and was told they probably couldn't see me, but was free to wait. I waited 3 hours (until closing). During this time, many people came into the office, identified themselves as peace officers and were either taken into the office immediately or waited 10 to 15 minutes before being taken in. I returned the next morning for 2 hours and the same events occurred. I was unable to meet with the DA and left the case with the receptionist asking for review and a call from the DA if he had any questions.

EXHIBIT # 3
STUDENT FINANCIAL AID FRAUD SCHEMES

CASE SCENARIOS

SCHEME #1

Two financial aid officers (FAOs) from two different schools devised a scheme to fraudulently acquire money from the financial aid program. The FAOs would continually monitor the attendance progress of current and prospective student enrollments. They would then process the necessary paper work for student loans and certify attendance. If the student borrower was a "no show" or "drop", the FAOs would intercept the students loan checks and not return to the lender as required. The FAOs would then make up identification cards at the schools, using associates (friends) pictures and placing the names of the student loan borrower (imprinted of the check) on the identification cards. The accomplices would then go to a local check cashing business and present the student loan check for negotiation using the made-up school ID for proof of identification. The FAOs would remain at the school in the event the check cashing business called for verification. The scheme was relatively successful in that the FAOs were able to net over \$100,000.

SCHEME #2

An individual in San Diego had devised a scheme that netted him over \$30,000 in just six weeks. He went to the local library and started searching the obituaries in newspapers for male individuals that had succumb in 1980 and were of his (suspect's) approximate age. Suspect then went to the County hall of records and purchased copies of death certificates of these male individuals that fell into the criteria he needed. He then purchased copies of the birth certificates relating to the same decedents. With the combination of these two documents, the suspect was able extract needed information to assume the identity of the deceased individuals. The suspect then using these aka's, enrolled in several schools and applied for financial aid.

SCHEME #3

A school director had worked out a scheme that gave him an additional \$15,000 in wages and \$102,00 extra from financial aid moneys for the school corporation. The director was given a commission in addition to his salary for the number of students enrolled and the amount of money that the school had earned. Obviously, the longer a student was in attendance, the more money the school was able to keep for students on financial aid. The idea was simple. The director just extended the enrollment period of dropped students on the attendance records, Thus showing a greater earning for the school and bigger commission for him.

SCHEME #4

On October 18, 1991 Detective Mike Scott, Los Angeles County Sheriff's Department Homicide Bureau, contacted the Investigations Unit at the California Student Aid Commission. Scott stated that an employee in the financial aid office at Travel and Trade Career Institute, (TTCI), was a suspect in a double shooting.

One of the shooting victim's (Jneane Griffie), had died. The second victim, (Rachel Jones), survived two gunshot wounds. Jones told Scott that the motive for the shooting revolved around the proceeds of a student loan. Since a school financial aid officer was involved, Detective Scott informed the Student Aid Commission.

An investigation was initiated. This investigation revealed that a financial aid officer at Travel and Trade Career Institute, (Eric Frank Robinson), had generated 89 fraudulent loans using non-student identities. The loan checks of 3 former student's were also illegally removed from the financial aid office and negotiated.

The loan fraud scam involved Robinson or his associates, (suspects 2 through 5), obtaining identification information from various individuals throughout the community. Some of these individuals expected to actually attend school. Others were told that they could do as they please with the loan funds. Most were told that they would have to split some portion of the money with the inside person as the cost of doing business.

After obtaining the required identification information, a student loan application/promissory note was filled out. The school financial aid officer is charged with reviewing each loan application before it is submitted to a lender. The borrower identification information is checked, eligibility and enrollment verified and a financial need analysis is performed. The financial aid officer then "certifies" the application/promissory note as true, complete and correct. Eric Robinson's position as financial aid officer allowed him to generate loan applications at will.

The certified loan applications were sent to Bank of America Student loan Service Center in Pasadena. Bank of America processed the applications and produced student loan checks. Bank of America mailed the checks to Travel and Trade Career Institute. Robinson then intercepted the loan checks before they were entered into the school financial aid tracking system.

Robinson or his associates would next contact the person who had supplied their identification information for the loan. In most cases, one or more of the suspects would accompany this person to a bank and the check would be cashed. The person listed on the loan would then receive their "Cut", with the majority of the money going to the suspect(s).

Eric Robinson certified the first fraudulent loan on 06-15-90. Twelve, (12) loans were certified and processed in 1990. Robinson certified seventy seven (77), fraudulent loans in 1991. The first loan was dated 01-07-91. Loans continued to be certified and processed each month up until September 28, 1991.

On September 28, 1991 at approximately 2200 hrs Rachel Jones and Jneane Griffie were found shot in front of 1500 Tartar Land in Compton. Jones survived and exposed the loan fraud scam in her statement to Los Angeles County Sheriff's Department Homicide Investigators.

Jones said she gave Griffie her identification information with the understanding that it would be used to obtain a student loan. Jones did receive a loan check and cashed same at a check cashing business in Los Angeles. Jones was robbed shortly after cashing the check and could not split the proceeds with the suspects. As a result, Jones and Griffie were shot and left for dead.

The total dollar amount in fraudulent loans is currently set at \$354,255.00. California Student Aid Commission Investigators were able to recover \$40,000.00 in non-negotiated student loan checks that were left at Travel and Trade Career Institute. For reasons unknown at this time, \$12,000.00 worth of disbursed loan checks were never negotiated. Bank of America has subsequently canceled these loans. Investigator's learned that four loan checks had been deposited into an account at a Security Pacific National Bank in Compton. The account was frozen and \$4,948.12 was eventually recovered. The actual dollar loss is set at: \$297,306.88.

SCHEME #5

Financial Aid Officer falsely submits loan applications for friends and family. Receives checks from issuing lender and delivers the checks to the illegal recipients.

Financial Aid Officer causes the lender to be reimbursed from the School's Account causing the SFA Loans to show as canceled. The

SFA Loan Checks were illegally negotiated. This causes the School to spiral into bankruptcy and ultimately causes the School to close.

SCHEME #6

Criminal group with extensive history in escrow and real estate fraud have a member become romantically involved with Financial Aid Officer at vocational school. The fraud group member convinces the Financial Aid Officer to participate in a fraud scheme.

This fraud scheme involves the supply of Social Security Numbers to the Financial Aid Officer, the generation of false SFA Loan Application/Promissory Notes by the Financial Aid Officer through

the school and the use of computers and computer services. The Financial Aid Officer then intercepts the SFA Loan Checks and delivers them to another member of the fraud group.

Purchase of narcotics by the fraud group with the proceeds from the ongoing SFA Fraud is done to accomplish the increase of funds. Following an arrest, conviction and incarceration (due to a drug arrest for sale of 50 kilos of Cocaine) in a federal prison of the involved group member with the Financial Aid Officer Social Security Numbers and additional fraudulent plans are directed from the incarcerated fraud group member to the Financial Aid Officer from inside the prison.

The fraud scheme involves approximately fifty illegal SFA Loans, ten suspects, five States, approximately \$200,000.00 in illegally obtained SFA Funds and an additional amount of illegally obtained SFA Funds yet to be determined.

SCHEME #7

This is an example of a fraud scheme involving school financial aid office personnel. The suspect was employed part time at a Community College financial aid office. The suspect was also employed as a psychiatric technician at the local hospital. The suspect used identities of deceased patients from the hospital and completed Stafford and SLS loan applications/promissory notes with the deceased person's information. The suspect then certified the applications and mailed them to the lender. When the checks were received at the school, the suspect removed them from the financial aid office. The suspect forged the endorsement on the check and then gave the check to a friend to cash or deposit. The friend then returned some of the money to the suspect. Both parties have been convicted.

SCHEME #8

Another case involved fraud in the PLUS loan program. The suspect obtained information from the computerized financial aid database at a major California University. It is unknown how he accessed the computer system. The suspect obtained information about students who had applied for financial aid. The suspect then completed a PLUS loan application for that student, listing one of his many aliases as the parent's name. The suspect then forged the school certification signature. The checks were mailed to the suspect at drop box locations throughout southern California. A search warrant executed on the suspect's last known residence netted hundreds of completed PLUS loan applications, many pieces of identification bearing the suspect's photograph and different aliases, applications made in the suspect's aliases to attend major universities throughout the country and a school seal embosser from the suspect's high school which he used to create counterfeit high school transcripts. The suspect has not been located, but there is currently a warrant for his arrest.

SCHEME #9

A member of the Nigerian mafia entered this country and applied for false driver's licenses, birth certificate and social security numbers using various names. He used these false I.D.'s to obtain student loans and grants. Trial pending.

SCHEME #10

In May 1990, a complaint was received alleging that students' signatures on loan disbursement checks had been forged at a vocational school. The allegation was substantiated and further investigation and interviews showed that the school had failed to make refunds of student loans. A former financial aid director provided documentation to show that at least \$5.2 million had not been refunded and the money had been used by the school's owner to buy commercial and business properties. In order to be able to adequately investigate this case, I formed a task force with the US Department of Education, the US Attorney's Office and the California Department of Justice. As a result of the investigation, three commercial and two residential properties were seized and a currently being sold by the Government in an attempt to recover some of the losses suffered. Although the school's owner does not have a criminal history, most family members working for him have criminal records for violations of Assault with a Deadly Weapon, Grand Theft, Robbery, Narcotics violations, Burglary, Attempted Murder, Bookmaking, Carrying Concealed Weapons, Kidnapping, etc. The indictment is pending.

SCHEME #11

An individual devised a scheme where he would apply for loans through out the United States. He would enroll in numerous schools and apply for GSL loans, using various Guarantee Agencies. When the suspect was notified that the checks were in, he would fly to the respective state and pickup the GSL checks at the school. With this M.O., the suspect was able to secure over \$100,000 in financial aid.

SCHEME #12

An individual living in Santa Barbara used his roommates identification and social security number to apply for financial aid. Using the roommates information, the suspect would send student loan applications to various lenders, completing his own verifications and noting a new mailing address for the school. The lender (bank) then would note the change of address. The checks would subsequently be mailed to the new P.O. Box, which was truly the suspect's "dropbox" address. This bypassed the school's involvement and the suspect could conceal his true identity.

THREAT WARNING: INVESTIGATIONS/AUDITS CSAC

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
FOR DMV OR LAW ENFORCEMENT USE ONLY 3**

2368

IDENTIFICATION CARD

A3147979 EXPIRES: 02-10-94
ROLANDO GARCIA
2530 S 9TH ST
FRESNO CA 93725



SEX:M HAIR:BLK EYES:BRN
HT:5-08 WT:198 DOB:02-10-68

AGE 21 IN 1989

Rolando Garcia
03-29-88 505 47

IDA 505 032988 47 5007 0926 989

The above individual has threatened to shoot Investigator Spradling. He is being investigated as the result of a Grand Theft/Fraud of Student Financial Aid Funds in the Fresno Area.

Note: The Fresno District Attorney's Office has issued a prior warrant for arrest (currently active in the CLETS Computer) on this individual.

ALL STAFF SHOULD BE AWARE OF THIS INDIVIDUAL. IDENTIFY PERSONS PRIOR TO ALLOWING ACCESS TO THE AUDITS/INVESTIGATION SECTION.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Revision of Regulation 1011 Re: Cancellation of Certificates in cases of Conviction of Felonies Sentenced as Misdemeanors.		Meeting Date October 25, 1992
Bureau Compliance and Certificates Services	Reviewed By <i>[Signature]</i> Frederick Williams	Researched By Frederick Williams
Executive Director Approval <i>[Signature]</i>	Date of Approval 9-29-92	Date of Report July 27, 1992
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

As requested by representatives of law enforcement labor associations, should the Commission rescind its July, 1991 action which revised Regulation 1011 to allow cancellation of certificates of officers convicted of a felony but sentenced as a misdemeanor, among other provisions of judgment?

BACKGROUND

At its July 18, 1991 meeting, the Commission, following a public hearing, approved proposed changes in Commission Regulation 1011 and Commission Procedure F-2 to expand provisions for cancellation of POST professional certificates, effective January 1, 1992.

Prior to this Regulation change, the Commission revoked certificates only in the event of a felony conviction, or in instances when the certificate was fraudulently obtained. With the change in Regulation and Procedure, the provisions for certificate cancellation have been expanded to include:

1. All peace officer employment disqualification conditions provided for in Government Code Section 1029 (a).
2. Certain felony convictions (sex and narcotics offenses, theft, assault under color of authority, and dishonesty associated with official duties) that are reduced to misdemeanors after conviction under P.C. 17 (b) (1) or (3).

An additional provision for the Commission to review any cancellation of certificates under these new criteria was included in the regulation change. In these instances, the Commission requires a notice of proposed cancellation to the individual and concerned department head with an invitation for them to submit information to the Commission. The Commission would review input prior to proceeding with cancellation.

Certificate cancellation covered by these changes were restricted to disqualifications and convictions occurring on or after January 1, 1992.

The Commission Agenda Item Report and minutes of the hearing for the July 18, 1991 Commission meeting are enclosed as Attachment I. The report provides a more detailed description of the preceding background information.

The Commission has received several letters from representatives of law enforcement labor associations requesting the Commission to consider rescinding the July, 1991 Commission action. The letters are included as Attachment II.

ANALYSIS

Within the last five years, revocations for felony convictions have averaged 26 per year. There have been no revocations under the newly expanded provisions [selected felony convictions reduced to misdemeanors and Government Code Section 1029 (a)] which became effective January 1, 1992.

The new categories for revocation are offenses that substantially relate to the qualifications, functions and duties of a peace officer. The Commission believed that revocation of certificates following such convictions will serve to safeguard the integrity of the POST certificate program. Preservation of integrity of the certificates was noted as important because the certificates are widely recognized throughout the United States as evidence of competency and character, and are relied upon in employment decisions. The certificates are awarded based in part upon an attestation by the agency head that the recipient is of good moral character. The possession of these certificates by unqualified persons was seen as diminishing the prestige of the Commission and the esteem for the certificates in both the public and professional views.

The State Office of Administrative Law subsequently acted to approve the recommended Regulation changes based upon this reasoning. If the Commission wishes to rescind the new provisions, another public hearing would be required. The Office of Administrative Law would require supporting reasons for making such a change to the Regulations.

This matter has been placed on the agenda for discussion at the request of law enforcement labor associations and with the Commission concurrence. In July, 1991 opposition of these groups was based upon a view that revocation actions may impinge upon employment retention decisions of department heads, and a view that POST was not legally empowered to expand the basis for revocation. It is expected that representatives of those associations will be present at the meeting to provide input to

the Commission. An appropriate course of action may become apparent based upon that input at the meeting.

Subject to input, optional courses of actions would be:

1. Reaffirm Commission's previous action and take no further action.
2. Reschedule a public hearing to consider rescinding the regulation.
3. Continue the matter for additional input from the field.
4. Refer the matter to the joint committee consisting of Commissioners and labor representatives with a report back at a future commission meeting.
5. Take no action on the request at this time but direct staff to analyze in depth one or more certificate revocations under this regulation and report back to the Commission on any positive/negative impacts. Analysis would also include input from the impacted agency as well as concerned law enforcement labor leaders.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Hearing: To Consider Adoption of Regulations to Expand Certificate Revocation Requirements		Meeting Date July 18, 1991
Division Compliance and Certificate Services	Reviewed By	Researched By <i>FW</i> Frederick Williams
Executive Director Approval <i>Morgan C. Beckm</i>	Date of Approval 6-21-91	Date of Report June 20, 1991
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 enact regulations expanding the grounds for cancellation of professional certificates to include all disqualifiers in Government Code Section 1029 (a), and specified felonies reduced to misdemeanors under Penal Code Section 17, subsections (b) (1) and (3)?

BACKGROUND

Pursuant to Penal Code Section 13510.1 (a) (Attachment A), the Commission is required to maintain a certification program for specified peace officers. Penal Code Section 13510.1 (b) establishes the Basic, Intermediate, Advanced, Supervisory, Management, and Executive certificates for purposes of fostering professionalism in law enforcement. Subsections of P.C. 13510.1 (e and f) also cite that the certificates remain the property of the Commission and that the Commission is empowered to cancel any certificate. The Commission is required to cancel certificates of persons convicted of a felony offense. These requirements have been incorporated in Commission Regulation 1011.

Since January 1, 1979, the Commission has cancelled 234 certificates of peace officers convicted of felony offenses.

Within the past five years, revocations for felony convictions have averaged 26 per year. It is estimated that there are 150 annual arrests of California peace officers and former peace officers for felony offenses. About 26 of these result in felony convictions, with about 40 being dismissed. The remaining 84 original felony arrests are disposed of as misdemeanor convictions. The reductions to misdemeanors may occur at time of filing by the prosecutor, or following conviction in Superior Court.

Sentencing practices of local superior courts may have the effect of reducing many felony convictions to misdemeanors. Such reductions are permitted under Penal Code Section 17, subsection (b) (1) and (3).

Government Code Section 1029 (a) outlines a series of circumstances, other than felony conviction, that disqualify a person for the position of peace officer including: (1) when adjudged by a Superior Court to be mentally incompetent; (2) found not guilty by reason of insanity of any felony; (3) determined to be a mentally disordered sex offender; (4) adjudged addicted or in danger of becoming addicted to narcotics and committed to a state institution; or (5) any person who has been convicted of any offense in any other state which would have been a felony if committed in this state. Because of current regulation language, peace officers with a finding under these conditions are currently shielded from certificate cancellation even though they are disqualified by law from holding peace officer positions.

ANALYSIS

It is proposed that regulations be changed to require the cancellation of POST certificates of individuals for any felony conviction which has been reduced to a misdemeanor pursuant to Penal Code Section 17 (b) (1) or (3) and the crime involved unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or illegal narcotic offenses. Offenses in these categories substantially relate to the qualifications, functions, and duties of a peace officer.

Revocation following such convictions seems important to prevent the continued employment or reemployment of such persons and to serve to safeguard the integrity of the certificate program. Preservation of integrity of the certificates is important because the certificates are widely recognized throughout the United States as evidence of competency and character, and are relied upon in employment decisions. Certificates are based in part on satisfactory performance on the peace officer job, and based upon an attestation by the agency head that the recipient is of good moral character. The possession of these certificates by unqualified persons serves to diminish the prestige of the Commission and the esteem for the certificates in both the public and professional views.

