

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Narrative of Unstructured Commission Meeting, March 12, 1971, Palm Springs

Because of an expressed desire to freely discuss areas of concern and review in the P.O.S.T. program, an unstructured commission meeting, chaired by Commissioner Houghton, was convened on March 12, 1971 at 9:30 a.m. Of particular interest were the goals and objectives of the P.O.S.T. program and an evaluation of current P.O.S.T. programs.

Discussion Topics Suggested

1. On what basis are suggested Basic Course alterations made?
2. Is the Basic Course content keeping pace with the rapidly changing on-the-street problems of the police?
3. Need for a well-thought-out management development program to relate the formal education pattern that has been developed within training programs of local agencies. This might include administrative transfer training for early identification of potential leadership and a means devised for the education, training and advancement of selected employees.
4. What is the extent of the Commission's standards and training inspection program?
 - a. How can the Commission be sure that the standards are being enforced?
 - b. What methods and techniques are being used?

TRAINING DISCUSSION

Project S.T.A.R. may produce the capability of identifying many problems confronting the Commission, i. e., course content and required hours for classes, but results from Project S.T.A.R. are still far in the future. A big concern with all training is the methods being used. (Clark)

Consider the obsolescence of the lecture method, whereas television "speaks" to everyone; talents of the most capable people in the field can be utilized at all times; there can be a consistent review of the materials and the instructors; every policeman can be kept current with all legal decisions and happenings at

all times; and it is very economical. It will also provide local departments with visual and supplementary audio materials which allow them to teach their own people. (Waddington)

Information resulting from a review of curriculum and any input from the S. T. A. R. Project must be considered in terms of training by television. The C. C. C. J. has commissioned the Education and Training Task Force to provide a plan for a video network. The Attorney General's Office plans to request air time within the next 30 days to cover all metropolitan areas with a criminal justice network. One consideration is for a high frequency microwave transmission throughout the State. Through T. V., it will be attempted to provide at-home training, and provide centralized police station training to the extent that this can be worked out throughout California. (Waddington)

Since 1953, considerable rhetoric has dealt with the "lecture method of teaching" - it was outmoded in 1953, but we still use it. Following the S. T. A. R. study, a decision-making committee made up of law enforcement and other disciplines will have to continue to evaluate the role of the policeman. This will be a critical factor in training needs. (Executive Officer)

A statewide training research capability to continuously service the whole State should be established. Project S. T. A. R. should accommodate some of this research. (Executive Officer)

Methods should be established to implement new training techniques, subject matter and methods. Groups of people (such as P. E. A. C. and C. A. P. T. O.) will be needed to sell these techniques and methods. (Executive Officer)

It has been suggested there is a profound lack of material for adequately instructing extremely complicated subjects such as "Search and Seizure". There simply is no textbook to cover this. If texts could be supplied with answers to questions, law enforcement would be assured of at least a uniform course from which to proceed and would know exactly what material to use. (Waddington)

Middle management and executive development courses need immediate attention. These courses are not doing much toward developing good managers. (Seares)

The bulk of the backlog of courses to be certified was disposed of on March 11. With the decertification of the inactive courses, attention can now be focused on decertification of poor quality courses. During the moratorium, it is planned to study needs geographically, numerically, and by subject matter. (Ball)

There is a request for funding pending from Decision Systems, Inc., in San Diego, to C. C. C. J. and the National Foundation in which it proposes to determine the types of decisions middle managers and their superiors have to make

and how to train them to make these decisions. This would be a valuable aid in determining needs for management development. P.O.S.T. will watch further development of this study. (Executive Officer)