It is also proposed that regulations be modified to require cancellation of certificates of persons who have been disqualified as peace officers for any reason specified in Government Code Section 1029 (a). Currently, the only disqualifier that results in revocation is felony conviction. Expansion of revocation to include all these disqualifiers (described above and in Attachment B) would provide for reasonable consistency between the certificate program and legal barriers to peace officer employment.

As indicated in the proposed changes in Commission Procedure F-2

(9), in instances where specified felonies are reduced to misdemeanors pursuant to Penal Code 17 (b) (1) or (3), department heads, as well as the affected individual, will be afforded an opportunity to provide input to the Commission regarding the appropriateness of proposed certificate cancellation. All such inputs would be evaluated and presented to the Commission for consideration prior to the initiation of normal cancellation procedures. This input provision is recommended because cancellation for misdemeanors, even though narrow in scope, is a new area and there is concern that the appropriateness of cancellation be examined in the most careful manner.

It is important to consider, however, that this provision for case by case review by the Commission can give rise to questions as to the criteria to be used by the Commission in judging the cases. It is recommended that the Commission adopt the policy that all such cases will be pursued for cancellation when, in the judgment of the Commission, the circumstances support the conclusion that the conviction substantially relates to the qualifications, functions and duties of a peace officer.

Currently, Procedure F-2 provides that all hearings of individual appeals shall be conducted by a hearing officer. It is proposed that this provision be modified to retain latitude for the Commission to conduct the hearing should it so desire. Other related technical changes are also proposed.

Because staff does not now collect information on cases other than those involving felony convictions, there is uncertainty as to the increased volume of revocations that would occur under proposed regulations. The likelihood is that a modest increase will result.

Attachment C shows the proposed changes to Commission Regulation 1011 and Procedure F-2.

It has come to staff's attention that some law enforcement labor groups oppose these proposed changes. These groups have been specifically invited to voice the bases of their concerns at the hearing. They have been assured that the Commission has interest in hearing and considering all issues associated with the proposal prior to any action being taken.

RECOMMENDATION

Subject to results of the public hearing, it is recommended that the Commission adopt amendments to Regulation 1011 and Procedure F-2, concerning the expansion of certificate cancellation, to be effective January 1, 1992.

13510.1 Certification program; purpose; requirements; application; cancellation of certificates

- (a) The commission shall establish a certification program for peace officers specified in Sections 13510 and 13522 and for the California Highway Patrol.
- (b) Basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officer members of city police departments, county sheriffs' departments, districts, university and state university and college departments, or by the California Highway Patrol.
- (c) Certificates shall be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.
- (d) Persons who are determined by the commission to be eligible peace officers may make application for such certificates, provided they are employed by an agency which participates in the Peace Officer Standards and Training (POST) program.
- (e) Certificates remain the property of the commission and the commission shall have the power to cancel any certificate.
- (f) The commission shall cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a crime classified by statute or the Constitution as a felony.

13510.2 Misuse of certificates; misdemeanor; punishment

Any person who knowingly commits any of the following acts is guilty of a misdemeanor, and for each offense is punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail not to exceed one year, or by both a fine and imprisonment:

- (a) Presents or attempts to present as the person's own the certificate of another.
- (b) Knowingly permits another to use his or her certificate.
- (c) Knowingly gives false evidence of any material kind to the commission, or to any member thereof, including the staff, in obtaining a certificate.
- (d) Uses, or attempts to use, a canceled certificate.

LAW RELATING TO SELECTION AND STANDARDS

CALIFORNIA GOVERNMENT CODE

Title 1

GENERAL PROVISIONS

DIVISION 4

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 1

GENERAL

ARTICLE 2

DISQUALIFICATIONS FOR OFFICE OR EMPLOYMENT

1029. Conviction of felony as disqualification for peace officer

- (a) Except as provided in subdivision (b), (c), or (d), each of the following persons is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer:

- (1) Any person who has been convicted of a felony in this state or any other state.
- (2) Any person who has been convicted of any offense in any other state which would have been a felony if committed in this state.
- (3) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.
- (4) Any person who has been found not guilty by reason of insanity of any felony.
- (5) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of

Division 6 of the Welfare and Institutions Code.

- (6) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.
- (b) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections or the Department of the Youth Authority, or as a probation officer in a county probation department if he or she has been granted a full and unconditional pardon for the felony or offense of which he or she was convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority may refuse to employ any such person as a parole officer regardless of his qualifications.
- (c) Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in the time of disaster caused by

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

CERTIFICATE REVOCATION REQUIREMENTS

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, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: July 18, 1991
Time: 10:00 a.m.
Place: Marriott Mission Valley
San Diego, California

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

INFORMATIVE DIGEST

Penal Code Section 13510.1(a) requires the Commission to maintain a certification program for specified peace officers. For purposes of fostering professionalization in law enforcement, the Commission has established the Basic, Intermediate, Advanced, Supervisory, Management and Executive certificates. Penal Code Section 13510.1, subsections (e) and (f), cite that the certificates remain the property of the Commission and that the Commission shall cancel certificates of persons convicted of a felony offense.

It is proposed that Commission Regulation 1011 and Commission Procedure F-2 (which is incorporated by reference into Regulation 1011) be modified relating to the cancellation of POST certificates.

Proposed modifications would require the cancellation of POST certificates issued to individuals who have been convicted of any felony which has been reduced to a misdemeanor pursuant to Penal Code Section 17(b), subsection (1) or (3), in which the crime involved unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or illegal narcotic offenses. Modifications would also provide an opportunity for the department head of the subject individual to provide input to the Commission in these instances.

It is also proposed that Regulation 1011 and Commission Procedure F-2 be modified to require cancellation of POST certificates issued to persons who have been disqualified as peace officers for any reason specified in Government Code Section 1029(a)(1) through (a)(6).

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 July 8, 1991. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., 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 address below. 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

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Small Business Impact: None

Cost Impact on Private Persons or Entities: None

Housing Costs: None

CONSIDERATION OF ALTERNATIVES

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 Kathy Delle, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

Authority: Penal Code Section 13506

Reference: Penal Code Section 13510.1

COMMISSION REGULATIONS

1011. Certificates and Awards.

- (a) Certificates and awards are presented by the Commission in recognition of achievement of education, training, and experience for the purpose of raising the level of competence of law enforcement officers and to foster cooperation among the Commission, agencies, groups, organizations, jurisdictions and individuals.
- (b) Professional certificates shall remain the property of the Commission. Certificates may be denied or cancelled when:
- (1) A peace officer ~~is~~ has been adjudged guilty of a felony or been disqualified for any other reason described in Government Code Section 1029(a)(1) through (a)(6); or
 - (2) The person is adjudged guilty of a felony which has been reduced to a misdemeanor pursuant to Penal Code Section 17, subsection (b)(1) or (b)(3), and constitutes either unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or narcotic offense; or
 - ~~(3)~~ (3) If ~~the~~ certificate was obtained through misrepresentation, or fraud; or
 - ~~(4)~~ (4) The certificate was issued due to administrative error on the part of the Commission and/or the employing agency.
- (c) Whenever a peace officer, or a former peace officer, is adjudged guilty of ~~a felony~~ an offense described above, the employing department in the case of a peace officer, or the department participating in the POST Program that is responsible for the investigation of the felony charge against a former peace officer, shall notify the Commission within 30 days following the final adjudicative disposition. The notification shall include the person's name, charge, date of adjudication, case number and court, and the law enforcement jurisdiction responsible for the investigation of the charge.
- (d) Requirements for the denial or cancellation of professional certificates are as prescribed in PAM Section F-2.
- (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 Certificate are as prescribed in PAM Section F-1.

PAM Section F-1 adopted effective October 23, 1988, and amended January 17, 1990, is hereby incorporated by reference.

PAM Section F-2 adopted effective October 23, 1988, and amended
_____, is hereby incorporated by reference.

*Date to be provided by OAL.

Authority: Section 13506, Penal Code.
Reference: Sections 13506 and 13510.1, Penal Code.

COMMISSION PROCEDURE F-2

**ISSUANCE, DENIAL OR CANCELLATION
OF PROFESSIONAL CERTIFICATES**

2-1. - 2-3. ****

Denial or Cancellation

- 2-4. **Right to Deny or Cancel:** Professional Certificates remain the property of the Commission, and the Commission has the right to deny issuance of a certificate when the person does not satisfy a prerequisite for issuance of a certificate, or cancel any certificate when:
- a. The person ~~is~~ has been adjudged guilty of a felony or been disqualified for any other reason described in Government Code Section 1029(a)(1) through (a)(6); or
 - b. The person is adjudged guilty of a felony which has been reduced to a misdemeanor pursuant to Penal Code Section 17, subsection (b)(1) or (b)(3), and constitutes either unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or narcotic offense; or
 - or c. The certificate was issued by administrative error on the part of the Commission and/or the employing agency; or
 - d. The certificate was obtained or the application was submitted involving misrepresentation or fraud.
- 2-5. **Notification by Department Head:** When a department head obtains information that a certificate should be denied or cancelled because of any of the conditions listed in paragraph 2-4 above, the department head shall immediately notify the Commission.

Investigation

- 2-6. **Initiation of Investigation:** When the Commission is notified that a professional certificate has been issued involving conditions listed under paragraph 2-4, subsections a, b, or c or d, the Executive Director shall investigate the allegation. The department head and the concerned individual shall be notified in writing of the initiation of the investigation.

Notice of Denial or Cancellation

2-7. ~~Notification of Denial or Cancellation: If the facts developed by the investigation substantiate cause for denial or cancellation of the certificate, the individual concerned shall be notified.~~

a. If a professional certificate has been applied for and it is determined that one or more of the prerequisites for the issuance of the certificate has not been satisfied, the concerned individual, via the person's department head, shall be notified in writing of the denial of the issuance of the certificate and given an explanation of the reason for denial.

2-8. Notification of Cancellation: If the facts developed by an investigation substantiate cause for cancellation of a certificate, the individual concerned shall be notified in writing, by certified mail, of the Commission's intent to cancel the certificate and the grounds for the proposed cancellation. The notice shall state that the certificate shall be deemed cancelled on the 45th day following the mailing of the notice and shall demand that the individual return the certificate to POST.

If an individual possessing a certificate which is proposed for cancellation in accordance with paragraph 2-4, desires a hearing regarding such action, the individual must notify the Commission in writing of the desire for a hearing within 45 days of the mailing of the notice of cancellation. The individual shall provide, with the request for hearing, all evidence that the certificate cancellation should not occur.

b. ~~If the certificate cancellation is proposed in accordance with paragraph 2-4, subsection a or b, reason for cancellation of a certificate is that the person has been adjudged guilty of a felony, a certified copy of the abstract of judgment shall be obtained. The Commission will issue the notification of its intent to cancel the certificate only after ensuring that the time has ended for the criminal appellate process, the individual concerned shall be notified by certified mail that it is POST's understanding that the individual has been convicted of a felony. The notice shall include a copy of the abstract of judgment, the demand that the individual return the certificate to POST, the statement that POST has no discretion under Penal Code Section 13510.1(f), and that cancellation upon conviction of a felony is mandatory. The notice shall also state that the certificate shall be deemed cancelled on the 45th day following the mailing of the notice, during which time the individual can respond in writing with documentation showing that he or she has not been convicted of a felony.~~

~~c. If the facts determined in the investigation substantiate cause for cancellation involving a condition listed under paragraph 2-4, subsections b or c, the individual concerned shall be so notified by certified mail of the grounds for the proposed cancellation. The notice shall direct the individual to return the certificate. The individual's department head shall also be notified. The notice shall also state that the certificate shall be deemed cancelled on the 45th day following the mailing of the notice. Before the expiration of the 45th day, if the individual desires a hearing, he or she must respond in writing with documentation showing that the reason for cancellation of the certificate is unfounded.~~

2-9. Notwithstanding the provisions of Section 2-8, when cancellation is being considered for grounds described in Section 2-4, subsection b, the concerned individual and the employing department head will be notified that cancellation is being considered. Each will be invited to submit information to the Commission concerning the appropriateness of the proposed cancellation. Any information received will be considered by the Commission prior to initiating procedures described in Section 2-10 8.

Hearing

~~2-8 2-10. Procedures for Hearing: If the individual who has been issued a certificate which is proposed for cancellation based on paragraph 2-4, subsections b or c, desires a hearing regarding such action, the individual must notify the Commission in writing of the desire for a hearing within 45 days of the mailing of the notice of cancellation. The individual shall provide with the request for hearing all documentation he or she believes proves that the reason for cancellation of the certificate is unfounded.~~

- a. All hearings shall be conducted in conformance with the Administrative Procedures Act (Government Code Section 11340 et. seq.). At the Commission's discretion, the hearing shall be held before the Commission or All hearings shall be conducted by a qualified hearing officer who shall prepare a proposed decision in such form that it may be adopted as the decision in the case. The Commission shall decide the case.
- b. The Commission may decide the case on the basis of the transcript of the hearing conducted by the hearing officer.

- c. That portion of a meeting of the Commission to consider and decide upon evidence introduced in a hearing conducted as provided for in paragraph 2-8 2-9, subsection a, regarding cancellation of a professional certificate may be closed to the public.

Commission of Peace Officer Standards and Training

PUBLIC HEARING: CERTIFICATE REVOCATION REQUIREMENTS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on July 18, 1991, for the purpose of receiving comments on proposed changes to Commission Regulation 1011 and Commission Procedure F-2.

Several nonsubstantive technical or clarity changes to Commission Regulation 1011 and Procedure F-2 are proposed. A description of each proposed substantive change and the accompanying reasons follows:

Commission Regulation 1011

(b) (1) - Government Code Section 1029(a) outlines a series of circumstances, other than felony conviction, that disqualify a person from holding the position of peace officer, including when the individual is: (1) adjudged by a Superior Court to be mentally incompetent; (2) found not guilty by reason of insanity of any felony; (3) determined to be a mentally disordered sex offender; (4) adjudged addicted or in danger of becoming addicted to narcotics and committed to a state institution; or (5) has been convicted of any offense in any other state which would have been a felony if committed in this state.

Current regulations do not provide for certificate cancellation even though these individuals are disqualified from holding peace officer positions. Expansion of revocation provisions to include these disqualifiers would provide for reasonable consistency between the certificate program and legal barriers to peace officer employment.

(b) (2) - Sentencing practices of local Superior Courts have the effect of reducing many felony convictions to misdemeanors. It is proposed that POST Regulation 1011 and Commission Procedure F-2 be revised to require the cancellation of POST certificates of individuals for any felony conviction which has been reduced to a misdemeanor pursuant to Penal Code Section 17(b), subsections (1) or (3), in which the crime involved unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or narcotic offenses.

Offenses in these categories substantially relate to the qualifications, functions, and duties of a peace officer. Revocation following such convictions will serve to safeguard the integrity of the certificate program.

Commission Procedure F-2

It is proposed to revise Commission Procedure F-2 to reflect the changes proposed in Regulation 1011. This redundancy is necessary for clarity purposes.

2-9 - Because jurisdictions employ different "charging" practices for offenses, what is charged as a felony in one county may only be charged as a misdemeanor in an adjacent county. This amendment will provide the opportunity for input by the department heads as described.

Remaining changes to Commission Regulation 1011 and Procedure F-2 are nonsubstantive in nature and reflect only technical corrections or restructuring of text for clarity purposes.

ALTERNATIVES CONSIDERED

No alternatives considered by this agency would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

FOLLOWING ARE EXCERPTS FROM
THE JULY 18, 1991, COMMISSION MEETING MINUTES

PUBLIC HEARING

C. Proposed Changes in POST Regulations on Certificate Revocation

The purpose of the public hearing was to receive testimony in regard to proposed amendments of Commission Regulations and Procedures on cancellation requirements.

The public hearing was held in compliance with requirements set forth in the Administrative Procedures Act to provide public input on the proposed regulatory actions.

The Executive Director presented a summarization of written commentary received from the following:

Les Weidman, Sheriff-Coroner, County of Stanislaus, wrote in support of the proposed amendments, stating that a peace officer is no less guilty of a crime when the offense has been reduced from a felony to a misdemeanor.

Richard H. Lockwood, Chief of Police, City of Jackson, wrote in support of the proposed amendments stating that the proposed revocation will serve to further ensure the character of the men and women who are POST certified. He also supported the provision for the department head of the subject officer to provide input to the Commission on certificate cancellation issues.

Philip A. Goehring, Chief of Police, City of Fullerton, wrote in support of the proposed amendments, stating that the circumstances proposed are certainly worthy of canceling POST certificates awarded to law enforcement officers who resort to such criminal or morally degraded behavior.

Jack Bassett, Chief of Police, City of Santa Cruz, wrote in support of the proposed amendments, stating that he supported the broadening of the provisions for cancellation and urged the POST Commissioners to adopt these changes.

Charles B. Hoover, Chief of Police, Whittier Police Department, wrote in support of the proposed amendments.

Following completion of the staff report, the Chairman invited attendees in opposition to address the Commission. Oral testimony in opposition was received from the following:

Jim Frayne, Legislative Director, California Council of Police and Sheriffs, and Sonoma County Deputy Sheriffs' Association, spoke in opposition to the proposal; asserting that the Commission is not empowered to act as proposed. He presented a legislative counsel's opinion stating the Commission is not authorized to adopt regulations governing the ongoing conduct of peace officers after certification by the Commission.

Mr. Frayne also presented proposed Assembly Resolution #22 requesting that the Commission not administratively cancel certificates issued to peace officers who have been convicted of, or have entered a plea of guilty or nolo contendere to, a crime classified as a misdemeanor which is substantially related to the qualifications, functions, or duties of a peace officer.

Dean Rewerts, Legislative Chairman, California Union of Safety Employees, spoke in opposition to the proposal, stating that if the courts rule an offense is a misdemeanor, the Commission is not empowered to overturn that judgment. He also stated that POST should not involve itself in a department's internal disciplinary processes or hiring practices. He further stated that legislation similar to the proposed legislation was introduced last year and was defeated.

John Fleming, Los Angeles County Professional Peace Officers' Association, spoke in opposition stating that the proposal is not within POST's scope of authority.

Randy Perry, Peace Officers' Research Association of California (PORAC), also spoke in opposition. He stated that PORAC is neutral on the substance of the proposal, but concurs with others that the Commission lacks authority to enact the proposed cancellation expansion.

Dave Ziegler, Board of Directors, Los Angeles Police Protective League, stated although LAPPL has not been asked for input on this proposal, it is also opposed to the concept of the Commission's authority in this regard.

In accordance with the California Code of Regulations, the Executive Director summarized responses to concerns expressed:

Response to concerns of Jim Frayne, Dean Rewerts, John Fleming, Randy Perry, and Dave Ziegler regarding the Commission's authority to adopt proposed regulations. The Attorney General's office has indicated that the Commission does have the legal authority.

Response to concerns of Dean Rewerts that a similar bill introduced last year was defeated and that POST should have no part in department's disciplinary processes or hiring practices. The bill introduced last year was withdrawn by the proponent. The proposed action of the Commission is much more restrictive than the legislation proposed. As to hiring practices, POST's proposed action relates to the fitness of an officer to possess a POST certificate and has only indirect relationship to hiring practices.

Response to concerns of Dave Ziegler that the Los Angeles Police Protective League have an opportunity for input on the proposal. The purpose of the public hearing was to give all interested parties an opportunity to provide the Commission with input.

The Chairman invited oral testimony from those in support of the recommendation.

Dennis Usery, Regional Director of Naval Investigative Services, Southwest Region, San Diego, representing the California Peace Officers' Association, testified in support of the proposal and stated that in order to maintain high standards for peace officers it is essential that POST's ability to revoke the certificates be expanded. If an officer is involved in a felony or misdemeanor, the certificate should be canceled.

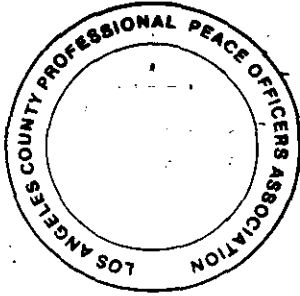
There being no further testimony, the hearing was closed.

After considering the testimony, the Commission pointed out that this effort has been ongoing for some time and there has never been a time when the law enforcement profession has been in greater crises. There was consensus that adoption of proposed regulations would make a statement that the law enforcement profession is desirous of establishing and maintaining standards which will ensure that those officers who are entrusted with the safety and security of citizens are qualified to do so.

It was also pointed out that the Commission removed the phrase "moral turpitude" which was included in the bill introduced last year. It was also emphasized that the proposal to include felonies reduced to misdemeanors authorizes cancellations only after judicial action in very specific areas of criminal conduct related to peace officer qualification and duties.

After discussion, the following action was taken:

MOTION - Wasserman, second - Block - (OPPOSE: Moore), carried to adopt amendments to Regulation 1011 and Procedure F-2 (attached), concerning the expansion of certificate cancellation, to be effective January 1, 1992.



1100 Corporate Center Dr. Suite 201

Monterey Park, California 91754

213.261.3010 | Fax | 213.261.1580

July 14, 1992

Edward Maghakian, Chairman
Commission on Peace Officers
Standards & Training
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Dear Chairman Maghakian:

On behalf of the Los Angeles County Professional Peace Officers Association, representing over 4,500 peace officers from the Sheriff's Department, the Marshal's Department, and the Office of the District Attorney, I respectfully request that the Commission move to reconsider the action taken at your July 18, 1991 meeting regarding the revocation of P.O.S.T. certificates.

The Los Angeles County Professional Peace Officers Association believes such an action would be of benefit to peace officers throughout California.

I thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Arthur J. Reddy".

Arthur J. Reddy,
President

AJR:rb



ASSOCIATION
FOR
LOS ANGELES DEPUTY SHERIFFS, INC.

828 WEST WASHINGTON BLVD.
LOS ANGELES, CALIFORNIA 90015-3310
[213] 749-1020
FAX [213] 747-2705

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July 14, 1992

Chief Edward Maghakian
Chairman
COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Dear Chairman Maghakian:

On behalf of the Association for Los Angeles Deputy Sheriffs and the over 6,600 Deputy Sheriffs and District Attorney Investigators represented by same, I respectfully request that the Commission move to reconsider the action taken at your July 18, 1992 meeting regarding the revocation of P.O.S.T. certificates.

This Association believes such an action would be of benefit to peace officers throughout California.

I thank you in advance for your cooperation in this matter.

Sincerely,

Shaun J. Mathers
President

SJM:kw

**SACRAMENTO COUNTY PROBATION ASSOCIATION**

1211 H Street, Suite D
Sacramento, CA 95814

Phone (916) 441-1485
FAX (916) 441-3504

July 13, 1992

Chief Ron Lowenburg
Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Re: Revocation of P.O.S.T. Certificates

Dear Mr. Lowenburg:

It has been brought to my attention that the P.O.S.T Commission, at its July 18, 1991 meeting, made a decision which could negatively impact Peace Officers in the State of California. On behalf of the Sacramento County Probation Association, I respectfully request that your board take the necessary action to reconsider its 1991 decision. Thank you for your favorable consideration in this matter.

Sincerely,

**SACRAMENTO COUNTY
PROBATION ASSOCIATION**

A handwritten signature in cursive script that reads "Arlyn E. Webster".

Arlyn E. Webster
President

AEW:ly



Los Angeles County Safety Police Association
P.O. BOX 862128 LOS ANGELES, CA 90086-2128 (213) 386 1980

July 13, 1992

Chief Ron Lowenburg, Chairman
Commission on Peace Officer Standards and Training
1601 Alhambra Boulevard
Sacramento, California 95816-7003

Dear Chairman Lowenburg:

On behalf of the Los Angeles County Safety Police Association and the 400 officers we represent, I respectfully request that the Commission move to reconsider the action taken at your July 18, 1991 meeting regarding the revocation of P.O.S.T. Certificates.

This Association believes such an action would be of benefit to peace officers throughout California.

I thank you in advance for your cooperation in this matter.

Sincerely,



Richard G. Keith
General Manager



CAUSE

California Union of Safety Employees

2029 H Street • Sacramento, CA 95814 • (916) 447-5262 • 1-800-522-2873
CAUSE Legal Defense Fund 1-800-533-5448

July 13, 1992

Chief Ron Lowenburg
Chairman
COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Chairman Lowenburg:

On behalf of the approximately 3,000 state employed Peace Officers represented by the California Union of Safety Employees, I respectfully request that the Commission reconsider and rescind the revocation of certificate regulation adopted at the July 18, 1991 Commission meeting.

We believe that rescinding this regulation will be in the best interest of all California Peace Officers.

Thank you for your consideration.

Sincerely,

Cecil E. Riley
President

CER/td

LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICE OFFICERS ASSOCIATION

P.O. BOX 28422, Los Angeles, California 90028
(213) 383-9876 • (800) 541-9395 (So. Calif. only)



July 13, 1992

Chief Ron Lowenburg, Chairman
Commission on Peace Officer Standards and Training
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Dear Chairman Lowenberg:

On behalf of the Los Angeles Unified School District Police Officers Association, I respectfully request that the Commission move to reconsider the action taken at your July 18, 1991 meeting regarding the revocation of P.O.S.T. Certificates.

This Association believes such an action would be of benefit to peace officers throughout California.

I thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Richard G. Keith". The signature is written in black ink and is positioned above the typed name.

Richard G. Keith
General Manager



Santa Monica Police Officer's Association

POST OFFICE BOX 2160 SANTA MONICA, CALIFORNIA 90407 (310) 393-1003

July 13, 1992

Chief Ron Lowenburg, Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Bl.
Sacramento, CA 95816-7083

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CHAIRMAN

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MARK SMILEY
BOARD MEMBER

STEPHEN H. SILVER
COUNSEL
SILVER, GOLDWASSER,
SHAFFER & HADDEN
1428 SECOND STREET
SANTA MONICA, CA 90401

LYNDA L. FRANZEN
OFFICE MANAGER

Dear Mr. Lowenburg:

As Chairman, representing the Santa Monica Police Officers' Association, I am respectfully requesting that the Commission move to reconsider the action taken at the July 18, 1991 meeting regarding revocation of P.O.S.T. certificates.

We believe this reconsideration would be of benefit to California Peace Officers.

Thank you very much in advance for your cooperation in this matter.

Sincerely,

William S. Brown, Chairman
Santa Monica Police Officers' Association

WSB/lf

SACRAMENTO
COUNTY
DEPUTY
SHERIFFS'
ASSOCIATION



Street Address:
1211 H Street
Suite D
Sacramento, CA
95814

Mailing Address:
P.O. Box 160994
Sacramento, CA
95816

Phone: (916) 441-4141
FAX: (916) 441-3504

July 13, 1992

Chief Ron Lowenburg
Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Mr. Lowenburg:

On behalf of the more than 1500 members of the Sacramento County Deputy Sheriffs' Association, I respectfully request that your Commission, on the matter of revocation of P.O.S.T. certificates, move to reconsider the action taken at your meeting of July 18, 1991.

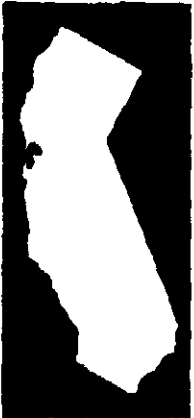
It is our opinion that Peace Officer throughout the State of California will benefit from such review. Thank you for anticipated cooperation.

Very truly yours,

**SACRAMENTO COUNTY DEPUTY
SHERIFFS' ASSOCIATION**

Darryl R. Petersen
Chairman, Board of Directors

DRP:ly



CALIFORNIA COUNCIL OF POLICE & SHERIFFS

CAPITAL OFFICE
1211 H St., Suite D
Sacramento, CA 95814
(916) 447-2222
FAX: (916) 441-3504

SOUTHERN CALIFORNIA OFFICE
1314 W. 5th Street #A
Santa Ana, CA 92703
(714) 954-0993
FAX: (714) 954-1156

July 13, 1992

Chief Ron Lowenburg
Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Subject: Revocation of P.O.S.T. Certificates

Dear Chairman Lowenburg:

On behalf of more than 3000 Peace Officers represented by the California Council of Police and Sheriffs, I would ask that the P.O.S.T. Commission reconsider the action taken (July 18, 1991) regarding the revocation of P.O.S.T. Certificates.

Cal-Cops is sure that a move to reconsider would be the appropriate action for your Commission to take on behalf of all law enforcement officers in California. Thank you for your time and consideration of this issue.

Thank you,

CALIFORNIA COUNCIL OF
POLICE AND SHERIFFS,

Wendell Phillips
President

WP:dp

**Association of Orange County Deputy Sheriffs**

1314 West Fifth Street, Suite A • Santa Ana, CA 92703

(714) 285-2800 • Fax (714) 954-1158

July 13, 1992


Mr. Edward Maghakian
Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816

Dear Mr. Maghakian:

I am writing to request that the Commission reconsider its decision regarding the revocation of P.O.S.T. certificates. The men and women I represent are very strong in the opinion that revocation is adverse to the interests of California peace officers.

Thank you for your consideration of our request.

Sincerely,

Jerry Pierson
President, by
Robert J. MacLeod
General Manager

CALIFORNIA**ASSOCIATION****of HIGHWAY****PATROLMEN**

July 14, 1992

Ed Maghakian, Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Dear Commissioner Maghakian:

As President of the California Association of Highway Patrolmen (CAHP), I join with all other law enforcement employee organizations in opposing the commission's considered practice of revoking POST certification.

On behalf of the membership of the CAHP, I respectfully request the commission reconsider its actions on this all-important matter and revisit the subject at the POST meeting being held on July 16.

Your favorable consideration of this request will be greatly appreciated.

Best regards,

Gordon Koolman
President



CAUSE

COMMISSION ON POST

SEP 2 8 47 AM '92

California Union of Safety Employees

2029 H Street • Sacramento, CA 95814 • (916) 447-5262 • 1-800-522-2873
CAUSE Legal Defense Fund 1-800-533-5448

September 1, 1992

Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Commissioners:

Approximately one year ago, CAUSE opposed the imposition of the POST regulation which expanded the ability to repeal a certificate for certain misdemeanors. At that time CAUSE stated that the issue of discipline, particularly termination, should be between an officer and his/her agency. Repeal of a POST certificate imposes a lifetime ban on employment as a peace officer in California. The officer could never gain employment in another California law enforcement agency, even if that agency wanted to hire him or her.

The matter of a conviction for one of the crimes enumerated would be revealed in any employment application background history and background investigation. The matter of whether or not to hire the person would then be up to the prospective employer, as it should be. The conviction of one of the enumerated misdemeanors is a serious matter, but it should not affect the training and knowledge which a person has acquired. The judgment of the persons fitness for employment should be left to the prospective employer.

I will be unable to attend the Commission Meeting on October 15, but Dean Rewerts, CAUSE Legislative Chairman, will attend to testify and answer any questions.

Very truly yours,

Cecil E. Riley
President

CER/td

SANTA ANA POLICE OFFICERS ASSOCIATION

508 SOUTH BROADWAY • SANTA ANA, CALIFORNIA 92701-5840
(714) 836-1211 FAX (714) 836-8108

July 13, 1992

Edward Maghakian
Chairman
COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
1000 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Chairman Maghakian,

On behalf of the Santa Ana Police Officers Association and its 500 members, I respectfully request that the commission move to reconsider the action taken at your July 18, 1991 meeting regarding the revocation of P.O.S.I. certificates.

Our association believes that such an action would benefit peace officers throughout the state.

Thank you for your cooperation in this matter.

Sincerely,



Don Blankenship
President
Santa Ana Police Officers Association

Enc

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Recognition of Non-accredited, State-Approved Units, Courses and Degrees Toward Award of Professional Certificates		Meeting Date October 16, 1992
Bureau Compliance and Certificates Services	Reviewed By Glen Fine	Researched By Frederick Williams
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 9-1-92	Date of Report September 30, 1992
Purpose: <input checked="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 recognize units, courses and degrees granted by non-accredited, but state-approved colleges with programs exclusively in criminal justice, as provided for by Senate Bill 1126, approved by the Legislature, signed by the Governor, and becomes effective January 1, 1993?

BACKGROUND

August Vollmer University, a non-accredited private degree-granting university, requested the Commission to change its regulations that now allow for POST recognition only of units and degrees from accredited institutions. POST Intermediate and Advanced Certificates are now awarded based in part on educational units or degrees. Supervisory, Management and Executive Certificates all require the applicant to have completed 60 college units. If August Vollmer University's request had been granted, the university's programs would satisfy POST's educational requirements for the award of certificates.

This request was before the Commission at its April, July, and October 1991 meetings. At the October meeting, the Commission decided that there would be no change in the current regulations.

Subsequently, at the behest of representatives of August Vollmer University, legislation was passed to require POST recognition of courses or degrees provided by a non-accredited but state-approved college that offers programs exclusively in criminal justice. This provision expires January 1, 1998. This legislation was contained in Senate Bill 1126, which is included in this report as Attachment A.

ANALYSIS

There were several issues which concerned the Commission during its deliberations of the request by representatives of August

Vollmer University to recognize its credits and degrees for purposes of the award of POST certificates. The most salient of these issues were as follows:

- * The Private Postsecondary and Vocational Education Reform Act of 1989 articulated legislative intentions to improve the State regulatory system which, reportedly, was ineffective between the years 1958 and 1989. There was created a new regulatory body which was currently in the midst of developing its new operating rules and regulations. While these developments were thought to hold promise, it was nevertheless felt that it would be premature to anticipate the system will evolve consistent with the intent of the legislation.
- * The recognition of August Vollmer University, based on its curriculum specialty in criminal justice/criminology is inconsistent with the current policy that POST applies to accredited colleges and universities. There currently is no such specification with respect to the curriculum of accredited colleges and universities. It was thought that there may be difficulty in sustaining a regulation that accepts college units and degrees in any subject if the school is accredited, but restricts acceptance to criminal justice if the school is not accredited.
- * POST currently has requests from students for recognition of other State approved non-accredited institutions. Unlike August Vollmer University, these institutions do not specialize in criminal justice. However, it would be anticipated that these institutions or their students would object to recognition of August Vollmer University without also recognizing them.

Senate Bill 1126, which becomes effective January 1, 1993, provides for POST recognition of courses and degrees granted by non-accredited, but state-approved colleges that offer programs exclusively in criminal justice. This bill, which has a sunset clause, will expire January 1, 1998.

The law established by this bill is narrowly drawn. August Vollmer University is the only institution known to be affected. No basis is established for other non-accredited colleges to be accepted.

In order for the Commission to accommodate this legislation, a public hearing and approval by the State Office of Administrative Law will be required. POST Regulation 1001 and Commission Procedure F-1-4 would be revised as shown in Attachment B of this report.

RECOMMENDATION

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing for the January 1993 meeting to consider adoption of changes to Regulations as proposed.

1 ~~(D)~~ A chief probation officer.
 2 ~~(E)~~ A manager or administrator of a county local
 3 detention facility.
 4 ~~(F)~~ An administrator of a local community-based
 5 correctional program.
 6 ~~(G)~~ Two public members.
 7 ~~(b)~~ Of the members first appointed by the Governor,
 8 two shall be appointed for a term of two years, three for
 9 a term of three years, and three for a term of four years.
 10 The length of the original term to be served by each
 11 member first appointed shall be determined by lot. Their
 12 successors shall serve for a term of three years and until
 13 appointment and qualification of their successors, each
 14 term to commence on the expiration date of the term of
 15 the predecessor.
 16 ~~(c)~~ The board shall select a vice chairperson from
 17 among its members. Seven members of the board shall
 18 constitute a quorum.
 19 ~~(d)~~ When the Board of Corrections is hearing charges
 20 against any member, the individual concerned shall not
 21 sit as a member of the board for the period of hearing of
 22 charges and the determination of recommendations to
 23 the Governor.
 24 ~~(e)~~ If any appointed member is not in attendance for
 25 three consecutive meetings the board shall recommend
 26 to the Governor that the member be removed and the
 27 Governor shall make a new appointment, with the advice
 28 and consent of the Senate, for the remainder of the term.
 29 ~~SEC. 5.~~
 30 ~~SEC. 4.~~ Section 13510.1 of the Penal Code is amended
 31 to read:
 32 13510.1. (a) The commission shall establish a
 33 certification program for peace officers specified in
 34 Sections 13510 and 13522 and for the California Highway
 35 Patrol.
 36 (b) Basic, intermediate, advanced, supervisory,
 37 management, and executive certificates shall be
 38 established for the purpose of fostering
 39 professionalization, education, and experience necessary
 40 to adequately accomplish the general police service

1 duties performed by peace officer members of city police
 2 departments, county sheriffs' departments, districts,
 3 university and state university and college departments,
 4 or by the California Highway Patrol.
 5 (c) (1) Certificates shall be awarded on the basis of a
 6 combination of training, education, experience, and
 7 other prerequisites, as determined by the commission.
 8 (2) In determining whether an applicant for
 9 certification has the requisite education, the commission
 10 shall recognize as acceptable college education only the
 11 following:
 12 (A) Education provided by a community college,
 13 college, or university which has been accredited by the
 14 department of education of the state in which the
 15 community college, college, or university is located or by
 16 a recognized national or regional accrediting body.
 17 (B) Until January 1, 1998, educational courses or
 18 degrees provided by a nonaccredited but state-approved
 19 college that offers programs exclusively in criminal
 20 justice.
 21 (d) Persons who are determined by the commission to
 22 be eligible peace officers may make application for the
 23 certificates, provided they are employed by an agency
 24 which participates in the Peace Officer Standards and
 25 Training (POST) program.
 26 (e) Certificates remain the property of the
 27 commission and the commission shall have the power to
 28 cancel any certificate.
 29 (f) The commission shall cancel certificates issued to
 30 persons who have been convicted of, or entered a plea of
 31 guilty or nolo contendere to, a crime classified by statute
 32 or the Constitution as a felony.
 33 ~~SEC. 6.~~
 34 ~~SEC. 5.~~ Article 5 (commencing with Section 13550)
 35 is added to Chapter 1 of Title 4 of Part 4 of the Penal
 36 Code, to read:

ATTACHMENT A

REGULATIONS

CALIFORNIA CODE OF REGULATIONS

1001 Definitions

- (b) "State-Approved Educational Institution" is a degree-granting, non-accredited college or university which has approval to operate under 1989 Education Code legislation and is approved under rules and regulations of the State Council for Private Postsecondary and Vocational Education.

COMMISSION PROCEDURE F-1

F-1-4 (b)

Such units of credit shall have been awarded by:

- * an accredited college or university, or
- * until January 1, 1998, educational courses or degrees provided by a non-accredited but state-approved college that offers programs exclusively in criminal justice.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT			
Agenda Item Title Test Security Violations at the San Francisco Police Academy		Meeting Date October 15, 1992	
Bureau Standards & Evaluation	Reviewed By	Researched By Gary Sorg John Berner <i>JBS</i>	
Executive Director Approval <i>Mouman C. Boehm</i>	Date of Approval 9-28-92	Date of Report September 24, 1992	
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.			
<p><u>ISSUE</u></p> <p>Report on test security violations at the San Francisco Police Academy.</p> <p><u>BACKGROUND</u></p> <p>In 1984 POST began working with the basic academies to develop paper-and-pencil test questions for those performance objectives which require the trainee to demonstrate knowledge. Approximately one year later work was completed on an automated system (POSTRAC) for assembling knowledge domain (KD) tests from the test questions, and downloading the tests to the academies. Currently, all 36 POST-certified academies are using each of 40 different KD tests, and pursuant to Commission action taken in early 1991, use of these tests with POST-established minimum passing scores, becomes mandatory for all academy classes beginning on or after October 1, 1992.</p> <p>Since the inception of the testing program, participating academies have been required to agree to the terms of a formal test security agreement. This agreement describes various obligations of both POST and the academy that are designed to ensure that all test questions are used as intended, and that reasonable care is taken to ensure the security of all test materials. The agreement is signed by both parties.</p> <p>In July, POST was informed by a recent basic academy graduate of alleged test security violations which occurred at the San Francisco Police Academy. Specifically, it was claimed that prior to the administration of certain KD tests, some instructors reviewed with the trainees both the questions on the test, and the correct answers to those questions. Further, in some instances the trainees were permitted to tape record these "reviews."</p> <p>This report describes the results of our investigation of this allegation, as well as actions that have or are being taken to reduce the likelihood of test security violations in the future.</p>			

ANALYSIS

San Francisco Investigation

Staff of the Training Delivery Services Bureau met with the individual alleging the test security violations, at which time the individual provided an audio-tape of one of the purported test "reviews." A playing of the tape confirmed that questions from one of the POST tests were being reviewed word-for-word with a group of individuals. Captain Robert Berry, Director of the San Francisco Police Academy, was informed of the allegations and was furnished a copy of the tape. He confirmed that the person divulging the test questions was an academy instructor, and agreed to undertake an investigation to determine if such practices had occurred elsewhere.

In a letter to POST dated August 28, 1992, Captain Berry reported that as a result of his investigation he had identified three additional KD tests which had been compromised, had dismissed the four responsible instructors from the academy for a period of one year, and had instituted procedures to prevent this practice from recurring. He further offered to provide POST with subject matter experts and to assist in other ways to restore the compromised tests.

During the course of Captain Berry's investigation, staff of the Standards and Evaluation Services Bureau conducted a series of statistical analyses which suggested that other KD tests may have been compromised. In early September, Captain Berry was provided with this information and asked to further investigate for possible additional test security violations involving these specific tests. He was further informed that POST staff would be initiating an independent investigation of the entire matter.

On September 22, 1992 Captain Berry informed POST in writing that he had concluded his follow-up investigation and had found no evidence of test security violations over-and-above those uncovered in his initial investigation. He also identified several alternative explanations for the statistical findings identified by POST staff - including the extraordinary time and effort spent in the San Francisco Academy preparing cadets for the KD tests, contrasted with the total lack of any effort in the San Francisco Academy to prepare cadets for the POST Proficiency Examination.¹

¹The statistical analyses conducted by POST staff involved a comparison of scores on the KD tests with scores on a test that POST administers to all basic academy graduates at the conclusion of academy training. This later test is known as the POST Proficiency Examination, and is administered by POST for program evaluation purposes pursuant to Penal Code Section 832.3(b). Scores on the KD tests are correlated with scores on the POST Proficiency Examination (i.e., in general, cadets with higher scores on the KD tests also tend to get higher scores on the

The independent investigation conducted by POST staff consisted of interviews of graduates and one nongraduate from the San Francisco Sixth and Seventh Regional Academies, which cover the years 1989, 1990, and 1991. None of those interviewed are employed by the San Francisco Police Department or the San Francisco Sheriff's Department. Two of the four students interviewed from the Seventh Regional Academy recalled word-for-word questions being read from a KD test during a pre-test review. Neither could remember which instructor was involved. Only one could remember the test involved, which turned out to be one of the four KD tests identified by Captain Berry in his investigation. None of the five Sixth Regional Academy students interviewed could recall any such actions on the part of instructors. Based on these findings, there is no reason to believe that test security violations over-and-above those identified by Captain Berry have occurred.

In summary, test security violations within the San Francisco Police Academy were identified for four KD tests. The instructors involved have been dismissed from their teaching duties for a period of one year, and steps have been taken by the academy to prevent future such occurrences. The Academy Director has offered to assist POST staff in replacing the compromised test questions. POST staff received exemplary cooperation from the academy throughout the investigation, and the academy has acted responsibly and expediently to correct the problem.

Actions Designed to Prevent Security Violations in the Future

Upon confirming that at least one KD test had been compromised as alleged at the San Francisco Police Academy, all academies were so notified in writing and were reminded of the existence and nature of the test security agreement. They were further advised that an internal review of the test security agreement was being conducted, and that proposed modifications to the agreement would be presented for discussion at the September Basic Course Consortium Meeting.

The focus of the internal review of the existing security agreement was that of adding language that would:

Proficiency Examination). Thus, by knowing the average score achieved by an academy class on one of the KD tests, it is possible to compute an estimated average Proficiency Examination score for the class. With reference to the San Francisco Academy, scores on the Proficiency Examination were sometimes lower than expected, given the particular academy class's scores on certain KD tests. It is these KD tests that Captain Berry was asked to further investigate for possible security violations. In his response, Captain Berry pointed out that one possible explanation for the lower than expected performance on the Proficiency Examination is that unlike some academies, the San Francisco Academy spends no time preparing its cadets for this exam.

- (1) Further clarify what constitutes acceptable and unacceptable use of the test materials;
- (2) Further restrict the conditions under which the test materials may be accessed;
- (3) Further clarify and strengthen the consequences for failure to comply with the terms of the agreement;
- (4) Further reduce the chances of inadvertent breaches in test security (by requiring, for example, that all "hard copy" test materials be destroyed within 90 days); and
- (5) Ensure, for the first time, that all persons who have access to the test questions are aware of, and agree to comply with, the terms of the agreement (as evidenced by a signed statement that must be retained on file by the academy).

A draft of the proposed revised test security agreement is attached. All new language is highlighted. The document has been reviewed by legal counsel, and with the Commission's approval, all existing test security agreements will be replaced by the new agreement. A notable feature of the proposed new agreement, and one of the few features of the new agreement not reviewed by the Basic Course Consortium, concerns the loss of POST certification for failure to comply with the terms of the agreement. This is made necessary by the fact that failure to comply with the terms of this agreement results in loss of access to the tests, and by regulation the tests must be used as part of a POST-certified Regular Basic Course effective October 1, 1992.

CONCLUSIONS

As noted, the San Francisco Police Department and its academy have been open and forthcoming regarding this matter. The SFPD Academy Director, Captain Robert Berry, voluntarily advised the assembled Basic Course Consortium of what occurred in the spirit of preventing such breaches of test security elsewhere. SFPD has traditionally been very helpful in developing KD test questions and has offered to help in replacing the compromised questions. The vigilance factor has certainly been increased among academies throughout the state.

From POST's standpoint, the incident has led to the strengthening of the security agreement. The attached new agreement will be used for all academies, barring any Commission misgivings on the language and intent. Primarily, the matter is brought to the Commission for information at the request of the Long Range Planning Committee, and to afford the Commission an opportunity for discussion or provide direction as might be indicated.

TEST-ITEM SECURITY AGREEMENT**I. Parties to the Agreement**

The parties to this agreement are the California Commission on Peace Officer Standards and Training, hereafter referred to as the supplier, and the (*academy name*), hereafter referred to as the recipient. The recipient enters into this agreement, accepts it and agrees to be bound by it in consideration and exchange for acquiring the right to use the supplier's test items.

II. Purpose of the Agreement

This agreement is intended to protect the mutual interests of the recipient who uses the supplier's test items, the students who take tests composed of these test items, and the supplier who certifies the training presented by the recipient. This agreement protects those interests by ensuring that no person gains special advantage by having improper access to the test items and that students who pass the tests are qualified to perform the duties for which they have been trained. The supplier, therefore, requires as a condition for making these test items available, that the recipient execute this agreement and fulfill its terms.

III. Test Items**A. Type of Items**

The supplier's test items include true-false, multiple-choice and other item forms designed to measure the degree to which students have mastered training objectives promulgated by the supplier.

B. Confidentiality of Items

The use and availability of the supplier's test items is strictly controlled by the terms of this agreement. These items are exempt from the disclosure provisions of the California Public Records Act and shall not be made public. Their use and availability is restricted in order to protect the reliability and validity of the tests in which the items are used.

IV. Terms and Conditions

The recipient accepts continuing responsibility for carrying out the terms of this agreement, and further agrees that all necessary administrative steps will be taken to ensure that staff members and instructors who may be given access to the supplier's test items will be informed of this agreement and will be required to comply with it. Specifically, it is agreed that:

A. Recipient's Designee

- 1. The recipient will designate one or more persons to receive the test items from the supplier and to carry out the terms of this agreement.**

2. The recipient will require each designee to read this agreement and sign Attachment A, *Acknowledgement of the Requirement to Adhere to the Terms and Conditions of the Test-Item Security Agreement*.
3. The recipient will keep a signed copy of Attachment A on file for each designee and will make these signed copies of Attachment A available for the supplier's inspection.
4. The recipient will notify the supplier in writing of each designee's name, title, mailing address, and telephone number prior to the receipt of any test items.
5. The recipient will promptly notify the supplier in writing whenever one of the recipient's designees leaves the recipient's employment or is relieved of the responsibility for carrying out the terms of this agreement.

B. Methods Used to Make Test Items Available to the Recipient

1. The supplier's standard method of making its test items available to the recipient is to allow the recipient to download test booklets by modem using the supplier's *POSTRAC* computer program. The recipient agrees to restrict access to this program to the recipient's designee.
2. The supplier may also make test items available to the recipient in printed form or on diskette. Items provided to the recipient in this form will be sent to the recipient's designee by certified mail.

C. Staff Members and Instructors

1. The recipient will limit access to the supplier's test items to the recipient's staff members and instructors who have a legitimate need for such access.
2. Before providing a staff member or instructor with access to the supplier's test items, the recipient will require the instructor or staff member to read this agreement and sign Attachment A, *Acknowledgement of the Requirement to Adhere to the Terms and Conditions of the Test-Item Security Agreement*. By signing Attachment A, the staff member or instructor acknowledges that he or she:
 - a. Was provided with a copy of the agreement by the supplier.
 - b. Read and understood the agreement.
 - c. Agrees to comply with the agreement's applicable provisions.
3. The recipient will keep a signed copy of Attachment A on file for each staff member or instructor who has access to the supplier's test items and will make these signed copies of Attachment A available for the supplier's inspection.

D. Security

1. The supplier's test items will be used only for the purposes described below:
 - a. The supplier's test items, irrespective of content, may be used for the formal evaluation of students currently enrolled in the recipient's training courses, provided that such courses have been certified by the supplier.
 - b. The supplier's test items relating to first aid and cardiopulmonary resuscitation may be used as part of the formal process of meeting the first aid and cardiopulmonary training standards promulgated by the Emergency Medical Services Authority under the authority of Penal Code Section 13518. The recipient is responsible for retaining custody of these items, maintaining their confidentiality, and fulfilling the other terms of this agreement while the items are being used for this purpose.
2. The recipient will exercise reasonable care to ensure that the confidentiality of supplier's test items is maintained when test booklets are reproduced.
3. Tests composed in whole or in part of the supplier's test items will be administered in a manner which ensures the security of all test materials. Test booklets and answer sheets will be destroyed or stored in a secure location after a test is administered. Tests downloaded by means of the supplier's *POSTRAC* computer program will be printed, administered, and destroyed within 90 days of the day on which they were downloaded.
4. If test results are to be reviewed with students, and the test is composed in whole or in part of the supplier's test items, the review will be conducted under examination conditions (i.e., the review will be supervised by an instructor, only authorized personnel will be permitted in the classroom, and at the end of the review period all test booklets and other testing material will be collected and securely stored or destroyed). Under no circumstances will a student be permitted to:
 - a. Reduce a test item to writing.
 - b. Photocopy or otherwise reproduce a test item.
 - c. Make an audio or videotape of a test results review session.
5. The supplier's test items will be handled and stored in a manner that will prevent unauthorized persons from having access to them. In particular, the recipient will:
 - a. Store printed copies of the supplier's tests and test items in a secure location.
 - b. Provide a secure location for the personal computer on which the supplier's *POSTRAC* computer program and test items are stored.

c. Store diskettes and any other media containing the supplier's test items in a secure location.

6. The supplier's test items may be reviewed only by instructors, recipient's staff involved in the examination process, or students under the conditions described in paragraph IV.D.4. All such reviews will be conducted at secure locations designated by the recipient for this purpose. Immediately following each such review, all test materials will be returned to the recipient's designated storage facility. No one will copy or reproduce the supplier's test items electronically, or otherwise, except as needed to construct a test to be used for the formal evaluation of students enrolled in the recipient's supplier-certified training courses.
7. No official, staff member, instructor, or other agent of the recipient will loan, give, sell, or otherwise make available any of the supplier's test items to any agency or person who is not specifically authorized by the supplier to have access to the test items, nor will they knowingly permit others to do so.
8. If any of the supplier's test items should become involved in legal proceedings by a court or other body vested with legal authority (e.g., school board, civil service commission or human relations commission), the recipient will inform the legal authority of the existence and terms of this agreement, and will move that the supplier's test items be covered by a protective order that safeguards their confidentiality.
9. In the event that any of the supplier's test items are lost, stolen or otherwise compromised, the recipient will immediately notify the supplier in writing. The recipient will make reasonable efforts to recover such items, to prevent their distribution to other unauthorized parties, and to otherwise mitigate the damage caused by their loss.

E. Use and Responsibility

1. In constructing and using tests composed in whole or in part of the supplier's test items, the recipient acknowledges its obligation to comply with relevant professional standards (e.g., *Standards for Educational and Psychological Tests, American Psychological Association, 1985*, and any successor document), and state and federal law.
2. The recipient will use the supplier's test items as provided and will not modify them in any way.
3. In preparing students to take a test composed in whole or in part of the supplier's test items, the recipient will not provide any student or students with an unfair advantage. In particular, the recipient will not:
 - a. Reveal the contents of or answers to specific test items.
 - b. Provide instruction narrowly tailored to the specific items on a test rather than the broader instructional domain which the items represent.
4. In the event of legal challenges to tests administered by the recipient which are composed in whole or in part of the supplier's test items, the burden of defending the challenged test will rest with the recipient, except that the supplier agrees to provide expert testimony on the methods used to develop supplier-certified training courses and the associated test items.