Training Recommendations

1. Each Commissioner should make visits to the classes being presented within his area. This would serve many purposes; i. e., allow each Commissioner to satisfy his interest in and demonstrate his support for the education and training of law enforcement personnel; provide him a first-hand knowledge of the courses' presentation and aid in dispelling rumors or hearsay of course problems; give the Commissioner an opportunity to discuss with training officers what they are doing with relation to direction by the Commission. (McKenzie)
2. The best thing the Commission has done is to declare the moratorium. The next thing that should be done is to go back and look at what the Commission is doing in the field of training and recruitment. Three people (present staff) in the field is not sufficient. (Kelsay)
3. Concentrate on efforts to improve the quality of the courses already certified -- and not certify any more. Pruning of some certified courses should also be done. (Seares)
4. Request for information on the possibility of a grant to examine the whole area of management development courses, i. e., are they well coordinated, is there parallel design in structuring and course content, are they equivalent to one another in caliber of instruction. (Houghton)
5. Staff is to keep contact with whatever movement is made in the field of research in management development and make reports to the Commission -- and push such studies. (Houghton)

TRAINING AND PERSONNEL STANDARDS INSPECTIONS

Course inspection is a function which should receive greater attention from the Commission, particularly on two levels: A review of the recruitment and selection procedures; continued review of the quality of the courses presented in the schools, and recognition of the Myren Report suggestion for the elimination of the practitioner from doing so much of the teaching. (Clark)

There is no thorough system of inspection in the P.O.S.T. program. There are some scanty methods that are applied to recruitment and selection as well as courses of instruction. Because of lack of personnel, there is no regularly scheduled inspection method. In the latter, coordinators and advisory committees are relied upon heavily, but with few exceptions there is no strong control. (Executive Officer)

The responsibility of inspecting standards is definitely that of the Commission -- to set the standards both for recruitment and training and to see that these standards are met. The Commission should have people in the field at all times making inspections of the recruitment and training process. (Kelsay)

This problem was the same in all instructional courses. The method of inspection should be expanded to 100%, both as to certification of curriculum standards being met and methods of classroom presentation which is mandated by certification. To accomplish this, a selling job will be necessary. The statistical figures that P.O.S.T. reimbursed \$5,000,000 last fiscal year for training means local law enforcement agencies in the State of California spent in excess of \$10,000,000. Estimating 1/3 of that as a waste because of lack of inspections, local government put out approximately \$3,000,000 and received nothing for it. From a dollar and cents standpoint, this is what can be used to sell inspection control. (Clark)

Inspection Recommendations

1. Staff prepare an evaluation of the problem with recommendations of what can be done. This report should also include a summary of time spent by staff in inspections versus time spent in other activities. (Houghton)
2. Commission members should take a firm stand to make a recommendation that the staff be supplemented in some way to develop course standards (use of existing funds or through C. C. C. J.). Develop inspection standards, inspect the instructors, the audio visual operations of the courses being taught, and get staff reports and recommendations as to what they find. The staff should make recommendations as to a new approach to limiting courses or limiting the number of schools. Staff should report what has been done through inspection and make recommendations of what can be done with future inspection. (Clark)
3. It was felt this meeting indicated the need to upgrade and strengthen the inspection function to assure the Commission of the kind and multiplicity of courses approved. The ways that this possibly can be done are through C. C. C. J. and the hiring of special consultants by contract. (Houghton)

EVALUATION PROCESS

The standards used for evaluating courses which are to be recommended for approval by the Commission were stated to be:

- Are the quarters adequate.
- Do the instructors have an adequate educational and teaching background.
- Is the course outline adequate.
- Does the course fulfill the training need. (Ball)

Evaluation Recommendations

1. If these are the only standards by which courses are evaluated, then the standards must be given additional consideration and expanded. (Houghton)
2. An added responsibility of the Commission is evaluating the effectiveness of courses being certified and taught. (Seares)
3. Periodic evaluation of any course being taught is essential. (Waddington)

PERSONNEL

The salary problem has now become a crisis. The whole quality of the P. O. S. T. program is at stake because of the salary compaction. The quality of consultants needed can not be retained at the present salary levels. Very strong backing is needed from the Commission to see what can be done to get salary raises. (Executive Officer)

It is suggested that a strategy be planned for next year. For example, the Commission should demonstrate to legislators such as Priolo that an effort to try to raise the level of police training is being made in areas of their interest such as firearms use, etc., and point out that in the absence of adequate people to construct and review this kind of a course, P. O. S. T. was unable to assist. This might win a lot of people in the Legislature to our cause. (Waddington)

The staff should ascertain just how it could utilize the kinds of expertise that could be hired on a contract basis. What is the feasibility of some type of expertise that could be hired on a contract basis. What is the feasibility of some type of contractual arrangement with available qualified personnel; the actual costs involved, and what services they could give to meet what has been indicated should be done. (Seares)

Personnel Recommendations

1. With some additional staff, the priorities should be reassessed. By contracting special consultants, the acquisition of expertise could be accomplished to accommodate the indicated needs. The use of special consultants on a contract basis should be expanded. (Strathman)
2. Priorities of staff assignments should be examined and the re-allocation of personnel assignments considered, i. e., the consultants assigned to the administrative counseling service. (Houghton)

REIMBURSEMENTS

Trainee release time problems, especially in smaller departments, are being concentrated on and will be reviewed after the year of 100% reimbursement has been given a trial. (Executive Officer)

100% reimbursement of trainees' living expenses would aid smaller departments more than release time coverage. (Kelsay)

Administrative Recommendations

1. Future meetings should be two days in length to include a second day period to meet informally to identify and discuss staff-related problem areas.
2. An oral report from the Executive Officer is requested at a future meeting as to his evaluation of the staff, their work assignments and priority needs, how he determines their assignments and due dates, and a progress report on any difficulties involved so that the Commission will know more of what the staff is doing. (Houghton)
3. A structured, written report from the Executive Officer would be necessary only upon request to direct areas of discussion. Exception was made regarding the latter point by Mr. Waddington.
4. A one-shot, over-all evaluation project proposal could be presented to C. C. C. J. for an evaluation of P. O. S. T. (Waddington)

Meeting Adjourned at 12:15 p.m.

CALIFORNIA PENAL CODE

PART 4

TITLE 4. STANDARDS AND TRAINING OF
LOCAL LAW ENFORCEMENT OFFICERS

CHAPTER 1. COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING

Enacted 1959
Latest Amendment Effective November 23, 1970

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

SECTION 1. In enacting this legislation the Legislature finds that vocational training and the enforcement of State laws are matters of statewide interest and concern.

SECTION 2. Title 4 (commencing with Section 13500) is added to Part 4 of the Penal Code, to read:

TITLE 4. STANDARDS AND TRAINING OF
LOCAL LAW ENFORCEMENT OFFICERS

CHAPTER 1. COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING

Article 1. Administration

13500. Establishment of Commission on Peace Officer Standards and Training: Number of members: Appointment and requisites: Terms. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of nine members appointed by the Governor, after consultation with, the Senate, of whom five must be either sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, two must be elected officers or chief administrative officers of cities in this State, and two must be elected officers or chief administrative officers of counties of this State, as well as the Attorney General, who shall be an ex officio member of the commission. Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

13501. Selection of chairman and vice-chairman: Quorum: Summon of first meeting. The commission shall select a chairman and a vice-chairman from among its members. Five members of the commission shall constitute a quorum. The Attorney General shall summon the commission to its first meeting.

13502. Compensation and expenses of members. Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his local governmental employment.

13503. Powers of commission. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

- (a) To meet at such times and places as it may deem proper;
- (b) To employ an executive secretary and, pursuant to civil service, such clerical and technical assistants as may be necessary;
- (c) To contract with such other agencies, public or private, or persons as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities;
- (d) To co-operate with and to secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions;
- (e) To develop and implement programs to increase the effectiveness of law enforcement and when such programs involve training and education courses to co-operate with and secure the co-operation of state-level officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs;
- (f) To co-operate with and secure the co-operation of every department, agency, or instrumentality in the state government;
- (g) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

13504. Services of personnel in Department of Justice. The Attorney General shall, so far as compatible with other demands upon the personnel in the Department of Justice, make available to the commission the services of such personnel to assist the commission in the execution of the duties imposed upon it by this chapter.