F. Information on Test Items

The recipient agrees to promptly provide the supplier with any information it acquires on the quality of the supplier's tests and test items. This information includes but is not limited to the following:

1. Statistical studies of test item characteristics.
2. Judgmental evaluations of item quality made by instructors or students.
3. All student response data from tests provided to recipient by supplier's *POSTRAC* computer program.
4. Any validation studies of tests provided to recipient by supplier's *POSTRAC* computer program.

V. Exceptions

Any exception to this agreement must be stated in writing and agreed to by both parties before such exceptions may be considered to be in effect.

VI. Termination of Agreement

A. Inability to Fulfill Agreement

In the event that the recipient finds that it is unable to ensure fulfillment of this agreement, the recipient will notify the supplier to that effect in writing. The recipient will return the supplier's test items or provide a written statement that all such test items have been disposed of in a manner that will not compromise their confidentiality.

B. Supplier's Right to Terminate this Agreement

The supplier reserves the right to terminate this agreement for good cause at any time. Good cause includes but is not limited to supplier's reasonable belief that the terms of the agreement have not been fulfilled or are not being fulfilled. In the event that this agreement is so terminated, the recipient agrees to promptly return all the supplier's test items or provide a written statement that all such test items have been disposed of in a manner that will not compromise their confidentiality.

C. Recipient's Right to Terminate this Agreement

The recipient may terminate this agreement at any time by so notifying the supplier in writing and returning the supplier's test items or providing a written statement that all such test items have been disposed of in a manner that will not compromise their confidentiality.

D. Decertification of Recipient's Basic Course Training Program

The supplier has promulgated regulations that require the use of supplier's test items for testing basic course students. Therefore, termination of this agreement will result in loss of access by the recipient to supplier's test items and decertification of recipient's basic course training program.

VII. Acceptance of Terms and Conditions of this Agreement

On behalf of the agency I represent, I accept the terms and conditions of this agreement and agree to comply with them.

SUPPLIER

NAME Norman C. Boehm TITLE Executive Director

AGENCY Commission on POST ADDRESS 1601 Alhambra Blvd.

Sacramento, CA 95816-7083

PHONE 916/739-3872 DATE _____ SIGNATURE _____

RECIPIENT

NAME _____ TITLE _____

AGENCY _____ ADDRESS _____

PHONE _____ DATE _____ SIGNATURE _____

Attachment A

**Acknowledgement of the Requirement to Adhere to the
Terms and Conditions of the Test-Item Security Agreement**

I have been provided with a copy of the *Test-Item Security Agreement* between the California Commission on Peace Officer Standards and Training and the (*academy name*). I have read and understand the terms and conditions of this agreement, and I agree to carry out my duties and responsibilities in accordance with all applicable provisions.

NAME _____ TITLE _____

AGENCY _____ ADDRESS _____

PHONE _____ DATE _____ SIGNATURE _____

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title: Public Hearing to Consider Adoption of Regulations to Reimburse Local Agencies for the Purchase of Satellite Antennas		Meeting Date: October 15, 1992
Bureau: Training Program Services	Reviewed By: Otto Saltenberger	Researched By: <i>[Signature]</i> Ray Bray
Executive Director Approval: <i>[Signature]</i> Morgan C. Boehm	Date of Approval: 9-29-92	Date of Report: September 22, 1992
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 reschedule a public hearing to enact a regulation to provide reimbursement to eligible agencies for the purchase of steerable C/Ku Band satellite antennas?

BACKGROUND

At the October 31, 1991 meeting, the Commission held a public hearing to adopt regulations to provide reimbursement to eligible agencies for the purchase of satellite antennas. The hearing was the result of the Long Range Planning Committee's recommendation to move forward on ACR 58 issues and an overwhelmingly positive response by local agencies to a field survey soliciting input for satellite purchase cost reimbursement (see Attachment A).

The Commission did not act on the proposal for reasons related to: 1) a recent significant shortfall in revenue which compelled temporary suspension of salary reimbursement, 2) technical questions, and 3) concerns regarding the equitable distribution of reimbursement monies. As a result, the satellite reimbursement issue was referred to the Long Range Planning Committee for further study and recommendation.

ANALYSIS

The satellite issue was addressed by the Long Range Planning Committee at its June 23rd and September 3rd meetings where technical input was received and discussed. The further study reaffirmed the high potential for the use of satellites for delivery of POST training, and the Committee concluded that the steerable C/Ku Band satellite antenna was most appropriate for POST usage.

The equity issue was also addressed by the Committee. It is believed that the provision of additional satellite antennas to agencies with multiple training sites would resolve the concerns.

Concern about the necessary fiscal resources to support the \$1.6 million reimbursement outlay remains. Although current year revenue is less than expected, training volume is similarly below projection. It would appear appropriate to reschedule a new public hearing in January 1993 to adopt regulations with the added provisions regarding equity and a safeguard against the potential lack of resources to implement the satellite antenna reimbursement project. The proposed regulations would permit the initial reimbursement of monies to each agency for one antenna. Agencies with large substations or locations where formal training takes place would be eligible in subsequent budget years for reimbursement for additional antennas, provided reimbursement monies are available.

In consideration of the revenue and equity issues, it is recommended that the regulations described in Attachment A be modified with the following additions:

1020

- (f) Notwithstanding the provisions of these regulations, reimbursements to participating agencies for cost of purchase of satellite receivers will not be paid unless the Commission has concluded that sufficient funds are available for that purpose.
- (g) Participating agencies that, because of volume and travel distances, have multiple locations where agency personnel regularly convene for in-service training, may apply and may be reimbursed for purchase of multiple satellite receivers. Requests under this provision must be accompanied by description of the locations and an attestation that the location(s) is regularly used for in-service training.

RECOMMENDATION

Approve a public hearing for the January 21, 1993 Commission meeting to consider adoption of the proposed regulation.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Hearing: To Consider Adoption of Regulations to Reimburse Local Agencies for the Purchase of Satellite Antennas, Training Program Svs.		Meeting Date October 31, 1991
Researched By <i>Ken O'Brien</i> Ken O'Brien		Researched By John Davidson
Executive Director Approval <i>William C. Boehm</i>	Date of Approval 10-16-91	Date of Report September 11, 1991
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Should the Commission enact regulations providing reimbursement to eligible agencies for the purchase of steerable C/Ku Band Satellite Ground Terminals (hereinafter referred to as satellite antennas)?

BACKGROUND

Pursuant to Penal Code Section 13523, the Commission is required to make payments to each city, county, and district, which has applied and qualified for aid, to reimburse for the training expenses of full-time regularly paid employees. The regulations which have been enacted thus far to implement the provisions of this section have covered reimbursements for tuition, travel, subsistence, and salary.

At the April 1991 Commission meeting, following recommendations of the Long Range Planning Committee to move ahead on ACR 58 issues as quickly as resources allowed, the Commission increased the funding allocated to satellite training programs and directed staff to survey the field with regard to reimbursing local agencies for their satellite antenna purchase costs. Based on an overwhelmingly positive response to this survey, the Commission at its July 18th meeting voted to schedule a public hearing to receive input on the regulation changes which would be required to implement this project.

ANALYSIS

It is proposed that Section 1020 be added to the POST Regulations. This addition to the Regulations would provide the Commission with the authority to reimburse eligible agencies up to \$3,000 for equipment costs incurred in the purchase of a steerable C/Ku Band satellite antenna. The reimbursement would extend to those eligible agencies which already own a steerable C/Ku band antenna, or to those which own a non-steerable C/Ku Band, or a single band C or Ku Band antenna, which are upgraded to a combined, steerable C/Ku Band.

Under the proposed regulation changes, all 530 agencies currently participating in the POST program would be eligible to receive the reimbursement of up to \$3,000 for the satellite antenna. The estimated fiscal impact of \$1,590,000 for the reimbursement to each agency would be allocated over the 1991-92 and 1992-93 fiscal budgets depending on availability of funds. It is the intent of this regulation to provide a statewide system with each eligible agency able to participate as a system user.

The final date for submission of reimbursement requests would be December 31, 1993. This time limitation would allow eligible agencies time to acquire satellite systems through their municipal purchasing process and, for POST budgeting purposes, establish a firm deadline for expenditures.

In order to receive reimbursement under this section, an eligible agency would be required to submit a purchase invoice; and a letter of attestation from the agency head specifying that the antenna purchase and installation or upgrade meets requirements and will be dedicated to training of agency personnel.

Reimbursement under this section would be limited to the actual costs of one satellite antenna or one antenna upgrade, and shall not exceed \$3,000. Reimbursement shall not be provided for any costs associated with satellite antenna installation or maintenance. Documentation required for reimbursement must be submitted not later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

The proposed regulation was presented to the Commission at its July 18, 1991 meeting in San Diego. After discussion, the Commission moved to set a public hearing on the matter for October 31, 1991.

The required legal notice, including proposed regulation language, was distributed statewide as POST Bulletin 91-12. See attachment A.

RECOMMENDATION

Subject to the results of the public hearing, it is recommended that the Commission adopt Regulation 1020 concerning reimbursement of C/Ku Band satellite antenna equipment costs, to be effective 30 days after the date that the Office of Administrative Law (OAL) approves the regulation.

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

August 30, 1991

BULLETIN: 91-12

SUBJECT: PROPOSED ADOPTION OF REGULATION CONCERNING
REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

The Commission has scheduled a public hearing to consider adoption of regulation on this subject. The hearing is set for:

Date: October 31, 1991
Time: 10:00 a.m.
Place: Pan Pacific Hotel, San Diego,
California

The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna), up to a maximum of \$3000. Installation of such receiving equipment would greatly enhance the delivery of satellite broadcast law enforcement training programs.

Under the proposed regulation change, reimbursement would be made available to any agency participating in the POST regular reimbursement program. To be eligible for reimbursement, the purchased satellite antenna must be used for the purpose of making training available to the agency's employees. Agencies which have installed a satellite antenna prior to the adoption of this regulation would also be eligible for reimbursement.

Distribution of funds would be made upon submission of the appropriate invoice(s), attesting that the jurisdiction has paid the amount on the invoice and has installed the satellite antenna at an agency facility. It is proposed that reimbursement requests be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

Depending upon the type of equipment selected, agencies may incur costs beyond the maximum reimbursable amount. (Specification guidelines for a Steerable C/Ku Band type antenna are currently being developed and will be made available.) The \$3,000 limit was set based on current estimates for equipment of good quality. Installation and maintenance costs are variable and would be costs borne exclusively by participating agencies.

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503, and 13505 of the Penal Code and in order to interpret, implement, and make specific Section 13503 of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: October 31, 1991
Time: 10:00 a.m.
Place: Pan Pacific Hotel
San Diego, California

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

INFORMATIVE DIGEST

Penal Code Section 13520 creates the Peace Officer Training Fund and designates that the fund be used exclusively for costs of administration and for grants to local governments and districts to carry out the intent of Chapter 13500, et seq. In the interest of providing standardized high quality training to all areas of California at the lowest possible cost, the Commission is now broadcasting live, interactive satellite television training programs on a regular basis. To fully implement the satellite broadcast program, and significantly reduce current and future travel costs involved in this training, the Commission wishes to encourage eligible agencies to purchase a C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna) by adopting a regulation to allow agencies some reimbursement on their satellite antennas.

It is proposed that Regulation 1020 be added, because the current regulation covering reimbursement (1015) is limited to training reimbursement for costs incurred for salary, tuition, travel or subsistence. The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one satellite antenna or the upgrade of one existing antenna to a Steerable C/Ku Band type, up to a maximum of \$3000.

To encourage eligible agencies to participate in the satellite antenna reimbursement program and become part of a satellite training network as soon as possible, required documentation must

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Small Business Impact: None

Cost Impact on Private Persons or Entities: None

Housing Costs: None

CONSIDERATION OF ALTERNATIVES

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 Anna DelPorto, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

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San Diego, California

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INFORMATIVE DIGEST

Penal Code Section 13520 creates the Peace Officer Training Fund and designates that the fund be used exclusively for costs of administration and for grants to local governments and districts to carry out the intent of Chapter 13500, et seq. In the interest of providing standardized high quality training to all areas of California at the lowest possible cost, the Commission is now broadcasting live, interactive satellite television training programs on a regular basis. To fully implement the satellite broadcast program, and significantly reduce current and future travel costs involved in this training, the Commission wishes to encourage eligible agencies to purchase a C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna) by adopting a regulation to allow agencies some reimbursement on their satellite antennas.

It is proposed that Regulation 1020 be added, because the current regulation covering reimbursement (1015) is limited to training reimbursement for costs incurred for salary, tuition, travel or subsistence. The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one satellite antenna or the upgrade of one existing antenna to a Steerable C/Ku Band type, up to a maximum of \$3000.

To encourage eligible agencies to participate in the satellite antenna reimbursement program and become part of a satellite training network as soon as possible, required documentation must

be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

Participation in this reimbursement program is completely voluntary. The Commission does not require agencies to purchase and claim reimbursement for a satellite antenna.

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 October 14, 1991. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., 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 address below. 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

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
None

Non-discretionary Costs/Savings to Local Agencies: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Small Business Impact: None

Cost Impact on Private Persons or Entities: None

Housing Costs: None

Mandate on Local Agencies and School Districts: None

CONSIDERATION OF ALTERNATIVES

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 Anna DelPorto, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) proposes to adopt Regulation 1020 to allow for reimbursement of Steerable C/Ku Band Television Receive Only Satellite Ground Terminals (herein referred to as "satellite antennas"). The addition of this regulation will expand the current reimbursement program, which presently limits reimbursement to training costs incurred by eligible agencies for travel, subsistence, tuition, and salary.

Recently, POST has experimented with presenting some types of training by satellite broadcast. This training delivery method has great potential for significantly reducing the costs associated with providing training to California law enforcement personnel. Realization of cost savings, however, has been limited by the fact that few law enforcement agencies own the Steerable C/Ku Band Television Receive Only Satellite Ground Terminals needed to receive the satellite broadcasts.

Through the addition of Regulation 1020, the Commission intends to encourage each eligible law enforcement agency to purchase its own satellite antenna in an effort to reduce the costs of travel and time involved in training employees via traditional, off-site classroom methods.

The elements of proposed Regulation 1020 and corresponding justifications are as follows:

The Commission will reimburse any eligible agency for the purchase of a Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (herein referred to as a satellite antenna) or for the upgrade of an existing antenna to make that antenna a Steerable C/Ku Band type.

Through POST's recent experimentation with satellite broadcasts of training, we have learned that this training delivery method has great potential for significantly reducing costs typically associated with traditional classroom instruction. Realization of cost savings, however, has been limited by the fact that few agencies own antennas that are capable of receiving satellite broadcasts. The Commission wishes to encourage agencies to purchase a Steerable C/Ku Band type antenna or upgrade their existing antenna to a Steerable C/Ku Band type, by approving the satellite antenna reimbursement program.

It is proposed that reimbursement be limited to the purchase of, or upgrade to, Steerable C/Ku Band type antennas because POST does not have a permanently leased transponder, and must compete for, and rent, transponder time on a "space available" basis. Antennas capable of being steered (aimed) at either C or Ku band satellites serve to double the number of channels agencies have access to for receiving POST broadcasts. Furthermore, use of C/Ku band satellite antennas by agencies double the number of transponders POST has access to for broadcast purposes. Since POST must compete for transponder time, the ability to utilize both C or Ku band transponders greatly increases the likelihood of POST obtaining broadcast channels in time slots best suited to the needs of the California law enforcement community.

Finally, in consideration of the fact that some eligible agencies already own antennas, reimbursement will be permitted to enable agencies to upgrade an existing antenna to the steerable C/Ku Band format. This provision will allow agencies an additional option for participating in the satellite broadcast program. Furthermore, upgrading an existing antenna may be less expensive for the agencies.

In order to receive reimbursement for the purchase of a satellite antenna, an eligible agency must submit the following documentation to POST:

A purchase invoice reflecting the date of the satellite antenna purchase, a statement that the purchased satellite antenna or upgraded existing antenna is a steerable C/Ku Band Television Receive Only Satellite Ground Terminal, and the total cost of the satellite antenna.

For reimbursement of an upgraded existing antenna, an invoice for the antenna (any type) and an invoice for the equipment to upgrade the antenna to a Steerable C/Ku Band type must be submitted.

The purpose of these provisions is to ensure that the antenna, and/or equipment to upgrade an existing antenna, is in fact the Steerable C/Ku Band type, and that the eligible agency has incurred the actual costs being claimed for reimbursement. The date on the invoice is required as a means of reference, and for auditing purposes.

Invoices that indicate a purchase date prior to the effective date of this regulation will be accepted.

This provision is for clarification so that agency personnel will understand that invoices for purchase of antennas prior to the effective date of this regulation may be submitted

for purposes of reimbursement.

A letter from the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the invoice(s), has installed the satellite antenna at an agency facility, and will use the satellite antenna for the training of full-time, regularly paid employees of the eligible agency.

This provision is to ensure that the claim for reimbursement is being made with the authorization of the agency head, or representative authorized by the agency head, and that the jurisdiction has, in fact, incurred and paid for the item(s) claimed.

The provision that the satellite antenna must be installed at an agency facility is: 1) to ensure that the antenna will remain under the control of the eligible agency for purposes of training full-time, regularly paid employees of the eligible agency, and; 2) to ensure that funds provided from the Peace Officer Training Fund to reimburse local law enforcement agencies are used for the training of full-time, regularly paid employees of eligible agencies consistent with Penal Code Section 13523.

Documentation described in (b) (1 & 2) must be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

This provision is to encourage agencies to act expeditiously to participate in the satellite antenna reimbursement program, and to limit POST's expenditures to a specific time frame for budget planning purposes.

Those cities, counties, and districts which are eligible for aid in accordance with CA Penal Code Section 13523 may be reimbursed for costs associated with the purchase of a satellite antenna.

This provision is stated in this regulation for purposes of clarity.

Reimbursement shall not be provided for any costs associated with installing or maintaining a satellite antenna.

Costs for site preparation, installation, and maintenance are highly variable depending on the type and complexity of the installation. These costs are excluded from reimbursement to enable POST to control the cost of the project.

Reimbursement is limited to the actual costs of one purchased satellite antenna or one existing antenna upgraded to a Steerable C/Ku Band type and shall not exceed \$3000.

The \$3000 limit on reimbursement represents an average cost for good-quality equipment that will meet the needs of the program. In order to control the costs of this program, it is necessary to limit reimbursement to one antenna only.

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a satellite antenna.

This provision clarifies that purchase of a satellite antenna and participation in the satellite antenna reimbursement program is not mandatory.

PROPOSED LANGUAGE FOR REGULATION

1020.

Reimbursement for Purchase of Satellite Antenna

(a) The Commission will reimburse any eligible agency for the purchase of a Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (herein referred to as a satellite antenna) or for the upgrade of an existing antenna to make that antenna a Steerable C/Ku Band type.

(b) Documentation Required for Reimbursement

In order to receive reimbursement for the purchase of a satellite antenna, an eligible agency must submit the following documentation to POST:

(1) A purchase invoice(s) reflecting the date of the satellite antenna purchase, a statement that the purchased satellite antenna or upgraded existing antenna is a steerable C/KU Band Television Receive Only Satellite Ground Terminal, and the total actual cost of the satellite antenna.

(A) For reimbursement of an upgraded existing antenna, an invoice for the antenna (any type) and an invoice for the equipment to upgrade the antenna to a Steerable C/Ku Band type must be submitted.

(B) Invoices that indicate a purchase date prior to the effective date of this regulation will be accepted.

(2) A letter from the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the invoice(s), has installed the satellite antenna at an agency facility, and will use the satellite antenna for the training of full-time, regularly paid employees of the eligible agency.

(3) Documentation described in (b)(1 & 2) must be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

(c) Agencies Eligible for Reimbursement.

Those cities, counties, and districts which are

eligible for aid in accordance with CA Penal Code Section 13523 may be reimbursed for costs associated with the purchase of a satellite antenna.

(d) Reimbursement Restrictions.

(1) Reimbursement shall not be provided for any costs associated with installing or maintaining a satellite antenna.


(2) Reimbursement is limited to the actual costs of one purchased satellite antenna or one existing antenna upgraded to a Steerable C/Ku Band type and shall not exceed \$3000.

(e) Purchase not Required.

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a satellite antenna.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Concept Approval of Center for Law Enforcement Labor/Management Training		Meeting Date October 15, 1992
Bureau Executive Office	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval 	Date of Approval 9-25-92	Date of Report September 24, 1992
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 approve the concept of establishing a Center for Law Enforcement Labor/Management Training.

BACKGROUND: At the March 11, 1992 meeting of law enforcement labor association leaders and POST commissioners, it was recommended that POST consider establishing some form of Institute for Labor/Management Relations. Subsequently, the Commission, at its April 9 meeting, directed staff to explore the feasibility and desirability of establishing an Institute "to provide a permanent forum for communications, problem solving, and cooperative approaches." An ad hoc committee of law enforcement managers, labor association leaders, and POST Commissioners met July 16/17 to provide input on the Institute. Minutes of the meeting are located in the attachment.

ANALYSIS: Rather than an Institute with broad purposes, a "Center for Law Enforcement Labor/Management Training" is recommended by staff and the above ad hoc committee. The Center would restrict its activities to researching and developing training for law enforcement labor leaders and managers (supervisors, middle managers, and executives) that fosters cooperative relationships, effectiveness, and mutual understanding. Numerous labor-management training needs exist which suggest the possible need for modifying existing course curriculum and developing new courses or workshops into a program.

The Center's proposed mission would be "to research and develop on-going training for law enforcement labor leaders and managers (supervisors, middle managers, and executives) that fosters cooperative relationships, effectiveness, and mutual understanding." Consistent with this, the proposed goals include:

1. Identify California's training needs, instructional methodologies, and curriculum from existing courses nationwide for labor management training.

2. Review and develop appropriate labor/management curriculum recommendations for existing courses, i.e., Supervisory Course, Supervisory Leadership Institute, Management Course, Executive Development Course, Command College, and other courses.
3. Develop a recommended program of needed new courses/workshop. This includes but is not limited to:
 - o Building Collaborative Behaviors
 - o Leadership/Administrative Training for Labor Leaders
4. Encourage labor leader and management representation on input groups to POST and agency team building workshops when appropriate.
5. Provide a informal vehicle for the periodic convening of labor leaders and managers to provide input to POST on these goals.

Specifically considered but rejected was the idea of an Institute or Center undertaking activities associated with collective bargaining, arbitration or mediation, negotiation tactics, and related consulting services. Although possible future activities for the Center could, with Commission approval, include a "think tank" or problem-solving service for labor and management, participants expressed preference for the Center to restrict its activities to the training previously described.

The benefit to law enforcement for establishing such a Center is that it would tend to build cooperative relationships and mutual understanding between labor and management, thus reducing potential for divisiveness. The Center would further open channels of communications between labor association leaders and POST.

The Center, as conceptually described, provides POST flexibility as to the level of staff resources to implement this on-going program. Flexibility currently exist to modify staff assignments to provide part-time consultive assistance necessary to implement the program. A detailed implementation plan would provide a more accurate assessment of needed staffing over the long term.

All of the goals or activities listed for the proposed Center appear to be well within POST's statutory authority and hence no specific legislative authority appears necessary. The Center as described also appears to be consistent with existing Commission policy - "The Commission will not certify courses which training management and employees in labor negotiations . . .".

The proposed training course "Leadership Training for Labor Leaders" offers an opportunity to train labor leaders in generic skills, e.g., meeting facilitation, time management, etc., that

are readily transferable to the job of a peace officer or manager. The benefit of such training is consistent with the Center's proposed mission statement - ". . . that fosters cooperative relationships, effectiveness, and mutual understanding."

Input received from the major law enforcement associations represented on the input committee unanimously supports the Center's concept. If the Commission approves the Center's concept, including its mission statement and goals, an implementation plan (including a cost analysis) will be developed and submitted to the Commission for consideration prior to implementation.

RECOMMENDATION: If the Commission concurs, the appropriate MOTION would be to approve the concept of the Center for Law Enforcement Labor/Management Training and direct staff to develop a proposed implementation plan and report back.

Commission on Peace Officer Standards and Training

Meeting Minutes of Planning Committee
to Study Institute for Law Enforcement
Labor/Management Relations
Thursday, July 16-17, 1992 - San Diego

Present:

Representing Labor Organizations

Shaun Mathers, President, Ass'n of LA Deputy Sheriffs
Art Reddy, President, LA County Professional Peace Officers
Bud Stone, President, Peace Officers Research Ass'n of Cal.
Don Brown, President, California Organization of Police and
Sheriffs

Representing Management Organizations

Roy J. Harmon, Chief, Yuba City Police Dept. (California
Police Chiefs Ass'n)
Rich Gregson, Commander, Sacramento Police Dept. (California
Peace Officers' Ass'n)
Jim Thomas, Sheriff, Santa Barbara Sheriff's Dept.
(California State Sheriffs' Ass'n)
Ray Morris, Assistant Sheriff, Los Angeles Sheriff's Dept.

Representing the POST Commission/Advisory Committee

Ronald E. Lowenberg, Chief, Huntington Beach Police Dept.
(POST Commission)
Donald L. Forkus, Chief, Brea Police Dept.
(Chairman, POST Advisory Committee)

POST Staff

Norman C. Boehm, Executive Director
Holly Mitchum, Bureau Chief
Hal Snow, Assistant Executive Director

It was explained that the purpose of the meeting was to followup on POST Commission direction at its April 9, 1992 meeting to explore the feasibility and desirability of establishing an Institute for Labor/Management Relations to provide a permanent forum for communications, problem solving, and cooperative approaches. This recommendation emanated from a previous March 11, 1992 meeting of the ad hoc Labor/Commission Committee involving Commissioners and labor leaders.

Following a brief review of existing labor/management institutes in the private and public sectors outside of law enforcement, various suggested activities were identified by Committee members. All of the recommended activities of the Institute concerned the training of law enforcement labor leaders and

managers. The Committee recommended that the Institute should not undertake activities associated with collective bargaining, arbitration or mediation, how to negotiate, and consulting services. Based upon the list of appropriate activities, a draft Mission Statement and Goals were developed as shown on Attachment A.

It was agreed that the term "Institute" should be changed to the more descriptive title of "Center for Law Enforcement Labor/Management Training."

It was agreed that these proposed goals should provide POST flexibility as to the level of staff resources needed to implement this ongoing program.

It was also agreed that no legislation was needed to implement the Center as its purposes are consistent with POST's overall authority for law enforcement training.

Attachment B provides a listing of possible training needs identified by Committee members that will require further consideration in the future.

Requested followup activities to this meeting included:

1. Minutes of this meeting should be distributed to the Committee members as soon as possible.
2. Each Committee member will obtain input from organizations they represent and notify POST staff (Hal Snow or Holly Mitchum) of this input by September 11.
3. The Commission should consider the concept of the proposed Center, including the mission statement and goals, at its October 15 meeting.
4. If the Commission so directs, an Implementation Plan, including a cost analysis, will be prepared with Committee input and subsequently submitted to the Commission for consideration.

It was agreed that the Committee should meet the evening of Sept. 16 in conjunction with the upcoming Symposium on Law Enforcement Training (Sept. 15-17) at the Red Lion Inn in San Diego. A followup invitation and meeting notice will be sent to Committee members.

ATTACHMENT A

Commission on Peace Officer Standards and Training

Proposed Mission Statement and Goals for
Center for Law Enforcement Labor/Management Training

At a meeting of law enforcement labor leaders and police managers held July 16-17, 1992 in San Diego, the following recommended mission statement and goals were drafted for a proposed Center for Law Enforcement Labor/Management Training.

Mission Statement

"To research and develop on-going training for law enforcement labor leaders and managers (supervisors, middle managers, and executives) that fosters cooperative relationships, effectiveness and mutual understanding."

Goals

The Center will:

1. Identify California's training needs, instructional methodologies, and curriculum from existing courses nationwide for labor management training.
2. Review and develop appropriate labor/management curriculum recommendations for existing courses, i.e., Supervisory Course, Supervisory Leadership Institute, Management Course, Executive Development Course, Command College, and other courses.
3. Develop a recommended program of needed new courses/workshops on labor management issues identified in #1 above that builds upon the existing Chief Executive/Labor Leader Workshop. This includes but is not limited to:
 - 0 Building Collaborative Behaviors
 - 0 Leadership Training for Labor Leaders
4. Encourage labor leader and manager representation on input groups to POST and agency team building workshops when appropriate.
5. Provide a permanent forum for the periodic convening of labor leaders and managers to provide input to POST on these goals.

ATTACHMENT B

Commission on Peace Officer Standards and Training

Possible Training Needs to Be Further Researched by
Center of Law Enforcement Labor/Management Training

The following training needs were identified by Committee members that should be further researched when the Center is established.

1. Laws Relating to Labor/Management (Existing and Annual Changes)
2. Training to foster acceptance of roles, mutual understanding
3. Budgeting Process - Preparation, Managing, and Decision Making
4. General Contents of Collective Bargaining Agreements, not specific MOU's
5. Team Building- Top Down Approach, Involvement of Labor Leaders
6. Building Collaborative Behavior
7. Votes of No Confidence
8. Personnel Issues
9. Leadership Training for Labor Leaders
10. Strategic Planning
11. Organizational Communications
12. Job Motivation
13. Labor/Management Cooperation
14. Media Training
15. Ethics
16. Problem Solving/Decision Making
17. Managing "Up the Organization" Negative Attitudes
18. Managing Change
19. Futuristics
20. Political/Social Trends
21. Conflict Resolution

FINANCE COMMITTEE MEETING
October 15, 1992 - 3:00 P.M.
Radisson Hotel
Monarch I & II
18800 McArthur Boulevard
Irvine, CA 92715
(714) 833-8197

A G E N D A

A. CALL TO ORDER

B. Approaches for New Financial Support System

This item is for Committee discussion of the concept advanced at the July Commission meeting to shift emphasis away from salary reimbursement and toward support for development and presentation of priority statewide training. A report on this will be provided to the Committee members for review at or prior to the meeting on October 14. The Committee's recommendation can then be given to the full Commission at its October 15 meeting.

C. Report on Proposal to Reimburse Local Agencies for a Portion of the Cost of Acquiring Interactive Videodisc/Training Hardware

The Commission agreed with Chairman Wasserman's suggestion that the Finance Committee look at the possibility of POST assisting departments to gear up for IVD training by paying some or all of the hardware acquisition cost. The amount of \$1000 was initially suggested. A report on the cost alternatives and rationale will be provided at the meeting.

D. Budgetary and Revenue Concerns

This is on the agenda by way of previewing the 1993/94 budget year and beyond. Also, the revenue figures for the first quarter of 1992/93 will be available at the meeting.

E. Report on Reimbursement Rates

Each quarter, the Finance Committee reviews the salary reimbursement rate in light of revenues and training volumes. Data will be available for the first quarter of FY 1992/93 at the meeting.

F. ADJOURNMENT

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

TRAINING REVIEW COMMITTEE
October 14, 1992 - 2:00 P.M.
Radisson Hotel
Crystal Ballroom
18800 McArthur Boulevard
Irvine, CA 92715
(714) 833-8197

AGENDA

- A. Call to Order
- B. Review of Symposium on Training Issues II Recommendations

The purpose of the meeting is to review the recommendations developed at the Symposium on Training Issues II held on September 15/16/17 in San Diego. Current procedures call for any action that the Commission decides to take to implement symposium recommendations would come to it through the Training Review Committee. Therefore, upon review, the recommendations of the Committee should be framed as a report to the Commission.

- C. ADJOURNMENT

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Report on the Second Symposium on Training Issues		Meeting Date October 15, 1992
Bureau Training Program Services	Reviewed By <i>Otto Saltenberger</i> Otto Saltenberger	Researched By Dave Hall
Executive Director Approval <i>Norman C. Beckum</i>	Date of Approval 9.25-92	Date of Report September 22, 1992
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

This report provides information to the Commission on the general process and outcome of the second Symposium on Training Issues.

BACKGROUND

The Rodney King incident initiated widespread news media, legislative, and public attention which prompted the Commission to examine the adequacy of current POST training. Public forums were conducted statewide, which were followed by a two-day Symposium on Training Issues held on September 26 and 27, 1991. The forums and symposium generated over 100 recommendations dealing with use of force issues. These recommendations were assigned to POST for the purpose of enhancing existing training programs or new program development.

At the July 16 Commission meeting, the Commission authorized a follow-up Symposium on Training Issues. The purposes of the second symposium were to update participants on progress to date, give them the opportunity to validate the work completed, and have them provide input relative to future efforts.

ANALYSIS

The second Symposium on Training Issues was held on September 15, 16, and 17. The stated purposes of progress updating, validation, and general direction for future efforts were fulfilled.

The symposium, which received very favorable reviews, was attended by one hundred and ten participants representing varied positions within law enforcement, community-based organizations, law enforcement labor groups, and assorted professional organizations from the private sector.

Keynote speakers, Dan Walters, columnist from the Sacramento Bee, and Dr. Robert Bjork of the Department of Psychology at UCLA addressed the attendees in plenary sessions. Additionally, POST staff made presentations on the topics of use of force, cultural awareness, supervisory accountability, Basic Course revision, and community-based policing. Attendees were provided handout materials that accompanied the information covered during the presentations.

Three working sessions involving six pre-selected breakout groups were interspersed with the plenary sessions for the purpose of validating and seeking consensus on the work to this point. Each of the breakout groups was comprised of the same members from the first symposium. New attendees were distributed among the six groups. Representatives from the breakout groups then gave their feedback at the plenary sessions.

The symposium participants provided positive feedback about the structure and content of the symposium. They appreciated the opportunity to review the work accomplished since the first symposium, and provide some general direction for the future. The recommendations that surfaced as requiring the highest priority for program development or enhancement were those that addressed:

- o Supervisory training which included basic and advanced courses.
- o Training for field training officers which included basic and advanced courses.
- o Explore the feasibility of a mandated FTO program.

The courses that emerged as high priority for infusion throughout training at all levels with the emphasis on continuity were:

- o Human relations/cultural awareness courses.
- o Courses in ethics and integrity.

The symposium was successful in bringing management and labor law enforcement personnel together with community members to work on issues of mutual concern. At the same time, the work of POST was reviewed and validated while recommendations for future projects were provided.

POST will continue its work on use of force and related issues. Work has commenced on enhancing training for supervisors and field training officers. A committee has been formed to develop a course on intervention. The progress of these, and other symposium-generated projects, will be reported on a quarterly basis to the Training Review Committee. Completed training programs will be submitted to the Commission for review and approval.

MEMORANDUM

To : POST Commissioners Date: Sept. 29, 1992

Edward Maghakian, Chairman
Long Range Planning Committee
From : Commission on Peace Officer Standards and Training

Subject : REPORT OF THE LONG RANGE PLANNING COMMITTEE

The Committee met at the Los Angeles Sheriff's Department on September 3, 1992. Attending were myself and Commissioners Sherman Block, Hall-Esser, Rutledge, and Tidwell. Staff present were Executive Director Norman Boehm, Deputy Director Glen Fine, and Bureau Chief John Berner.

Committee members reviewed the following issues:

A. Continuing Professional Training (CPT) Requirement

The Committee considered a request that the Commission suspend the CPT requirement (24-hour per officer every two years), for one year. After a staff report and full discussion, the Committee recommends that the Commission continue the CPT requirement as currently constituted. However, the Committee also recommended that POST look into options to make continuing professional training more specific and job-related, as well as more accessible to departments. Perhaps through distance learning approaches POST could also consider changing from an hours-based approach to one which recognizes completion of a prescribed set of training offerings.

Staff will study this matter in conjunction with a new financial support formula, and report back through the Long Range Planning Committee.

B. Symposium Update

The Committee reviewed the agenda of the Symposium on Training Issues II in advance of the symposium to be held September 15/16/17 in San Diego. The Committee approved the content and approach of the symposium. A report on the symposium will be given by the Training Review Committee at the October Commission meeting.

C. Satellite Training Proposals

So far this year the Long Range Planning Committee has met with experts in satellite distance learning technology and considered the potential value of satellite distance learning program and the attendant equity issues.

The Committee again considered the satellite matter, and recommended that the Commission change its regulations to make it possible for the Commission to reimburse for satellite antennas upon availability of funds. The Committee also approved in concept the idea of reimbursing agencies in part for interactive video disc hardware.

It is the desire of the Commission to make training more available directly in departments through use of technology for the type of content training appropriate to this type of learning. The Committee anticipates that overall savings from travel and per diem can, in turn, be used for the development and presentation of priority training statewide.

The Committee also recommended that staff contact LETN (and other interested vendors) to receive any proposals. The non-negotiable recommendation is that POST will only consider proposals which include steerable satellite antennas having at least C and Ku capabilities.

As to the issue of equity, the Committee suggests that reimbursement for technology be a two-year program and the first year all departments would receive one antenna, and the second year larger departments would receive additional antennas based on the training sites used.

D. Approaches for New Financial Support System

The Committee favorably reviewed in greater detail the new POST financial formula reported on at the July Commission meeting. The Committee understands that the Finance Committee will review the concept further and report at the October Commission meeting.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Legislative Review Committee Meeting
Thursday, October 15, 1992
Radisson Hotel, Emerald Bay Room
Irvine, CA 92715
(714) 833-9999

AGENDA

Attachment

A. Proposed Legislation

A

Attachment A identifies possible 1993 legislation that the Commission may wish to pursue in concert with other organizations including:

1. POST Funding
2. Community College Tuition Exemption
3. Accessibility of Employer Information for Background Investigations
4. Continuation of Former Retirement Systems for New POST Consultants

The Committee may wish to consider other ideas for possible legislation.

B. CADA Proposed Legislation

B

Attachment B describes a CADA proposal to tap meager General Fund reserves for \$100-200 million/year to fund state training mandates and create a public safety training commission with community colleges receiving priority share of proposed funding.

C. Status of Active Legislation

C

Attachment C is a chart identifying the status of bills for which the Commission has taken positions.

D. Status of Informational Legislation

D

Attachment D is a chart identifying the status of bills that are outside the scope of the Commission's interest in taking positions but are followed for their potential impact upon POST. The Committee may wish to receive a briefing on these.

September 24, 1992

M E M O R A N D U M

MEMO TO : LEGISLATIVE REVIEW COMMITTEE
FROM : NORMAN C. BOEHM
Executive Director
SUBJECT : PROPOSED LEGISLATION

Each year at this time the Legislative Review Committee considers possible legislation to be introduced in concert with other organizations. Two ideas for possible legislation include:

1. POST Funding
2. Community College Tuition Exemption
3. Accessibility of Employer Information for Background Investigations
4. Continuation of Former Retirement Systems for New POST Consultants

The Committee may wish to consider other ideas for legislation.

1. POST Funding

During the 1992 legislative session unsuccessful attempts were made to address long term revenue concerns for POST that were precipitated by the 1991 Trial Court Funding and Realignment Act. Proposed legislation to eventually remove the General Fund from receiving state penalty assessment revenue (currently 30% off the top plus a significant additional amount from the Driver Training Penalty Fund) was proposed but was rejected by the Governor's Office.

The Peace Officer Training Fund continues to be a separate fund receiving revenue from state penalty assessments. Revenues from state penalty assessments appear to be both unstable and diminishing. There are many competing demands for revenue from this source. The Legislature and Governor continue to support the concept and previous agreement that the State's trial courts should be funded by the State and that state penalty assessment should in part fund this purpose. There continues to be extensive and perhaps justified criticism that penalty assessments on criminal and traffic fines have become excessive and reforms appear inevitable that may be detrimental to POST revenue. POST has been told by some in the Legislature that we ought to find another revenue source. But there are few if any other untapped practical and appropriate new sources of revenue.

Actually, penalty assessments are a perfectly symmetrical source of revenue for the Peace Officer Training Fund, much more so than being a state general fund source. We are left with the feeling that the suggestion is disingenuous at best.

Alternative #1 Remove General Fund From Receiving State Penalty Assessment Revenue - Although formidable opposition will continue to exist, it appears that this year's proposal to remove the General Fund from receiving state penalty assessment revenue is the most obvious solution at this time. Uncertainty exists with this proposal as to whether it would guarantee a stable and growing revenue source. The Legislature and Governor would continue to maintain annual review and approval of POST budgets regardless if this were to be successful. Obtaining a sponsoring organization and author of this legislation appears questionable unless support for the proposal is received from the Governor. It would seem essential that the Governor be approached on this issue before legislation is sought.

A corollary to this alternative is to reduce the state and local penalty assessments. Currently, state and local penalty assessments can be 170% of the fine themselves provide inducement to law enforcement to enforce traffic laws and to encourage courts to levee penalty assessments and increase collections. The likely effect of this is to increase total revenue to POST because reduced penalty assessments will mean increased traffic enforcement by law enforcement, more courts willing to levee the assessments, and fewer traffic violators seeking alternative dispositions. This approach would also be considered a direct hit on the General Fund.

Alternative #2 - Revise Distribution Formula for State Penalty Assessments - Another approach is to revise the statutory distribution formula for State Penalty Assessments by reducing or eliminating some special funds, e.g., Driver Training, and increasing the Peace Officer Training Fund. Part of the justification could be that law enforcement took a substantial hit when the community college fees were increased effective 1-1-93.

Alternative #3 - Funding from Drug Asset Seizures - Current law specifying a distribution formula for the State's share of drug asset seizure revenue sunsets at the end of 1993. During the 1992 legislative session, the Governor requested the Legislature to appropriate \$3.1 million to POST from this fund but only \$456,000 was actually approved. At the same time, a budget trailer bill (SB 485, Chapter 722) was signed into law that revises the distribution formula effective 1-1-94 by removing POST altogether, reduces local law enforcement percentage from

85% to 65%, and adds the General Fund for the first time for 20%. Existing law would have sunsetted POST out of receiving any revenue from this source effective 1-1-94 anyway.

It would appear desirable for POST to move assertively to seek support from law enforcement and the Governor to adjust the funding distribution formula to provide POST a continued and larger percentage of the revenue for law enforcement training purposes. The exact percentage should be left to negotiations between the Governor's Office, the Attorney General, author and law enforcement organizations. It is recommended the Commission take a position to support this effort.

A Long Term Consistent Approach is Needed. POST and law enforcement should recognize that a multi-year effort will likely be needed to accomplish the goal of achieving an independent, sufficient and reliable source of revenue for law enforcement training needs. Affirmations of the value of training to legislators, examples where training helped, thanks for what has been appropriated will all help to raise a positive level of consciousness. A consistently applied program for financial reform would be in order. The specifics of law enforcement's proposal need to be defined. Management and labor leaders would need to work together and put any other differences aside. By 1995, POST's report on training needs required by AB 492 (followup of the ACR 58 Study) is due which will include recommendations on funding. The stage should already be set when this report is drafted and submitted.

2. Community College Tuition Exemption

As part of the recent budget negotiations between the Governor and the Legislature, a trailer bill (Senate Bill 722) was signed into law that requires persons who previously obtained a Bachelor of Arts degree to pay a tuition of \$50/semester unit for attending community college courses. This would impact approximately 20% of peace officers attending community colleges. In addition, fees for all students were increased from \$6 to \$10/semester unit.

Staff and representatives of law enforcement associations have attempted unsuccessfully to include an exemption for persons attending community college courses for the purposes of satisfying state mandated training courses in public safety. This proposed exemption has not been acceptable to the Governor's Office nor the Legislature. Since such tuition would adversely impact law enforcement employers and serve as a disincentive to select persons with higher education, corrective legislation offering the exemption may be necessary.

3. Accessibility of Employer Information for Background Investigations

Representatives of the California Association of Law Enforcement Background Investigators (CALEBI) have voiced concerns about their increasing inability to gain access to information from former and current employers of peace officer applicants (including law enforcement agencies). Even with signed waivers, both private and public employers, are limiting their response to requests for information from background investigators to employment dates and positions. Employers are increasingly refusing to permit inspection of personnel files to review performance appraisals, discipline and attendance records, etc. Background investigators seek this information to determine the character of applicants as required by law and POST.

Current law does not compel employers to provide such information. Many employers refuse to allow access because of the potential for being civilly sued by current or former employees.

CALEBI is preparing draft legislation on this issue and is looking for support from POST and other law enforcement organizations. There appears to be need for some form of legislation to require private employers to release this information pursuant to a signed waiver by the applicant and to relieve them from civil liability for doing so. Revisions to preclude law enforcement agencies from releasing such information except to other law enforcement agencies for use only as investigation leads that must be independently verified is also being considered. Private employers would be authorized to charge fees for copying materials not to exceed actual costs. This subject is exceptionally sensitive because of privacy, workload and litigation concerns.

4. Continuation of Retirement Systems for New POST Law Enforcement Consultants

Effective 7-1-91, a revised retirement system or formula went into effect for all new miscellaneous state employees including those new to POST. The revised formula, known as "Tier Two", reduces retirement to 1.25% at age 65 with 10 years minimum service rather than the previous 2% at age 60 with 5 years minimum service. This revised formula was instituted for cost savings reasons to the State. The net effect is that it detrimentally impacts the recruitment of POST Law Enforcement Consultants, particularly for those at mid-career levels. Preliminary indications suggest that those in mid career law enforcement will not seek positions with POST, while retirees from law enforcement will be the predominant applicants. In the past, POST has sought to have the largest applicant pool from both mid career and retired groups.

A possible resolution is to enact legislation to allow future law enforcement applicants to elect to remain in their existing retirement systems (Public Safety or otherwise) and POST would continue to pay the employer's retirement obligation. For those in Public Safety, no Social Security is paid and thus some offsetting cost savings to POST would occur. This proposal would acknowledge up front that POST Law Enforcement Consultants do not perform law enforcement functions but duties make it necessary for Law Enforcement Consultants to have law enforcement experience. This proposal would not impact current POST staff and would be implemented prospectively if the legislation were to be enacted.

ATTACHMENT B

State of California

Department of Justice

September 24, 1992

M E M O R A N D U M

MEMO : LEGISLATIVE REVIEW COMMITTEE
NORMAN C. BOEHM
Executive Director
FROM : COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
SUBJECT : CADA PROPOSED LEGISLATION

The California Academy Directors Association (CADA) is in the process of drafting proposed legislation (attached) to establish a Public Safety Training Fund and Public Safety Training Commission. Rationale for the legislation is to address local funding cutbacks particularly at community colleges. Significant features include:

1. Establishes intent that the direct (instructional) costs for the public safety training requirements should be funded by the State and that the existing system of training providers will be used.
2. Requires the Public Safety Training Fund to be paid for out of the State's General Fund based upon annual estimates of need by the Department of Finance. The funding is to meet the legislatively mandated training requirements of all public safety personnel (does not specify local or state personnel).
3. Makes existing POST certified presenters eligible for annual grants for funding and prioritizes them according to their type with community colleges being given highest priority.
4. Requires specified trainee prescreening.
5. Establishes a seven member Public Safety Training Commission that is required to approve training grants.

Analysis

The proposed legislation has several defects. The proposal could be viewed as an overreaction to financial curtailments, which vary considerably between presenters with some in a growth mode. It is unrealistic to expect the State to divert funds away from

contingency reserves which was established out of highly controversial cutbacks of welfare, education and aid to cities and counties. Estimates to meet costs for presenting public safety "training requirements" could exceed \$100 million annually.

If any money is available from the General Fund for law enforcement training, it should come to POST to replace lost revenue to the General Fund occurring in the last two years due to revisions in law on trial court funding, penalty assessments and drug asset seizures.

The proposal does not take into account:

1. The existing legislative "training requirements" generally can not be considered legally as mandates upon employers but rather upon individual officers. The POST training requirements are also not technically mandates because the POST Program is voluntary. As written, however, the proposal by omission excludes POST training requirements.
2. Costs for the existing training system is a longstanding shared cost by employers of public safety personnel, community colleges and POST. This proposal seeks to transfer all of these costs to the State General Fund.
3. Funding from the General Fund is an annual political process that would compete public safety training against all other state priorities. Effective training must have stable funding from year to year and this proposal does not provide it. It is ironic that law enforcement has consistently fought to keep the Peace Officer Training Fund a special fund outside the General Fund.
4. That not all public safety personnel are currently required to undergo the identified prescreening nor would it be appropriate to do so.

It is unclear why the proponents see need to establish a duplicative Commission to perform an activity very much related to those of the existing POST Commission. In fact, POST currently authorizes tuition reimbursement for some training courses. The proposal could result in a bifurcated and duplicative system. For example, POST certifies training courses that includes periodic quality and facility reviews. It is unclear what role the new Commission would perform in approving grants. It would seem incongruent to have POST to continue its current activities and to establish another Commission to approve training grants.

This proposal fails to consider the complexities of State funding. It also provides no guarantees for improving or stabilizing funding of public safety training. In fact, past history would suggest that the proposal would produce an opposite effect. The proposal could detrimentally impact POST's budget as the Legislature seeks to secure funding transfers to this purpose. In all likelihood the proposal would politicize law enforcement training.

For these reasons, it is recommended the Commission take an opposed position to this proposal.

9/15/92

DRAFT PROPOSAL

To establish, by appropriate California Legislation, the following:

1. **Public Safety Training Fund**
2. **Public Safety Training Commission**

The purpose of this project is to recognize the role of the Commission of Peace Officer Standards and Training and at the same time distinguish in statute the differences between setting of training standards and the actual delivery of training services.

Article _____ is added to the Penal Code entitled Public Safety Training Act.

Section 1. Legislative Declaration and Intent.

The Legislature hereby declares that the requirements for adequate and appropriate public safety training should be organized and funded in a manner consistent with good public policy.

The Legislature further declares that the actual costs of providing the training, as opposed to reimbursement to local agencies for salaries, etc. for released time for training, should be a direct expenditure of the general fund and should be supported by everyone in the state.

The Legislature, through this act, intends to utilize the existing system of training providers, to the maximum extent possible and to improve the overall quality and appropriateness of training to public safety officers throughout the State of California.

Section 2. Public Safety Training Fund.

(1) There is created within the State Treasury, the **PUBLIC SAFETY TRAINING FUND**, hereinafter referred to as the **FUND**, which shall be paid for out of the General Fund of the State of California through the annual Budget Act. The Department of Finance shall estimate the amount of funds necessary to meet the legislatively mandated training requirements of all public safety personnel in the state on an annual basis and shall include, as part

of the Governor's Budget, an annual allocation of the state general fund to cover one hundred percent (100%) of all of the costs associated with providing the direct training.

(2) No reimbursement to any agency of local, county, state or federal government shall be made from any funds deposited into the FUND.

(3) Any funds not used in any fiscal year shall be continuously appropriated without regard to fiscal years and shall be made available to the **PUBLIC SAFETY TRAINING COMMISSION (PSTC)**, herein after referred to as the **COMMISSION** for their use to provide additional training beyond that which is legislatively mandated.

Section 3. Eligibility for Training Fund Grants.

(a) Any agency which is certified by the Commission of Peace Officer Training and Standards (POST) on the effective day of this Chapter shall be eligible for grants for training from the Fund. In awarding training grants, the Commission shall adopt the following priority order of training needs:

- (1) Basic academy training
- (2) Mandatory 24 hours within 2 years
- (3) Supervisory
- (4) Technical

(b) Applicants for delivery of training services shall be given the following priority order:

- (1) Police academies which are part of a California Community College District;
- (2) Academies that are part of any nationally accredited institution of higher education
- (3) Agency specific academies
- (4) Private business involved in training

(c) ~~None~~ Funds shall be expended from the fund for pre-screening activities that may be required of an applicant prior to becoming eligible to receive training at a site funded under this Chapter. Nothing shall preclude any organization from conducting training outside the scope of the POST mandates. However, no grants shall be made to any applicant for the purpose of training any public safety officer that is not mandated by the Legislature or court order. Prescreening activities shall include but not be limited to the following:

- (1) fingerprinting
- (2) medical evaluation and certification
- (3) satisfactory score on an English Placement Test.

(d) No public safety officer who has been hired by a public agency shall be eligible for training at a location or program funded under this part who has not demonstrated to the satisfaction of the grantee that the applicant meets the following:

(1) passed a written exam at a minimum passing score which shall be determined by POST;

(2) completed a psychological evaluation to determine their ability to be a public safety officer;

(3) completed an oral interview and received a majority recommendation of the total number of members on the oral interview panel;

(4) obtained written medical clearance that they are capable of performing the tasks required of a public safety officer in a basic academy;

(5) demonstrated to the satisfaction of the hiring agency that the applicant has sufficient agility to perform the tasks associated with a public safety officer.

(6) has a completed background investigation report that determines the applicant's prior experience and history to perform the necessary tasks associated with being a public safety officer.

(e) Any person may apply to obtain training at a facility or program that is funded under this chapter provided that they meet the following requirements:

(1) All items under subdivision (c) as well as:

(2) Those items that shall be determined by POST to be minimum standards for entry into an academy for basic public safety training.

Section 4. Definitions

For purposes of this chapter the following definitions shall apply:

(1) "Public Safety Officer" shall mean any person that meets the definition set forth in Chapter 4.5 (commencing with Section 830) of the Penal Code or Sections _____ of the Government Code or Sections _____ of the Business and Professions Code Sections _____ of the Health and Safety Code Sections _____, Education Code Sections _____, Welfare and Institutions Code Sections _____, Food and Agricultural Code Sections _____, Public Utilities Code Sections _____, Vehicle Code Sections _____, Public Resources Code Sections _____, Harbors and Navigations Code Sections _____, Labor Code Sections _____, Code of Civil Procedure Sections _____,

(2) "Public Safety Training Fund" means the fund created in the State Treasury which shall be dedicated exclusively for the allocation to eligible applicants for providing directly the legislatively and court mandated training of public safety officers.

(3) "Public Safety Training Commission" is a seven (7) member organization who shall be responsible for reviewing applications from eligible entities for grants for training and shall approve all grants and shall swards funds from the Public Safety Training Fund.

(4) "Executive Officer" means the person that shall be hired by the Commission who shall be responsible for hiring staff and operating the Commission on a day-to-day basis.

Section 5. Public Safety Training Commission

There is created within the Agency (
) and within the Secretary's Office a Public Safety Training Commission which shall be composed of seven (7) persons who shall be chosen as follows:

(4) persons representing public safety officers shall be chosen by the Governor;

(1) person representing public safety officers shall be chosen by the Speaker of the Assembly;

(1) persons representing the California Academy Directors Association shall be chosen by the Speaker of the Assembly;

(1) person representing public safety officers shall be chosen by the Senate Rules Committee;

(1) person representing the California Community Colleges shall be chosen by the Senate Rules Committee.

The Commission shall establish a thirteen (13) member advisory committee which shall consist of the following representatives:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)

Nothing shall preclude the Commission from establishing such advisory committees, task forces, work groups etc. in order to carry out the function of the Commission.

Commission on Peace Officer Standards and Training

Summary of Informational Bills of Interest to POST

<u>Bill</u>	<u>Author</u>	<u>Description</u>
ACA 42	Floyd	Constitutional amendment to protect the driver training penalty assessment fund percentage and use. Status: Dead
ACR 67	Tucker	Urges Mayor of Los Angeles and others to adopt and implement the recommendations of the Christopher Commission. Status: Dead
SCR 71	McCorquadale	Establishes Task Force to study sexual assaults involving acquaintances. Task Force contains a POST representative. Status: Chapter 92-R-088
AB 183	Ferguson	Prohibits law enforcement officers from using pain compliance techniques upon a passive nonviolent protestor. Status: Dead
SB 189	Dills	Appropriates \$21,236,000 from the Driver Training Penalty Assessment Fund to the State Dept. of Edu. to reimburse school districts for driver training. Status: Dead
SB 198	Dills	Appropriates \$13,000,000 from the Driver Training Penalty Assessment Fund to the State Dept. of Edu. to reimburse school districts for driver training. Status: Dead
SB 347	Presley	Modifies existing law granting civil liability immunity to peace officers and public entities by requiring that the public agency adopt and implement specified policy standards for the safe conduct of vehicular pursuits. Status: Governor's Office
AB 761	Horcher	Authorizes counties to levee an additional 50 cents for every \$10 or fraction thereof on criminal fines for the county's DNA identification system. Status: Dead
SB 998	Rosenthal	Requires the establishment of a civilian board for each law enforcement agency to monitor implementation of procedures to investigate citizen's complaints against police. Status: Dead

SB 1014 Calderon Would authorize the interception of electronic communications for additional drug offenses. Status: Dead

SB 1118 Presley Transfers \$3,000,000 from the General Fund to the Victim-Witness Fund for the 1991-92 fiscal year. Status: Chaptered 92-69

AB 1180 Murray Authorizes the Director of Consumer Affairs to establish rules for the qualifications of private investigators and their employees to carry firearms and rules for the Director to issue concealed weapons permits. Status: To Enrollment

AB 1301 Klehs (Spot Bill) Requires POST to develop a course of training addressing prejudice-based incidents. This bill has been incorporated into AB 3407. Status: Dead

AB 1364 Cortese Broadens authority of Fish and Game Director to designate any department employee as peace officer instead of designated members of the Wildlife Protection Branch. Status: Dead

SB 1366 Leslie Authorizes a Nevada correctional officer or Nevada Division of Forestry crew supervisory authority when performing conservation-related projects or fire suppression duties within California to retake any inmate escaping. Status: Chaptered 92-131

AB 1394 Speier Requires state agencies issuing any license, certificate, permit, registration, etc. to routinely provide names to State Department of Social Services for checks into failure to support family. Status: Chaptered 92-0050

SB 1566 Hill Proposes to establish the Correctional Peace Officers' Standards and Training Commission for CYA and CDC correctional peace officers. Status: Governor's Office

AB 1761 Knowles Requires the Attorney General to operate a telephone hotline to be available for use by school students 24 hours per day, 7 days per week to report drug activity. Status: Dead

SB 1772 Hill Would ban the use of photo radar to issue traffic citations by law enforcement. Status: Assem. Jud.

AB 1871	Burton	Increases the size of Board of Corrections from 11 to 17, to include the Director of the Parole and Community Services Division of CDC, 4 public members, a director of a local substance abuse treatment program, a director of county substance abuse program from a county over 700,000 population. Status: Dead
SB 1949	Greene	Repeals existing law that allows a peace officer to bring a civil action against an individual who has filed a false complaint with law enforcement about misconduct, criminal conduct or incompetence. Status: Dead
AB 2067	Floyd	Would make substantial changes to the Public Safety Officers Procedural Bill of Rights Act Status: Interim Study
AB 2288	Isenberg	Would establish the Commission on California Fiscal Affairs who would select the Legislative Analyst. Status: Dead
AB 2291	Boland	Authorizes county parole officer to exercise the powers of arrest of peace officer but not designated as a peace officer. Status: Chaptered 92-0107
AB 2337	Conroy	Requires a peace officer who arrests a person for an act of domestic violence to notify the designated judge regarding the arrest if there is not a valid protective order in effect and require the judge to decide as to whether to issue emergency protective order. Status: Chaptered 92-0555
AB 2340	Archie-Hudson	Requires public officers who personally witness a violation to file a report with his or her employing agency. Status: Gov's Off.
AB 2527	Hayden	Requires the governing boards of UC and the California State University to charge duplicate degree tuition. Status: Dead
AB 2611	Burton	Makes technical changes to the Public Safety Officers Procedural Bill of Rights Act. Status: Chaptered 92- 0547
AB 3603	Umberg	Would move parole officers of CYA and CDC from PC 830.5 to 830.2 thus giving them

authority any place in the state without
express restrictions provided their primary
duty is conditions of parole or probationer.
Status: Governor's Office

AB 3807 Hughes

Makes it a felony or misdemeanor for a person
acting under color of law to, by force or
violence, willfully subject any person to
deprivation of any rights, privileges, or
immunities secured or protected by the
Constitution or laws of this state or the US
Constitution. Status: Sen. Jud.

Commission on Peace Officer Standards and Training
Advisory Committee Meeting
October 14, 1992 - 10 a.m.
Radisson Hotel, Crystal Ballroom A-1
18000 McArthur Blvd., Irvine, CA 92715
(714) 833-9999

AGENDA

- | | | |
|----|--|---------------|
| A. | Call to Order | Chair |
| | 0 Roll Call | |
| | 0 Introductions | |
| | 0 Announcements | |
| B. | Approval of Minutes of July 15, 1992 Meeting | Chair |
| C. | Commission Assignment - Advisory Committee Composition | Members |
| | 0 Labor Representation | |
| | 0 Public Safety Dispatcher | |
| D. | Discussion of Sept. 15 Symposium Results | Members |
| E. | Review of Approach for New Financial Support System | Norman Boehm |
| F. | Review of Commission Meeting Agenda | Staff |
| G. | Comments on Tactical Communications Training | Joe Flannagan |
| H. | Advisory Committee Member Reports | Members |
| I. | Old and New Business | Members |
| J. | Commission Liaison Committee Remarks | Commissioners |
| K. | Election of Officers for 1992-1993 | Chair |
| | 0 Chairman | |
| | 0 Vice Chairman | |
| L. | Adjournment | Chair |

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

POST Advisory Committee Meeting
July 15, 1992 - 10 a.m.
Red Lion Hotel, Sonoma II
San Diego, California

MINUTES**CALL TO ORDER**

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

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Present: Charles Brobeck, California Police Chiefs' Association
Don Brown, Calif. Organization of Police and Sheriffs
Jay Clark, Calif. Association of Police Training Officers
Donald Forkus, California Peace Officers' Association
Derald Hunt, California Association of Administration of Justice Educators
Ernest Leach, California Community Colleges
Carolyn Owens, Public Member
Cecil Riley, California Specialized Law Enforcement
Judith Valles, Public Member

Absent: Cois Byrd, Calif. State Sheriffs' Assoc.
Joe Flannagan, Peace Officers' Research Assoc. of Calif.
Jack Healy, Calif. Highway Patrol
Joe McKeown, Calif. Academy Directors' Assoc.

Commission Advisory Liaison Committee Members present:

Commissioner Marcel Leduc
Commissioner Edward Maghakian
Commissioner Raquel Montenegro

POST staff present:

Norman C. Boehm, Executive Director
Rick Baratta, Special Consultant
John Berner, Bureau Chief, Standards and Evaluations
Dave Hall, Senior Consultant
Hal Snow, Assistant Executive Director
Otto Saltenberger, Bureau Chief, Training Program Services
Imogene Kauffman, Executive Secretary

INTRODUCTIONS

Captain Alicia Powers of the San Clemente Police Department was introduced. Captain Powers has been nominated to fill the WPOA vacancy on the Advisory Committee.

ANNOUNCEMENTS

It was announced that Carolyn Owens is retiring as of this meeting. Commissioners will be submitting the recommended name of a new member to fill the vacancy of public member. Joe McKeown, who has represented C.A.D.A. for many years, is also retiring. His replacement will be approved at the July 16, 1992 meeting.

APPROVAL OF MINUTES

The minutes of the April 8, 1992 meeting were approved as distributed.

NEED FOR AND PARAMETERS OF POST DRUG SCREENING MANUAL FOR IN-SERVICE OFFICERS

Staff reported on the results of a recent survey questionnaire to the field inquiring what they were doing and what they would like POST to publish with regard to drug screening. It was found that most agencies are in the process of getting their programs "up and running". It was also found that guidelines were preferred to the suggested issue paper. Following discussion, there was consensus that a letter be sent to all agencies requesting a copy or a description of any drug testing program the agency might have in place. In addition, there was also consensus that POST library would serve as a repository of information about random drug testing programs. The Advisory Committee Chairman will convey these requests to the Commission.

CURRICULUM DEVELOPMENT PROJECTS

Staff reported that the draft of the Use of Force Report from the Symposium on Training Issues had been sent to the Commission and the Advisory Committee. The report and Bystander/Intervention training were reviewed. A curriculum development workshop on peer intervention skills was conducted recently by Erwin Staub, Ph.D., in which various subject matter experts participated. A need was identified to teach intervention techniques. It was reported that POST is getting great reviews on the cultural awareness courses.

There was consensus that POST should promote its programs, i.e., let other states know about what POST is doing and publish/promote this information. There is also value in getting such information to the Legislature.

REVIEW OF COMMISSION MEETING ISSUES

Staff reviewed the July 16, 1992 Commission meeting agenda and responded to questions and discussion of the issues. On Agenda Item D, "Voluntary Guidelines Relating to Evaluation of Canine Teams", some observations of the canine coordinator at Brea P.D. were suggested: Part of the obedience handling should also include an obstacle course; enthusiasm and attitude in a search situation should be evaluated; a range of distance should be established, and a vehicle search and extractions included; a remediation rule should be added; and bomb detection should be evaluated.

On Commission Agenda Item E, "Report on Study of the Basic Course and Recommendation for Initial Actions", there was consensus that the Commission be aware that no one on the Advisory Committee has any major concerns with the concept.

On Commission Agenda Item H, "Report on a New Basis for POST Financial Training Support", there was consensus that the Advisory Committee concur with the concept of what the Commission is doing.

FOLLOWUP ON APRIL 8 MEETING ISSUES

Availability of Updated PC 832 IVD Program and Manuals

It was reported that POST has no plans currently to update the PC 832 IVD and manuals; however, POST is in the process of making additional copies of the existing program for distribution.

Availability of CHP Academy Facilities for Training

It was reported that contact had been made with the CHP, and it was indicated that there will be an opportunity for outside agencies to use the academy.

ADVISORY COMMITTEE MEMBER REPORTS

Public Representative - Carolyn Owens stated that during the eight years she has been a member of the Advisory Committee, there has been a shift in what the Advisory Committee has been doing. Not only does the Advisory Committee report to the Commission, but the interaction with the Commission is at a much higher level.

Calif. Administration of Justice Educators - Derald Hunt reported that CAAJE is up to speed with some of the things that have been talked about in the meeting. Eighty percent of the new residents in the next decade are going to be Asian and Hispanic. Many of them will not speak English. Currently there are about 67,000

students enrolled in the Administration of Justice programs in California's community colleges. At the last CAAJE conference the need to change the way in which officers are trained was emphasized. It was also stressed that better educated officers were needed.

Women's Peace Officer Association - Alicia Powers reported that she will be attending a board meeting in the near future, but would like to report that WPOA has a new president, Sherry Edwards from Contra Costa County Sheriff's Department. The WPOA is planning a day-long workshop to re-examine the mission of WPOA and how to achieve that mission.

California State Chiefs' Association - Charles Brobeck reported that the CSCA is supportive of maintaining the coalition among everyone in law enforcement to continue supporting the efforts of POST in the funding cycle. The CSCA Board is meeting in San Luis Obispo in August and will be looking at a different process in which to certifying out-of-state chiefs coming to California. They are also working with IACP in hosting some training programs in California.

Calif. Organization of Police and Sheriffs - Don Brown reported they are working on a legislative update for all rank-and-file in the state which will be presented at the meeting in Palm Springs in September.

California Specialized Law Enforcement - Cecil Riley reported that CAUSE is working with all law enforcement groups to keep everything going as POST is critical to labor as well as management. We have come a long way.

Public Member - Judith Valles announced she will be retiring in July. She will not be resigning from the committee and plans to work more with the public.

California Community Colleges - Ernest Leach reported on some of the projects previously reported. One was the Smart Classroom that some vocational funds had been committed to and totaled \$70,000. There were equipment funds for the inter-active video machines. The intent was to fund \$90,000. There were some carry-over funds, about \$10,000, used to look at curriculum review for six basic courses.

What is happening as a result of possible budget cuts was also discussed.

Calif. Assoc. of Police Training Officers - Jay Clark reported that the CAPTO Conference will be held during the week of October 14-16 at the Holiday Inn in Solvang.

Calif. Peace Officers' Association - Don Forkus reported that CPOA had a very successful conference in May in Palm Springs. A report was made on a new program in Brea, a new psychiatric

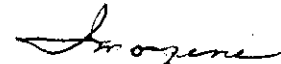
hospital that deals with officers involved in different kinds of substance abuse. A copy of the brochure will be sent to anyone interested. It is a full-time intensive program and has the potential of doing some good work for law enforcement.

COMMISSION LIAISON COMMITTEE REMARKS

The appreciation for Carolyn Owens' service on the Advisory Committee was expressed as well as how much she will be missed. Commissioner Montenegro reported that no action had been taken at the meeting on representation of labor to the Advisory Committee. There was much discussion and much sensitivity toward the issue, but there was no action taken based on the need to obtain input from the Advisory Committee; the outcome of AB 401; and deliberations of the Institute for Law Enforcement Labor/Management should be known before any action is taken. There was consensus that the issue should be on the Advisory Committee's October agenda for discussion and input to go to the Commission.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1330 hours.



Imogene Kauffman
Executive Secretary



CITY OF SAN JOSÉ, CALIFORNIA

201 W. MISSION STREET
P.O. BOX 270
SAN JOSE, CALIFORNIA 95103-0270
(408) 277-4212

CHIEF OF POLICE
LOUIS A. COBARRUVIAZ

August 4, 1992

Norman C. Boehm, Executive Director
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-1708

Dear Mr. Boehm:

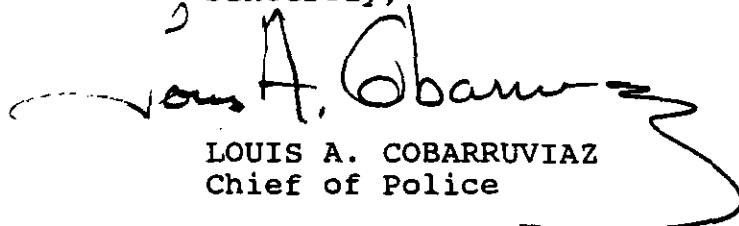
It has come to my attention that POST has recently completed the statewide job task analysis on the position of public safety dispatcher. I also understand that POST may be reviewing the feasibility of continuous professional training, certificate levels and mandatory supervision training for dispatch personnel.

With this mind, I would like to suggest that the time has come to include a communications representative on the POST Advisory Committee to represent their unique needs. You would find that such an individual could also contribute significantly in other areas, not just those specific to communications.

POST supports three law enforcement programs, one of which is the Public Safety Dispatcher Program. There is, however, no representative from that group working directly or indirectly with the Commission or POST staff on an on going basis. Communications professionals do serve on committees for projects such as curriculum development (and have since the early 1980s) but these are specific, short term commitments.

There are many highly qualified and dedicated communications professionals currently working in the law enforcement sector who are supportive of POST objectives. It's important that their expertise be considered, especially on those issues directly relating to their professional concerns. I hope that you will give this suggestion your consideration and refer it to the Commission. Thank you.

Sincerely,


LOUIS A. COBARRUVIAZ
Chief of Police

DEPARTMENT OF JUSTICE

DANIEL E. LUNGREN, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

501 ALHAMBRA BOULEVARD
SACRAMENTO, CA 95818-7083GENERAL INFORMATION
(916) 739-5328EXECUTIVE OFFICE
(916) 739-3864

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(916) 739-5354Center for Leadership
Development
(916) 739-2093Compliance and Certificates
(916) 739-5377Information Services
(916) 739-5340Management Counseling
(916) 739-3868Standards and Evaluation
(916) 739-3872Training Delivery Services
(916) 739-5394Training Program Services
(916) 739-5372Course Control
(916) 739-5399Professional Certificates
(916) 739-5391Reimbursements
(916) 739-5367Resource Library
(916) 739-5353

August 11, 1992

Louis A. Cobarruviaz
Chief of Police
San Jose Police Department
201 W. Mission Street
San Jose, CA95103-0270

Dear Chief Cobarruviaz:

Thank you for your August 4 letter recommending that POST consider a public safety dispatcher position on the POST Advisory Committee.

Commission Chairman Edward Maghakian has referred this request to the Advisory Liaison Committee for recommendation. We will notify you of the outcome of the Commission's decision.

We appreciate your interest in POST's activities.

Sincerely,

NORMAN C. BOEHM
Executive Director