13505. Expenditure of funds for training local law enforcement officers purposes. In exercising its functions, the commission shall endeavor to minimize costs of administration so that a maximum of funds will be expended for the purpose of providing training and other services to local law enforcement agencies. All expenses shall be a proper charge against the revenue accruing under the provisions of Article 3 (commencing with Section 13520) of this chapter.

13506. Regulations. The commission may adopt such regulations as are necessary to carry out the purposes of this chapter.

Article 2. Field Services and Standards
for Recruitment and Training

13510. Adoption and amendment of rules establishing minimum standards. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers or peace officer members of a county sheriff's office, in any city, county, or city and county receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers and peace officers members of county sheriff's offices, which shall apply to those cities, counties, and cities and counties receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to the Administrative Procedure Act (Chapter 4, commencing at Section 11370, and Chapter 5, commencing at Section 11500, of Part 1, Division 3, Title 2 of the Government Code).

13511. Places of training. In establishing standards for training, the commission may, so far as consistent with the purposes of this chapter, permit required training to be obtained at existing institutions approved by the commission.

13512. Inquiries by commission. Adherence to standards. The commission shall make such inquiries as may be necessary to determine whether every city, county, and city and county receiving state aid pursuant to this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

13513. Counseling Service to local jurisdictions. Upon the request of a local jurisdiction, the commission shall provide a counseling service to such local jurisdiction for the purpose of improving the administration, management or operations of a police agency and may aid such jurisdiction in implementing improved practices and techniques.

Article 3. Peace Officers Training
Fund and Allocations Therefrom

13520. Creation of Peace Officers' Training Fund. There is hereby created

in the State Treasury a Peace Officers' Training Fund, which is hereby appropriated, without regard to fiscal years. exclusively for costs of administration and for grants to local governments pursuant to this chapter.

13521. Levy of penalty assessment: Deposit in Peace Officers' Training Fund. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to five dollars (\$5) for every twenty dollars (\$20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty of forfeiture for a violation of the Vehicle Code, or for any local ordinance relating to the stopping, standing, parking, or operation of a vehicle, and other than for a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and hence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

13522. Application for aid: Certification of adherence to standards for recruitment and training. Any city, county or city and county which desires to receive state aid pursuant to this chapter shall make application to the commission for such aid. The initial application must be accompanied by a certified copy of an ordinance adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county or city and county will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

13523. Allocations. The commission shall annually allocate and the State Treasurer shall periodically pay from the Peace Officers' Training Fund, at intervals specified by the commission, to each city, county, and district which has applied and qualified for aid pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and districts.

In no event shall any allocation be made to any city, county, or district which is not adhering to the standards established by the commission as applicable to such city, county, or district.

CALIFORNIA VEHICLE CODE

DIVISION 18

CHAPTER 1. PENALTIES

ARTICLE 3. DRIVER TRAINING PENALTY
ASSESSMENTS

Statutes of 1968
Effective November 13, 1968

Article 3. Driver Training Penalty Assessments

Section 42050. Assessment for Driver Training and Peace Officers' Training. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

- (a) Where a fine is imposed \$4 for each \$20 of fine, or fraction thereof.
- (b) If sentence is suspended \$4 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
- (c) If bail is forfeited \$4 for each \$20 of bail, or fraction thereof.
- (d) Where multiple offenses are involved The penalty assessment shall be based on the total fine or bail for all offenses, or \$4 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

Section 42051. Deposit of Bail. When any deposit of bail is made for an offense to which Section 42050 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. If bail is forfeited, the amount of the penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury.

Section 42052. Disposition of Assessment. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury in the same manner as fines collected for the state by a county. Upon order of the State Controller, the money shall be deposited in the State Treasury as follows: