

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

4949 BROADWAY
P. O. BOX 20145
SACRAMENTO 95820-0145

COMMISSION MEETING AGENDA
Bahia Hotel - Mission Room
998 West Mission Bay Drive
San Diego, California
June 28, 1984

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

SPECIAL ACKNOWLEDGEMENT TO FORMER COMMISSIONER WILLIAM KOLENDER

INTRODUCTIONS

Introduction of the POST Advisory Committee Members meeting in joint session with POST Commission

The first row of audience seating will be reserved for the Advisory Committee. Arrangements have been made for a joint, no host luncheon for Commissioners and Committee Members at Noon in the Mercedes Room.

Recognize participants

APPROVAL OF MINUTES

- A. Approval of the minutes of the April 19, 1984, regular Commission meeting at the Holiday Inn - Holidome, Sacramento, California

CONSENT CALENDAR

- B.1. Receiving Course Certification Report

Since the April meeting, there have been 10 new certifications and 17 decertifications. In approving the Consent Calendar, your Honorable Commission takes official note of the report.

- B.2. Receiving Information on New Entries Into POST Specialized Program

Procedures provide for agencies to enter the POST Specialized Program when qualifications have been met. In approving the Consent Calendar, the Commission notes that the following agencies have met the requirements and have been accepted:

- Orange County District Attorney Welfare Fraud Investigators
- San Jose Airport Police

B.3. Receiving Information on New Entry Into POST Reimbursement Program

In approving the Consent Calendar, the Commission notes that the Tehama County District Attorney Investigators have met the POST requirements and have been accepted into the Reimbursement Program.

B.4. Receiving Report of Contracts For F.Y. 1983/84

As an information item and consistent with Commission policy, a summary of all contract activity in which POST has been engaged during the past fiscal year is included under this tab. In approving the Consent Calendar, your Honorable Commission receives the report.

B.5. Receiving the Financial Progress Report for F.Y. 1983/84

Because the June meeting will be held before the end of the fiscal year, a final financial report will not be available. However, a financial progress report, estimating final figures, will be provided at the meeting for information purposes. In approving the Consent Calendar, your Honorable Commission receives the report.

B.6. Affirming Policy on Advisory Committee

Consistent with Commission instructions, statements of policy at previous Commission meetings are submitted for affirmation by the Commission at a subsequent meeting. This agenda item affirms the policy statement adopted at the April 19, 1984 meeting which permits newly appointed Advisory Committee Members to be reimbursed for a visit to POST headquarters and attend a Commission meeting within six months of appointment. Thereafter, Committee Members will only be authorized reimbursement for attending the Commission meeting for the annual joint Committee meeting with the Commission. In approving the Consent Calendar, your Honorable Commission affirms this policy.

B.7. Merging of Los Angeles Department of Beaches and Harbors into Los Angeles Sheriff's Department

The Los Angeles Department of Beaches and Harbors has been absorbed into the Los Angeles Sheriff's Department. As of April 1, 1984, this agency ceased to exist as a separate county agency in the POST Specialized Program. Previously, it was not reimbursed for training and eligible members received specialized certificates.

There will be additional costs now resulting from the fact that 30 sworn personnel will become reimbursable. Approximate costs are estimated at \$10,000 per year.

In approving the Consent Calendar, the Commission takes official note of the merger.

TRAINING PROGRAMS

C. P.C. 832 Course Curriculum

Prior to passage of Senate Bill 208 (1983), Penal Code Section 832 required all peace officers to complete a POST prescribed training course covering arrest and firearms. S.B. 208 deleted reference to an arrest/firearms course, allowing the Commission greater latitude in prescribing a course or courses. At its October, 1983 meeting, the Commission acted to continue the existing 40-hour arrest/firearms course as an interim standard, and directed that the staff study of the course be presented at the June, 1984 meeting.

A proposed course curriculum has been developed with the assistance of two committees of subject matter experts and with reference to previous studies and research. The proposed 100-hour course continues emphasis on Arrest/Firearms. Curriculum is performance objectives based consistent with Basic Course learning goals and performance objectives for related subjects. The 20-hour firearms portion is modularized to accommodate those students who are not required to carry firearms.

The Course would increase required hours from 40 hours to 100 hours. While the Commission sets the 832 Course standards, the Course is attended primarily by personnel from agencies not in the POST program. In addition, the 832 Course is attended by Level III Reserves. Several agencies and presenters have agreed to pilot test the new curriculum. This would allow experience to determine whether the hours can be reduced and still cover the performance objectives through mediation and other instructional improvements. The test period would also provide a period of time for attending agencies to become aware of a possible higher 832-hour requirement and would provide opportunity to further assess the potential SB 90 implications.

Unless otherwise indicated, the appropriate action of the Commission would be a MOTION to receive the report and direct staff regarding pilot presentations of a revised and expanded course..

D. Recommendation to Adopt Basic Course Curriculum Modifications

The proposed curriculum revision includes one new learning goal, nine new performance objectives, six deleted performance objectives, and three modifications to performance objectives. The proposed new learning goal and performance objectives reflect the need to include some of the more serious Vehicle Code offenses and to require instruction relating to mandatory/optional physical arrest provisions of the Vehicle Code.

Basic academy instructors in this subject area and the Basic Academy Consortium have reviewed and approved the proposed changes. It is their consensus that the curriculum changes can be presented and tested within the existing hours allocated in the Basic Course for this subject.

If the Commission concurs, the appropriate action would be a MOTION to approve the proposed revisions to the Basic Course performance objectives relating to Traffic.

E. Recommendation to Initiate Approval of Must-Pass Performance Objectives in the Basic Course

POST's course completion standard (success criteria) for the Basic Course does not include performance objectives that specifically must be passed by students. Our success criteria specifies that students must pass only certain percentages of objectives, such as 70%, 80%, or 90%, in each broad category depending upon the criticality classification of the objective. The result is that students can fail 21% or 113 of the approximately 530 performance objectives and still pass the Basic Course. These 113 objectives can include some of the most critical, such as Firearms Proficiency, Weaponless Defense, Baton Techniques, Legal Aspects in Using Deadly Force, First Aid/CPR and others that could result in serious injury or death to citizens and officers if an officer is not reasonably proficient in them.

As part of the Commission's continuing policy to strengthen the Basic Course, it appears appropriate to begin establishing certain "must pass" performance objectives. The proposal has been reviewed by the Long Range Planning Committee and has their recommendation for approval.

If the Commission concurs, the appropriate action would be a MOTION approving a policy of selectively designating certain "must pass" performance objectives in the Basic Course curriculum. If this is the Commission's decision, specific performance objectives will be brought forward at future meetings for individual consideration of being included within the policy.

F. Setting Public Hearing to Apply the Testing/Retraining Requirements to Certificated Officers with a Three Year or Longer Break in Service

The Commission in 1981 established policy requiring testing or retraining of officers after a three-year break in service and where no Basic Certificate has been issued. This was done with the supposition that persons not employed as peace officers over a period of time become out of date with basic proficiencies.

Though the same process of forgetting and becoming out of date applies equally to certified persons who experience a break in service, current policy does not require testing or retraining of certificated former officers (regardless of length of service break). A policy requiring testing or retraining of all persons experiencing a three-year or more break in service whether certificated or not would seem appropriate.

If the Commission concurs, the recommended action would be a MOTION to schedule a public hearing for the October, 1984 Commission meeting to hear testimony on whether the Commission should make changes to

POST regulations and procedures to require certificated former peace officers who have a continuous break in service of more than three years to requalify by passing the Basic Course Waiver Examination or by being retrained prior to performing peace officer duties in an agency participating in the POST program.

STANDARDS AND EVALUATION

G. Reading/Writing Standards - Report on Research Project

The Commission scheduled a report on the reading and writing test battery at this meeting. Since last October 1 the Commission has required that the POST reading and writing tests be administered to all recruits entering the Basic Course and since November 1 has paid test administration costs for any member agency using the tests to screen applicants.

Test scores of 1,300+ trainees entering academies since October show no significant change compared to a 1982 study group. However, during the study period, there has been a dramatic increase in the use of the POST developed reading and writing tests by local agencies. The minimum passing scores being set by the user agencies suggest that significant improvements in reading and writing ability will be found among future academy cadets. If this holds true, it will represent a significant improvement in reading and writing abilities for persons entering the Basic Course. Current trends of test usage and locally determined cut-off scores point toward potential elimination of the least qualified 10-20% of persons entering basic academies.

Study findings show that with respect to the POST developed reading and writing tests:

- a. User agencies are voluntarily setting minimum passing scores at or above the POST recommended minimum;
- b. User agencies are highly satisfied with the tests and the candidates selected by the tests;
- c. Per candidate costs to administer the tests are very close to original estimates;
- d. The tests consistently predict success in academy training.

On balance, the preliminary study findings are encouraging and suggest Commission actions are having the desired impact. In view of this, it is recommended that current reading/writing regulations be continued, and that staff be instructed to verify preliminary findings by continuing study and report back in another year with more complete and definitive information based upon larger study groups and increased numbers of agencies using the POST test battery. Consistent with this, it is further recommended that the Commission continues to pay for the testing program for another year, during which time continued funding would be assessed as part of the study.

If the Commission concurs, the appropriate action would be a MOTION to:

1. Maintain current POST policies relative to POST Regulation 1002(a)(7).
2. Authorize staff to conduct a continuing 12-month follow-up study and report back at the July 1985 meeting.
3. For the purposes of encouraging agencies to use the POST reading and writing tests and to aid the follow-up study, approve the expenditure of an amount not to exceed \$135,000 for an interagency agreement with Cooperative Personnel Services. Such monies would be used to pay the costs of testing all academy cadets for the first six months of F.Y. 1984/85 (\$15,000) and to provide the tests free of charge to agencies/academies that use the tests for screening purposes during F.Y. 1984/85 (\$120,000).

EXECUTIVE OFFICE

H. Requesting Approval to Apply for OTS Grant

As Commissioners may be aware, the delivery of "behind the wheel" driver training has continued to be a difficult and expensive problem. Currently, it is observed that several presenters of such training are losing or have lost access to training facilities in urban areas. At the same time that facilities are being jeopardized, concerns have been expressed about POST's policy that precludes reimbursement of tuition for driver training presented to in-service officers.

The long-term problem of funding and delivery of driver training is addressed in a budget change proposal for the 1985/86 F.Y. The State Office of Traffic Safety (OTS) has recently advised staff that approximately \$65,000 in OTS funds might be made available to POST for the 1984/85 Federal Fiscal Year. Funds would be available for one year only. OTS funding would enable staff to gain an early start on the study of immediate curriculum and delivery problems.

If the Commission concurs, appropriate action would be a MOTION authorizing the Executive Director to make grant application for approximately \$65,000 in OTS funds.

COMMITTEE REPORTS

I. Long Range Planning

Jay Rodriguez, Chairman of the Long Range Planning Committee, will report on the recommendations and progress of the Committee.

J. Command College Policies

Robert Edmonds, Chairman of the Command College Policies Committee, will report the Committee's recommendations on policy relating to admission into the Command College.

K. New Police Corps

Carm Grande, Chairman of the New Police Corps Committee, will report.

L. Legislative Review

Robert Edmonds, Chairman of the Legislative Review Committee, will report on the meeting of June 28, 1984, at 8 a.m.

M. Budget Review

Robert Vernon, Chairman of the Budget Review Committee, will report on the following items discussed at the Committee meeting on May 21, 1984, and make recommendations on:

- The final salary reimbursement for 1983/84
- The baseline salary reimbursement rate for F.Y. 1984/85
- Budget Change Proposals for F.Y. 1985/86

N. Personnel Policies Committee

Gale Wilson, the Chair of the Sub-Committee on the Executive Director's Compensation, will present a status report on the Sub-Committee's activities since the April, 1984 meeting.

O. Advisory Committee

Michael Gonzales, Chairman of the Advisory Committee, will report on the meeting of June 27, 1984.

P. Old/New Business

1. Correspondence

- Request by Department of Personnel Administration to Have a Representative Sit on the Advisory Committee

Q. Proposed Dates and Locations of Future Commission Meetings

October 18, 1984, Sacramento
January 24, 1985, San Diego
April 18, 1985, Sacramento
July 25, 1985, San Diego

R. Adjournment

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

4949 BROADWAY
P. O. BOX 20145
SACRAMENTO 95820-0145

COMMISSION MEETING MINUTES

April 19, 1984

Holiday Inn - Holidome

Sacramento, CA

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

OATH OF OFFICE FOR NEW COMMISSIONERS

Attorney General John Van de Kamp administered the oath of office to new Commissioners Carm J. Grande, Police Officer, San Jose Police Department, and Charles B. Ussery, Chief of Police, Long Beach Police Department.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

Robert A. Edmonds	- Chairman
Jay Rodriguez	- Vice-Chairman
Al Angele	- Commissioner
Carm J. Grande	- Commissioner
Cecil Hicks	- Commissioner
C. Alex Pantaleoni	- Commissioner
Charles B. Ussery	- Commissioner
Robert L. Vernon	- Commissioner
Robert Wasserman	- Commissioner
B. Gale Wilson	- Commissioner
John Van de Kamp	- Attorney General - Ex Officio Member

Commissioner Absent:

Glenn E. Dyer

Also Present:

Michael Gonzales, Chairman of the POST Advisory Committee

Staff Present:

Norman Boehm	- Executive Director
Don Beauchamp	- Assistant to the Executive Director
David Allan	- Chief, Training Delivery Services - South
Ron Allen	- Chief, Training Delivery Services - North
John Berner	- Chief, Standards and Evaluations
Gene DeCrona	- Chief, Information Services
Susan Haake	- Senior Librarian
Ted Morton	- Chief, Center for Executive Development

Otto Saltenberger	- Chief, Administrative Services
Hal Snow	- Chief, Training Program Services
George Williams	- Chief, Management Counseling Services
Brooks Wilson	- Chief, Compliance and Certificates Services
Imogene Kauffman	- Executive Secretary

Visitors' Roster:

Bob Crumpacker	- San Bernardino Marshal's Office
James Ferronato	- Captain, San Bernardino Sheriff's Dept.
Robert Gieser	- DOJ - Advanced Training Center
Michael Guerin	- Pasadena Police Dept.
Ron Jackson	- Lieutenant, San Francisco P. D.
Bob Kelley	- Sacramento Police Dept./SLETC
Frank Kessler	- Chief of Police, Garden Grove Police Dept.
Ron Lowenberg	- Chief of Police, Cypress Police Department
Carolyn Owens	- Kellogg West
Jack Pearson	- D.P.A. - State of California
William Shinn	- Lieutenant, Contra Costa Sheriff's Dept.
Leland Smallwood	- DOJ, Bureau of Investigation
Cliff Van Meter	- Illinois Police Training Board

APPROVAL OF MINUTES

A. MOTION - Rodriguez, second - Wasserman, carried unanimously for approval of the minutes of the January 26, 1984, regular Commission meeting at the Town and Country Hotel, San Diego, California.

CONSENT CALENDAR

MOTION - Wasserman, second - Wilson, carried unanimously for approval of the following Consent Calendar:

B.1. Receiving Course Certification Report

Since the January meeting, there have been 20 new certifications and 11 decertifications.

B.2. Receiving Information on New Entries Into POST Reimbursement Program

The following agencies met the POST requirements and have been accepted into the POST Reimbursement Program:

- Sacramento County Marshal
- Allan Hancock College District
- San Joaquin Delta Community College District

B.3. Receiving Quarterly Financial Report

This report provided financial information relative to the local assistance budget through March 31, 1984. The revenue received during this nine-month period totaled \$19,407,932. A total of \$13,350,982

has been reimbursed during this nine-month period. The employers of 27,371 trainees have been reimbursed during this period; an increase of 36% over the 20,072 trainees for whom reimbursement had been provided during the first nine months of last fiscal year.

PUBLIC HEARING

C. Public Hearing On Allowing Accumulation of Training Hours to Satisfy Advanced Officer Training (AOT) Requirements

This hearing was for the purpose of receiving testimony to determine whether Commission Regulation 1005(d) should be amended to modify the Advanced Officer Training requirement.

A report was presented which included summarization of written testimony from the following:

Ben L. Abernathy, Chief of Police, Fontana Police Department, stated "The proposed changes in Regulation 1005(d) would accommodate the scheduling problems and manpower levels which concern smaller agencies in a much more intelligent approach."

Richard H. Lockwood, Chief of Police, Jackson Police Department, supported the proposal "... to have shorter training courses accrue towards the 20-hour requirement."

Thomas G. Hays, Captain, for Daryl Gates, Chief of Police, Los Angeles Police Department, indicated the department's support and stated "This addition will greatly enhance the ability of this Department to meet the Advanced Officer Training requirement."

Don E. Braunton, Chief of Police, Patterson Police Department, stated "I endorse the proposed changes as they will enable flexibility in small department training programs."

Raymond E. Farmer, Chief of Police, Rialto Police Department, indicated "The new requirement allows us more flexibility and use of the manpower resources so critical to us all."

Roger M. McDermott, Sheriff, Sonoma County, supported the proposal and stated, "... the modification will give departments the degree of flexibility needed to carry out on-going training and development of personnel."

Donald E. Nash, Chief of Police, Torrance Police Department, indicated that his department fully supports the proposed changes.

Mike Michell, Chief of Police, U.C. - Irvine Police Department, also supported the proposed regulation change.

Following the report, Chairman Edmonds opened the public hearing and invited those wishing to speak, both in favor and in opposition, to come forward.

Ron Lowenberg, Chief of Police, Cypress Police Department, speaking on behalf of the California Chiefs' Association, stated that the chiefs do not oppose the proposed change in principal but were requesting that action on this change be postponed until a study was completed on the length and frequency needed for Advanced Officer Training. This was also the recommendation of the Advisory Committee.

There being no further testimony from the floor, the public hearing was closed. The Executive Director observed that having heard the issue, the Commission could defer action until a later meeting without rehearing it. The following action was taken:

MOTION - Van de Kamp, second - Pantaleoni, carried unanimously to table this issue until the October, 1984, meeting at which time the results of a study of the recommended Advanced Officer Training requirement will be available.

TRAINING PROGRAMS

D. Advanced Officer Training (AOT) Requirement - Discussion Item

It was reported that POST's Advanced Officer Training (AOT) requirement consists of 20 hours of training once every four years for peace officers below the rank of supervisor. There are currently three means available to satisfy the training: 1) completion of a POST-certified Advanced Officer Course; 2) completion of any POST-certified technical course of 20 hours or more; and 3) completion of 20 hours of in-house training approved by POST. It was stated that POST's current AOT requirement is least among the 16 states that require AO training.

Discussion addressed the following:

- The existence of unspecified curriculum requirements;
- Adequacy of the length and frequency of the AOT requirement;
- Training being received more frequently than every four years;
- Other training that could be considered to meet the AOT requirement; and
- The average number of hours of training is higher than the required 20 hours.

Following discussion, this action was taken:

MOTION - Ussery, second - Angele, carried unanimously to direct staff to study alternatives to the Advanced Officer training requirement including hourly length, frequency and delivery alternatives and report back at the October, 1984, Commission meeting.

Commissioner Pantaleoni requested that the study include the minimum number of hours that should be required.

ADMINISTRATION

E. Report on Automated Reimbursement System - \$58 Per Diem Rate

At the January 1984 meeting, the POST Advisory Committee suggested that the per diem allowance be reviewed. In response, the Commission assigned staff to do a study on the matter and report. The report showed that 10% more dollars will be reimbursed under the Automated Reimbursement System than under the Manual System. The Commission was advised that other aspects of the Automated Reimbursement System are currently under review. The Commission's original intent was to review the Automated Reimbursement System after it was in operation for one year, which will be July 1, 1984.

MOTION - Pantaleoni, second - Wasserman, carried unanimously to receive the staff report and table this matter until the October 1984 meeting at which time an analysis will be available of a year's experience with the automated reimbursement system.

CERTIFICATES AND COMPLIANCE

F. Setting a Public Hearing on Selection, Training and Certification Standards for "Limited Function" Officers

Penal Code Section 832.3 provides that the course of training specified by POST (Basic Course) be completed by enumerated peace officers who are "employed ... for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws..." Some departments have interpreted this language as meaning that deputy sheriffs who are employed initially as jailers or bailiffs are exempt from the basic training requirement, until such time as they are assigned to general law enforcement duties. The Attorney General's Office has concurred with this interpretation.

As a result, two distinct classes (fully empowered and "limited function") of deputy sheriff now exist in some sheriffs' departments. The Commission has not set standards for "limited function" peace officers.

A report described a proposal that for limited function officers existing POST selection standards should apply, but that only 832 P.C. and other statutorily imposed training should be required. Any change to general peace officer status would require successful completion of the Basic Course.

MOTION - Wilson, second - Vernon, carried unanimously to authorize a public hearing at the October, 1984, Commission meeting to consider amending POST Regulations to:

1. Identify limited function peace officers, appointed under 830.1, as a distinct peace officer classification;
2. Establish the same selection standards for limited function peace officers as are required of regular officers;

3. Require P.C. 832 training as the minimum entry-level training course;
4. Allow reimbursement for the training of limited function peace officers;
5. Require submission of the Notice of Appointment/Termination form when persons are appointed as limited function peace officers, and when their employment is terminated, or when they are appointed as regular peace officers; and
6. Exclude limited function peace officers from participation in the professional certificate program and exclude all service time accrued in such appointments from consideration in determining eligibility for POST certificates.

STANDARDS AND EVALUATION

G. P. C. 13510(b) Standards Research Projects

A status report was presented on the findings to date on the research mandated by P.C.13510(b) which states, "The Commission shall conduct research concerning job-related selection standards for:

Emotional Stability
Education
Physical Ability
Vision
Hearing."

This progress report included likely directions the final recommendations would take, based on data available at this time.

A full report of all research findings and staff recommendations regarding standards will be presented at the October Commission meeting. Standards supported by the research shall be considered for adoption to take effect January 1, 1985.

EXECUTIVE OFFICE

H. Attorney General's Request for Additional Funding of Legal Sourcebook

Attorney General John K. Van de Kamp, in a letter dated February 1, 1984, requested that POST share in the costs of updating the California Peace Officers' Legal Sourcebook.

The Sourcebook was developed by the California Department of Justice for use by law enforcement and training presenters. The initial distribution of 5,000 copies was made in January 1984. POST expended \$40,000 for this initial printing and distribution, which was approved by the Commission on January 27, 1983. Inasmuch as the pilot period for the Sourcebook is not over, and an evaluation has not been done, the following action was taken:

MOTION - Wasserman, second - Wilson, carried unanimously by roll call vote, to make an additional \$13,717 available to the Department of Justice to offset printing and mailing costs of the Peace Officers Legal Sourcebook for the balance of the pilot program.

The results of the pilot program will be presented to the Commission at the October, 1984, Commission meeting at which time consideration will be given to POST's funding part of the updating costs of the Sourcebook.

I. Recommendation for the Commission to Increase Salary Reimbursement to 60% - Retroactive to the Beginning of F.Y. 1983/84

The Commission's policy is to provide periodic salary reimbursement increases throughout the fiscal year consistent with budget allocations and claims experience. The salary reimbursement rate as of this meeting date was 55%.

Based on expenditures through the third quarter of the fiscal year, the Executive Director reported that the Commission could prudently increase the basic salary reimbursement rate from 55% to 60% retroactive to July 1, 1983. Cost of this increase would be approximately \$1 million. The reduction of this amount from the projected year-end balance should still leave a sufficient balance to account for unexpected increases in training claims between now and June 30, 1984. A report on the final 1983-84 reimbursement rate will be made at the June, 1984, meeting.

MOTION - Ussery, second - Grande, carried unanimously by roll call vote, to increase the basic salary reimbursement rate to 60% retroactive to July 1, 1983.

COMMITTEE REPORTS

J. Budget Review Committee

Commissioner Rodriguez, Chairman of the Budget Review Committee, reported that the Budget Review Committee that included himself and Commissioner Wilson, conferred with the Executive Director via conference call on March 1, 1984, and approved submittal to the Department of Finance the following five Budget Change Proposals. This action was necessary because the Department of Finance estimate of revenue to the POTF was revised upward by \$1.8 million.

1. Specialized Technical Training Program - \$1,405,000
2. Augmentation of the POST Administrative Budget - \$126,000
3. Allocation of Funds to Support POST's Move to New Facilities During the 1984/85 F.Y. - \$216,000

4. Automation of the Test Item Data Bank - \$77,000
5. Management Information System Feasibility Study - \$50,000

Since the Budget Review Committee's meeting, Finance reviewed the Committee's proposals and agreed to:

1. Approve \$60,000 to support moving costs and rent increase, and
2. Approve an augmentation of \$1.1 million to the Aid to Local Government Budget.

Finance concluded that the new program proposals were meritorious but should be recycled for consideration in the F.Y. 1985/86 budget, and that proposals to augment the Administrative Budget are contrary to the Governor's general policy.

MOTION - Rodriguez, second - Wilson, carried unanimously to receive the Committee report.

K. Contracts Committee

MOTION - Angele, second - Rodriguez, carried unanimously by roll call vote (Vernon abstaining from items 1 and 2, Van de Kamp abstaining from item 4), for approval of the following contracts for F.Y. 1984/85:

1. Management Course

<u>Presenter</u>	<u>Presentations</u>	<u>Amount</u>
CSU, Humboldt	5	\$53,000
CSU, Long Beach	5	\$53,075
CSU, Northridge	3	\$31,722
CSU, San Jose	4	\$42,220
San Diego Regional Training Center	5	\$57,545

Maximum costs of all contracts - \$237,562

2. Executive Development Course

Five Executive Development Course presentations by the Cal-Poly Kellogg Foundation for F.Y. 1984/85 for \$56,810.

3. San Diego Regional Training Center - Support of Command College and Executive Training

Contract agreement to provide expert management consultants, educators and trainers for Command College programs and special seminars for law enforcement executives and managers at a maximum cost of \$200,057.

4. Department of Justice Training Center

Interagency agreement with DOJ to present 27 separate courses for an amount not to exceed \$635,946.

5. Cooperative Personnel Services - Basic Course Proficiency Test

Contract with CPS for Proficiency Test administration services during F.Y. 1984/85 for an amount not to exceed \$29,770.

6. Computer Services

Contract with Four-Phase Systems, Inc., in an amount not to exceed \$80,000 and an interagency agreement with Teale Data Center in an amount not to exceed \$32,000.

7. State Controller's Office

Contract to audit approximately 30 agencies in an amount not to exceed \$80,000.

8. Computer Programmer

Contract extention with Harry Mah not to exceed \$14,000.

L. Legislative Review Committee

Commissioner Vernon, Chairman of the Legislative Review Committee, reported that the Committee had met at 8 a.m. on this date. Present were himself, Commissioner Angele, Norman Boehm and Don Beauchamp. The Committee reviewed interim positions which had been adopted previously by the Committee via conference call meetings on March 5 and 12, 1984. After further discussion by the Committee, the following recommendations were adopted for submission to the Commission on these bills:

SB 1472	Domestic Violence Training	- Oppose, unless hourly requirement deleted
SB 1515	Commission Membership	- Oppose
SB 3482	Ex-felon peace officers	- Oppose, unless limited to Probation Officers
AB 3809	Commission Membership	- Oppose
AB 3903	Domestic Violence Training	- Neutral
AB 3939	Police Corps	- Further study
SB 1394	POST Funding	- Support that portion relating to POST

The Committee also considered several new bills not previously reviewed and recommended the following:

SCR 75	Suicide Study	- Neutral
SB 1557	State Police Services	- Neutral
AB 2605	Crim. Hist. data to Community Colleges	- Neutral
AB 4022	Choke Hold Training	- Neutral

MOTION - Vernon, second - Wilson, carried unanimously to adopt the recommended positions of the Legislative Review Committee.

M. Ad Hoc Corrections Training Committee

In the absence of Commissioner Dyer, Chairman of the Corrections Training Committee, Commissioner Wasserman reported on the Committee's meeting of April 3, 1984. Present were Commissioners Dyer and Wasserman, Executive Director Norman Boehm, Norma Lammers, Susan Jacobson, and Bill O'Connor of Standards and Training for Corrections (STC) problem. The Committee considered three alternatives:

1. Continue the status quo wherein both POST and STC provide training for the same people in the same organizational subject matter using conflicting reimbursement procedures and policies.
2. Arrangements be made for STC to take over all Corrections training and eliminate POST reimbursement. STC will explore alternatives for reimbursement for law enforcement agencies to lessen the impact of POST decertification of Correctional courses.
3. POST take over the Corrections training and money which STC now has for the law enforcement part of its training.

A joint committee will be formed consisting of POST's Ad Hoc Committee on Corrections Training as well as three members appointed by STC to work out the details in an atmosphere of support from sheriffs and chiefs. (Those designated by STC are George Whiting, Sheriff, San Luis Obispo County, Floyd Tidwell, Sheriff, San Bernardino County, and Alan Crogan, Chief Probation Officer, Santa Barbara County and member of the Board of Corrections.)

There was consensus that the Committee is to continue along the lines outlined in alternative number 2 and report back on any progress made. The date for implementation of changes on the part of STC is June 30, 1985.

N. Advisory Liaison Committee

In the absence of Commissioner Dyer, Chairman of the Advisory Liaison Committee, Commissioner Wasserman reported on the meeting of the Committee held March 20, 1984. Present were Commissioner Glenn Dyer, Chairman of the Committee, Commissioners Alex Pantaleoni and Bob Wasserman, as well as Executive Director Norman Boehm and Don Beauchamp.

It was agreed that the Advisory Liaison Committee make the following recommendations regarding Commission policy on the Advisory Committee to the full Commission for their consideration:

1. New Advisory Committee Members be invited to visit POST Headquarters within six months of their appointment for the purpose of orientation to POST and its activities. This visit should be in conjunction with a Commission meeting held in Sacramento, to allow the new member(s) to observe Commission deliberations and to personally meet the Commissioners.
2. After the initial orientation meeting in Sacramento, Advisory Committee members shall normally be reimbursed only for expenditures incurred while attending scheduled Advisory Committee meetings, with the exception of the annual joint Commission/Advisory Committee meeting.
3. The annual Commission/Advisory Committee meeting should include a no-host informal luncheon, to include all Commissioners and Advisory Committee Members.

MOTION - Wasserman, second - Pantaleoni, carried unanimously, to adopt the Committee's recommendations.

O. Advisory Committee

Mike Gonzales, Chairman of the Advisory Committee, reported on the Advisory Committee meeting held on April 18. The two major items of discussion were POST course-certification procedure and POST's Driver Training reimbursement policy. There was some question and discussion regarding reimbursement of on-duty vs off-duty trainees. POST may consider conducting a study of revolving training accounts that can be used by various agencies. It was reported that POST is considering conducting a study of the complete driver training program.

In a discussion of the New Police Corps, the Advisory Committee was in agreement with the Commission's position to "wait and see."

P. Old/New Business

The Executive Director distributed copies of the POST Annual Report for 1983/84 and stated the report was being mailed to the field.

Chairman Edmonds appointed the following two new Ad Hoc Committees:

Ad Hoc Committee on New Police Corps
Chairman - Carm Grande, Members - Angele and Pantaleoni

Ad Hoc Committee on Command College Policies
Chairman - Bob Edmonds, Members - Dyer and Wasserman

Chairman Edmonds announced the Personnel Policies Committee would convene at the conclusion of the Commission meeting.

Advisory Committee Vacancies:

MOTION - Van de Kamp, second - Wasserman - carried unanimously to fill the two Advisory Committee vacancies with the first choice nominees of the respective associations:

Ron Lowenberg, Chief of Police of Cypress Police Department, representing the California Police Chiefs Association, Inc., for a term ending September, 1986, (replacing John Dineen, who was thanked for his service).

William "Bill" F. Oliver, Commander of Personnel and Training Division, representing the California Highway Patrol, for a term ending September, 1984, (replacing Maurey Hannigan, who was thanked for his service).

Q. Proposed Dates and Locations of Future Commission Meetings

June 28, 1984, Bahia Hotel, San Diego
October 18, 1984, Holiday Inn - Holidome, Sacramento
January 24, 1985, San Diego
April 18, 1985, Sacramento

R. Election of Officers

MOTION - Angele, second - Hicks, that Commissioner Jay Rodriguez be nominated as Chairman for the year ending at the close of business at the April 1985 Commission meeting.

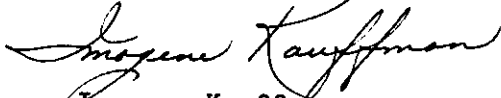
MOTION - Wasserman, second - Pantaleoni, motion carried that the nominations be closed. Motion carried unanimously in favor of Commissioner Rodriguez as Chairman.

MOTION - Angele, second - Hicks, that Commissioner Robert Vernon be nominated as Vice-Chairman for the coming year.

MOTION - Wasserman, second - Pantaleoni motion carried that the nominations be closed. Motion carried unanimously in favor of Commissioner Robert Vernon as Vice-Chairman.

S. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at Noon.



Imogene Kauffman
Executive Secretary

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Course Certification/Decertification Report		Meeting Date June 28, 1984
Bureau Training Delivery Services	Reviewed By David Y. Allan, Chief	Researched By Rachel S. Fuentes
Executive Director Approval <i>Mouman C. Boehm</i>	Date of Approval <i>6/5/84</i>	Date of Report June 4, 1984
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 per 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 April 19, 1984 Commission meeting:

CERTIFIED

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1. Community Crime Prevention	Golden West College	Technical	II	\$12,900
2. Elements of Crime Prevention	Golden West College	Technical	II	12,900
3. Traffic Accident Investigation	College of the Sequoias	Technical	II	21,000
4. Canine Handlers - Advanced	Academy of Justice Riverside County	Technical	III	9,484
5. Basic Course - Extended Format	Southwestern College	Basic Course	N/A	-0-
6. Drug Asset Remov./ Financial Invest.	DOJ Training Center	Technical	IV	34,000
7. Team Building Workshop	Bruce H. Bess, Ph.D. & Associates	TBW	III	18,810
8. Strategic Police Planning	Justice Research Associates	Mgmt. Trng.	III	15,000
9. Fingerprint Collecting-Instructor	DOJ Training Center	Technical	IV	10,240
10. Advanced Crime Prevention: Dev. Internal & Comm. Support	NCCJTES, Sacramento Center	Technical	IV	2,813

DECERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1.	Jail Planning Data Collection	California Board of Corrections	Technical	IV	-0-
2.	Arrest & Firearms (P.C. 832)	Ohlone College	P.C. 832	IV	-0-
3.	Reserve Training, Module B	Ohlone College	Approved	N/A	-0-
4.	Advanced Officer Course	Ohlone College	AO	II	-0-
5.	Reserve Training, Module B	Southwestern College	Approved	N/A	-0-
6.	Crime Scene Investigation	FBI, San Diego	Technical	IV	-0-
7.	Personal Growth & Development	Life Management Associates	Mgmt. Trng.	III	-0-
8.	Change Agent	Life Management Associates	Mgmt. Trng.	III	-0-
9.	Supervisory Seminar	Long Beach Police Department	Sup. Sem.	IV	-0-
10.	Traffic Accident Investigation	Kern Co. Peace Officer Trng. Aca.	Technical	II	-0-
11.	Jail Operations - 80 Hours	Academy of Justice Riverside City Col.	Technical	II	-0-
12.	Crime Prevention	San Bernardino Co. Sheriff's Dept.	Technical	III	-0-
13.	Reserve Training, Module B	Rio Hondo Regional Training Center	Approved	N/A	-0-
14.	Reserve Training, Modules A, B	Rio Hondo Regional Training Center	Approved	N/A	-0-
15.	Traffic Accident Invest., Adv.	Rio Hondo Regional Training Center	Technical	III	-0-
16.	Jail Operations - 40 Hours	Ventura Co. Police & Sheriff's Aca.	Technical	II	-0-
17.	Driver Training, In-Service	Ventura Co. Police & Sheriff's Aca.	Technical	IV	-0-

TOTAL CERTIFIED 10

TOTAL DECERTIFIED 17

TOTAL MODIFICATIONS 37

689 courses certified as of 6/4/84
147 presenters certified as of
6/4/84

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Orange County District Attorney Welfare Fraud Investigators		Meeting Date June 28, 1984
Bureau Compliance & Certificate Services	Reviewed By <i>Bernard A. Wil</i>	Researched By George Fox <i>G.F.</i>
Executive Director Approval <i>Norman C. Belam</i>	Date of Approval 5-31-84	Date of Report April 9, 1984
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 per 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

The Orange County District Attorney has requested that his agency's Welfare Fraud Investigations Unit be included in the POST Specialized Program.

Background

The Welfare Fraud Unit was previously with the county's Welfare Department. The unit has been transferred to the District Attorney's Office. The intent is to operate the unit separate from the other District Attorney's Investigations Unit.

Analysis

The Welfare Fraud Unit consists of 23 sworn investigators. No fiscal impact is expected as this will be a non-reimbursable unit.

Recommendation

Advise the Commission that the Orange County District Attorney Welfare Fraud Investigations Unit has been enrolled into the POST Specialized Program consistent with Commission policy.

5720B

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title SAN JOSE AIRPORT POLICE		Meeting Date June 28, 1984
Bureau COMPLIANCE AND CERTIFICATE	Reviewed By <i>Burt W. Wile</i>	Researched By George Fox <i>Fox</i>
Executive Director Approval <i>William C. Boehm</i>	Date of Approval 5-31-84	Date of Report April 11, 1984
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

ISSUE

The San Jose City Council has requested that the City's Airport Department Police be included in the POST program.

BACKGROUND

The Airport Police perform a wide range of law enforcement activities on and around airport property. The City and the Department have submitted the necessary ordinance and request, supporting POST objectives and regulations.

ANALYSIS

The department employs twenty-seven sworn members. The agency qualifies for the POST Specialized Program. No significant fiscal impact is expected as the agency is not reimbursable.

RECOMMENDATION

The Commission be advised that the San Jose Airport Police Department has been admitted into the Specialized POST Program consistent with Commission policy.

5698B/01

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title TEHAMA COUNTY DISTRICT ATTORNEY INVESTIGATORS		Meeting Date June 28, 1984
Bureau COMPLIANCE AND CERTIFICATE	Reviewed By <i>[Signature]</i>	Researched By George Fox
Executive Director Approval <i>[Signature]</i>	Date of Approval 5-31-84	Date of Report April 11, 1984
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 per 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 Tehama County District Attorney has requested that his Investigations Unit be included in the POST Reimbursable Program.

BACKGROUND

The agency has participated in the POST Specialized Program since November 21, 1972, the necessary ordinance and request has been received supporting POST standards and requirements.

ANALYSIS

The Investigations Unit includes three sworn personnel. The anticipated annual fiscal impact is less than \$1,000.

RECOMMENDATION

The Commission be advised that the Tehama County District Attorney Investigations Unit has been included into the POST Reimbursable Program consistent with Commission policy.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title CONTRACT REPORT, F. Y. 83-4		Meeting Date JUNE 28, 1984
Bureau ADMINISTRATIVE SERVICES	Reviewed By OTTO H. SALTENBERGER	Researched By JEAN FOWLER
Executive Director Approval <i>Murder C. Boehm</i>	Date of Approval <i>6-14-84</i>	Date of Report JUNE 14, 1984
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 per details) <input type="checkbox"/> No		

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

Attached is a Summary of Contracts for Fiscal Year 1983-84. Contracts #83-001-01 through 83-001-28 were for general administration purposes and were charged to the Support appropriation. All were within the \$10,000 contract authority of the Executive Director.

Contracts #83-101-01 through 83-101-47 were more directly related to the setting of standards or the provision of training. As such, they were charged to the Local Assistance appropriation.

<u>Purpose</u>	<u>Contract Amount</u>
Administration and Support	\$ 40,844.96
Local Assistance Activities	<u>1,616,729.64</u>
Total Contracts	<u>\$1,657,574.60</u>

Commission on Peace Officer Standards and Training
 Summary of Administration Contract Expenditures
 1983/84

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-001-02 Amendment #1	<u>Allen's Press Clipping</u> Provide newspaper clippings relating to law enforcement.	\$ 1,784.00
	Beauchamp	
83-001-03	<u>Arcus</u> Provide transportation, storage, security services for disk packs, microfilm, and diskettes.	2,000.00
	Fricke	
83-001-04	<u>Inter-Link</u> Maintenance agreement on computer equipment for Bowling Drive.	1,560.00
	Luke	
83-001-05	<u>Dialog</u> Information retrieval services	1,200.00
	Library	
83-001-07	<u>San Sierra Business Systems</u> Maintenance on Savin Wordmaster equipment.	1,138.00
	Williams	
83-001-08	<u>Xerox Corporation</u> Service on Xerox 7000.	5,300.00
	Admin	
83-001-09	<u>Xerox Corporation</u> Service on Xerox 4000.	\$ 4,400.00
	Admin	
83-001-10	<u>Department of Water Resources</u> Microfilming of records.	5,740.00
	Fricke	
83-001-11	<u>Far West Business Systems</u> Service on Kardveyer.	304.92
	Info Svs	

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-001-12	<u>Wang Labs</u> Maintenance for word processing equipment.	5,604.00
	O'Keefe	
83-001-13	<u>Robert Hennessy</u> --Cancelled-- Provide information at special seminar "Work Related Visual Standards."	
83-001-16	<u>Commander Bill Monaco</u> --Cancelled-- Provide information at special seminar "Work Related Visual Standards."	
83-001-19	<u>State Personnel Board, Cooperative Personnel Services</u> Administer and proctor the Basic Course Waiver Exam.	2,000.00
	Pinola	
83-001-21	<u>Department of Justice</u> Accounting services	\$ 5,000.00
	Gonzales	
83-001-24	<u>Legi Tech</u> Monitor legislative bills.	2,912.00
	Beauchamp	
83-001-25	<u>San Sierra Business Systems</u> Maintenance on Savin copier.	432.00
	Admin	
83-001-26	<u>Caltronics</u> Maintenance on Royal 115 copier.	304.00
	Admin	
83-001-27	<u>Pitney Bowes</u> Maintenance on mail opener and mailing machine.	282.00
	Admin	
83-001-28	<u>Pitney Bowes</u> Maintenance on postage meters.	884.04
	Admin	

GRAND TOTAL

\$40,844.96

Commission on Peace Officer Standards and Training
 Summary of Local Aid to Local Government Contract Expenditures

1983/84

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-101-01	<u>California State University, Humboldt</u> Management Courses (4) Morton	\$ 41,312.00
83-101-02	<u>San Jose University Foundation</u> Management Courses (4) Morton	40,792.00
83-101-03	<u>California State University, Long Beach Foundation</u> Management Courses (5) Morton	49,170.00
83-101-04 Amendment #1	<u>California State University, Northridge Foundation</u> Management Courses (3) Morton	32,035.00
83-101-05	<u>Cal Poly Kellogg Foundation</u> Executive Development Courses (5) Morton	53,765.00
83-101-06	<u>San Diego Regional Training Center</u> Management Courses (5) Morton	54,825.00
83-101-07	<u>State Personnel Board, Cooperative Personnel Services</u> Administer Basic Course Proficiency Exam (Hrepich)	29,050.00
83-101-08	<u>Four Phase Systems</u> Additional equipment - Broadway Fricke	\$ 70,150.80
83-101-09	<u>Four Phase Systems</u> Additional equipment - Bowling Fricke	4,095.84
83-101-10	<u>Teale Data Center</u> Provide 2 communication lines and modems to connect both POST locations with Teale. Fricke	25,000.00

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-101-11 Amendment #1	<u>Controller's Office</u> Office and field auditing for reimbursement	40,000.00
	Saltenberger	
83-101-12 Amendment #1	<u>Trustees of the California State University</u> Consultation and manpower for statistical analyses reports for Standards and Evaluation.	89,208.00
	Berner	
83-101-13	<u>San Diego Regional Training Center</u> Provide instructors for seminars; design training program curriculum.	9,975.00
	Morton	
83-101-14	<u>Department of Justice, Training Center</u> Provide training services.	\$ 599,690.00
	Stewart	
83-101-15	<u>California State University, Chico</u> Broadcast via microwave television transmission a 24-hour seminar workshop for law enforcement sergeants.	9,108.00
	Niesl	
83-101-16	<u>State Personnel Board - Cooperative Personnel Services</u> Process applicant forms and answer sheets for entry-level Law Enforcement Test Battery.	25,173.00
	Berner	
83-101-17	<u>NASDLET</u> Present management seminar	5,800.00
	Morton	
83-101-18	<u>San Diego Regional Training Center</u> Provide instructors for designing training program curriculum.	120,372.00
	Morton	
83-101-19	<u>Sir Kenneth Newman</u> --Cancelled-- Make presentation at seminar on civil conflict.	

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-101-20	<u>Major Douglas Hughes</u> Make presentation at seminar on civil conflict. Davidson	\$ 1,048.00
83-101-23	<u>California State University Chico</u> Broadcast a 6-hour course on 1984 Legal Update. Niesl	4,477.00
83-101-24	<u>State Personnel Board - CPS</u> Administer and Score Entry-Level Law Enforcement Test Battery Berner	111,921.00
83-101-25	<u>California State University Chico</u> Provide instruction and materials for Supervisory Update Presentation. Niesl	5,587.00
83-101-26	<u>Ergogenics</u> Development of job-related physical abilities. Berner	25,000.00
83-101-27 Amendment #1	<u>Capitol Computer Center</u> Data processing services include input/output, CPU, and connect time. Berner	14,900.00
83-101-28	<u>Robin Lewis</u> Provide information at special seminar "Work Related Visual Standards." Briggs	\$ 380.00
83-101-29	<u>Arthur Ginsburg</u> Provide information at special seminar "Work Related Visual Standards." Briggs	700.00
83-101-30	<u>Sacramento Police Department</u> Gather data from personnel files to assist in emotional stability standards research project. Hargrave	975.00
83-101-31	<u>Joseph Newton, Ph.D.</u> Compile psychological test data for use in emotional stability standards research project. Hargrave	900.00

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-101-32	<u>TRAC Systems Corporation</u> Designing an automated test item banking and test generation system. Norborg	4,800.00
83-101-33	<u>Dr. Robert Post</u> Design and analysis relating to vision standards research. Berner	3,600.00
83-101-34	<u>Dr. Chris Johnson</u> Design and analysis relating to vision standards research. Berner	\$ 3,600.00
83-101-35 Amendment #1	<u>Regents of University of California - Davis</u> Development of an automated visual test system. Berner	27,010.00
83-101-36	<u>State Personnel Board - Data Processing Unit</u> Write and generate computer tapes to generate the Basic Course Proficiency Test Feedback Report. Berner	5,000.00
83-101-37 Amendment #1 Amendment #2	<u>Harry Mah</u> Development of computer program for tracking employees. Fricke	14,000.00
83-101-38	<u>State Personnel Board - Data Processing Unit</u> Process applicant data forms and answer sheets for entry-level Law Enforcement Test Battery. Berner	17,100.00
83-101-39	<u>Michael R. Mantell Ph.D.</u> Compile psychological test data for use in emotional stability standards research project Hargrave	270.00
83-101-40	<u>Department of Justice</u> Provide Peace Officers Legal Source Book. Snow	\$ 53,710.00
83-101-41	<u>Edward C. Carterette, Ph.D.</u> Provide services necessary to evaluate the feasibility of hearing standards Briggs	4,630.00

<u>Contract Number</u>	<u>Name of Contractor and Services Provided</u>	<u>Amount of Contract</u>
83-101-42	<u>Dennis Hocevar, Ph. D</u> Provide expertise in finding the best method of assessing the job-relatedness of POST's automated vision tests.	650.00
	Briggs	
83-101-43	<u>Albert Burg, Ph. D</u> Provide expertise in finding the best method of assessing the job-relatedness of POST's automated vision tests.	650.00
	Briggs	
83-101-44	<u>Vistech Consultant Inc.</u> Lease 2 sets of contrast sensitivity charts.	400.00
	Briggs	
83-101-45	<u>Anthony J. Adams, O.D.</u> Consultation regarding testing and modifying POST's automated visual testing device	4,000.00
	Berner	
83-101-46	<u>Mary Tague, O.D.</u> Conduct empirecal testing and modify POST's automated visual testing device	9,500.00
	Berner	
83-101-47	<u>Kenneth E. Huie</u> Modify computer software of POST's automated visual testing device.	\$ 2,400.00
	Berner	

GRAND TOTAL

\$ 1,616,729.64

Consent Calendar Agenda Item B.5., The Financial Progress Report for F.Y. 1983/84, will be a handout at the Commission meeting.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Affirming Policy on Advisory Committee		Meeting Date June 28, 1984
Bureau Information Services	Reviewed By	Researched By Staff
Executive Director Approval <i>Norman C. Boedus</i>	Date of Approval 6/11/84	Date of Report 6/11/84
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 per details) <input type="checkbox"/> No		
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		

ISSUE

Confirmation of policies regarding the POST Advisory Committee.

BACKGROUND

At the April 19, 1984, meeting, the Commission approved policy modifications affecting the POST Advisory Committee. These policy changes are presented for confirmation of the Commission prior to being recorded in the Policy Manual of the Commission. Policies subject to confirmation are:

1. New Advisory Committee Members be invited to visit POST Headquarters within six months of their appointment for the purpose of orientation to POST and its activities. This visit should be in conjunction with a Commission meeting held in Sacramento, to allow the new member(s) to observe Commission deliberations and to personally meet the Commissioners.
2. After the initial orientation meeting in Sacramento, Advisory Committee members shall normally be reimbursed only for expenditures incurred while attending scheduled Advisory Committee meetings, with the exception of the annual joint Commission/Advisory Committee meeting.
3. The annual Commission/Advisory Committee meeting should include a no-host informal luncheon, to include all Commissioners and Advisory Committee Members.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Los Angeles Department of Beaches and Harbors		Meeting Date June 28, 1984
Bureau Compliance and Certificate Services	Reviewed By <i>[Signature]</i> Brooks W. Wilson	Researched By Tom Farnsworth <i>[Signature]</i>
Executive Director Approval <i>[Signature]</i> Norman C. Boehm	Date of Approval 5-31-84	Date of Report May 8, 1984
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 per details) <input type="checkbox"/> No

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

ISSUE

The Los Angeles Department of Beaches and Harbors has been absorbed into the Los Angeles Sheriff's Department.

BACKGROUND

As of April 1, 1984, this agency ceased to exist as a separate county agency in the POST Specialized Program. Previously, it was not reimbursed for training and eligible members received specialized certificates.

ANALYSIS

There will be additional costs now resulting from the fact that 30 sworn personnel will become reimbursable. Approximate costs are estimated at \$10,000 per year.

RECOMMENDATION

That the Commission be notified that the Los Angeles Department of Beaches and Harbors has been absorbed into the Los Angeles Sheriff's Department.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title P.C. 832 Course Curriculum		Meeting Date June 28, 1984
Bureau Training Program Services	Reviewed By Hal Snow <i>HS</i>	Researched By Bob Spurlock
Executive Director Approval <i>Melvin C. Beblum</i>	Date of Approval 6/7/84	Date of Report May 14, 1984
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 per 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

This is a status report requested by the Commission on a staff study of the P.C. 832 Course Curriculum. No action is necessary unless the Commission wishes to provide specific direction.

BACKGROUND

The P.C. 832 Curriculum Project was initiated by Commission direction at the January 1984 meeting in response to Senate Bill 208 (1983) which changed the language of Penal Code Section 832 (a) deleting the restriction that the training must relate to Arrest and Firearms. Specifically, this language change was as follows: "Every person described in this chapter as a peace officer, shall receive a course of training in the exercise of his powers to ~~arrest and a course of training in the carrying and use of firearms~~" prescribed by the Commission on Peace Officer Standards and Training."

In the early 70's the California Legislature became concerned about California peace officers exercising arrest powers and carrying firearms when they may have received little or no training in those subjects. The Legislature, in 1971, enacted Penal Code Section 832 which established minimum mandatory training standards in: 1) Laws of Arrest, Search and Seizure, and 2) Firearms for those peace officers who were required to carry firearms. The Legislature mandated POST to prescribe the P.C. 832 curriculum. The initial P.C. 832 curriculum of 40 hours was designed for two types of peace officers: those who may make arrests but who are not required to carry firearms on duty (26 hours), and those who may make arrests and are required to carry firearms on duty (40 hours). For most peace officers participating in the POST Program, the requirements of P.C. 832 are satisfied by completing the regular Basic Course.

Since P.C. 832 became law, the 40-hour P.C. 832 curriculum has not changed even though the number of hours in the Basic Course curriculum was increased from 200 to 400 hours. In 1981, Senate Concurrent Resolution 52 directed POST to study basic training standards for peace officers affected by P.C. Section 832, and to adopt a plan of action to develop more appropriate training standards.

In 1981, POST contracted for this study which resulted in the "Study of Training Required by Penal Code Section 832". This study, through extensive research and input, identified the minimum subjects that should be addressed in this course. This study also recommended a 136-hour course curriculum based on performance objectives from the Basic Course.

ANALYSIS

The P.C. 832 Course is currently the minimum training requirement for all individuals who exercise peace officer powers. Due to the diversity of responsibilities and assignments of peace officer groups, the power to make an arrest is the common link that ties these groups together. It is widely recognized that the P.C. 832 Course cannot meet all of the specific training needs of these groups and can only address universal issues relative to making an arrest. Since P.C. 832 is mandated for all peace officers, the imposition of any training that is not universal would not be job related and could not be justified.

In the development of the proposed curriculum (Attachment A), previous staff research and reports were considered which included: "California Entry-Level Law Enforcement Officer Job Analysis," "Study of Training Required by Penal Code Section 832," and the existing course curriculum (Attachment B). A 22-member committee of agency users and presenters of the P.C. 832 Course (Attachment C) was also used in this review process. An eight-member committee of instructors (Attachment D) was used to review the proposed curriculum to determine the minimum hours required for instruction.

Initially, a curriculum was developed that consisted of all the subjects in the recommendations of the "Study of Training Required by Penal Code Section 832" (Attachment E) and the existing P.C. 832 Course. The P.C. 832 Course Curriculum Development Committee reviewed each recommended subject and rated its applicability to all peace officer groups. All subjects that were not considered by the committee to be universal were eliminated. The only substantial subject areas being recommended for addition to the existing course includes communications (Report Writing) and Criminal Investigation, which are considered necessary to effect an arrest.

Another example of the need for the P.C. 832 Course to remain universal can be derived from reviewing a chart of the total P.C. 832 Course graduates from Fiscal Year 1978-1981 (Attachment F). The number of graduates increased during Fiscal Year 1982-83 to 8,102. A close review of the types of course attendees will reveal that there are three main categories of peace officer groups; 1) corrections, including institutional, probation and parole, 2) investigative, and 3) uniformed. Of these groups the largest group in number of new hires is the institutional, mainly due to the growth of the Department of Corrections. It is anticipated that the number of P.C. 832 Course attendees will grow to approximately 10,000 during Fiscal Year 1984-85.

For several reasons, the proposed curriculum was developed from the performance objectives of the Basic Course. Converting the P.C. 832 Course to performance objectives has the following advantages:

1. Provides for better course quality control and statewide uniformity. There are presently 65 certified presenters with 280 course presentations per year.

2. The P.C. 832 Course can be automatically updated on a regular basis since the Basic Course is continually being updated.
3. A P.C. 832 Course unit guide, which provides detailed guidance to course instructors in content and instructional methodology, can be developed from existing Basic Course unit guides. This unit guide would be regularly updated as the Basic Course unit guides are updated.
4. P.C. 832 Course testing can be standardized by developing a separate test item bank for non-academy presenters.

Some disadvantages to converting the P.C. 832 Course to performance objectives are:

1. Without adding new curriculum, converting the course to performance objectives will increase the length of the course because performance objective-based instruction is more time consuming in student practice and testing.
2. POST staff may have to provide training to non-academy presenters in the use of performance objectives and unit guides.

Although the 100 hours of instruction and testing for the revised curriculum has been determined as scientifically as possible, it is believed that some pilot presentations should be conducted and evaluated prior to setting a new minimum standard. Since any increase in the minimum hours of the P.C. 832 Course will have a direct impact on all Level II and Level III reserve training, reserve training standards will also have to be revised. Unless directed otherwise, staff intends to certify pilot presentations which are directed toward a cross section of students in reserve training, investigative assignments, institutional assignments, and uniform assignments.

Historically, the firearms portion of the P.C. 832 Course has only been required for those peace officers that are required to carry and use firearms during the course of their employment. The tentative revised course curriculum continues to be modularized to accommodate those students that do not need firearms training.

An issue that needs to be considered is the applicability of Revenue and Tax Code 2231 (state mandated local program) to Penal Code Section 832. This law requires that whenever the state adds or increases a requirement on local government, the state must reimburse local government for the cost of that requirement. On November 30, 1983, a request for an opinion from the Attorney General was made regarding this issue. The Attorney General responded with an opinion (Attachment G) on January 11, 1984, that indicated an increase in a mandatory training requirement that would have financial impact on local agencies would be subject to state subvention. Not addressed in this opinion was whether or not local agencies would, in fact, be financially impacted, by increasing P.C. 832 requirements. Only those local agencies not in the POST program and not in the Board of Corrections, STC program that hire and train their personnel, would be affected. Approximately 30% of the existing students are pre-employment and 7% of the students are reserve officers who attend the course at no cost to local government. The exact number of newly hired individuals that are subject to the requirements of Revenue and Tax Code

2231 cannot be specifically identified at this time, but it is believed to be very minimal. Those agencies that require P.C. 832 training as a condition of employment would not experience any new costs. The impact on the general fund would only be that amount of actual cost to local agencies to pay for the training that is in addition to the existing requirement. The POST training records system was modified as of July 1, 1983, to identify the status of students from course rosters. At the end of this fiscal year, it will be possible to identify those students that attended the P.C. 832 Course during this fiscal year that may be subject to the requirements of Revenue and Tax Code 2231.

CONCLUSION

In summary, research to date suggests the P.C. 832 Course curriculum should be revised and the minimum hours be increased from 40 to 100. However, it appears reasonable to establish the minimum course hours with a higher degree of certainty through evaluating a series of pilot presentations using the revised curriculum. Mediated-assisted instruction will be explored during the pilot presentations to determine if a reduction in hours is possible. In the absence of other Commission direction, staff intends to continue its research efforts and conduct some pilot presentations using the revised course curriculum.

#5820B/01A

PROPOSED PC 832 COURSE

LEARNING GOALS

- I. Professional Orientation (Recommended Minimum Hours - 6)
- * 1.2.0 Law Enforcement Profession
 - 1.2.1
 - * 1.3.0 Ethics
 - 1.3.1, 1.3.2
 - * 1.4.0 Unethical Behavior
 - 1.4.1-1.4.4
 - * 1.7.0 Administration of Justice Components
 - 1.7.1-1.7.2, 1.7.5
 - 1.9.0 California Court System
 - 1.9.1-1.9.2
 - * 1.11.0 Discretionary Decision Making
 - 1.11.1 - 1.11.4
- II. Police Community Relations (Recommended Minimum Hours - 2)
- * 2.1.0 Community Service Concept
 - 2.1.1.
 - * 2.2.0 Community Attitudes and Influences
 - 2.2.3-2.2.4
- III. Law (Recommended Minimum Hours - 26)
- * 3.1.0 Introduction to Law
 - 3.1.1-3.1.3
 - * 3.2.0 Crime Elements
 - 3.2.1-3.2.3
 - * 3.3.0 Intent
 - 3.3.1
 - * 3.4.0 Parties to a Crime
 - 3.4.1-3.4.2
 - 3.5.0 Defenses
 - 3.5.1-3.5.2
 - * 3.6.0 Probable Cause
 - 3.6.1-3.6.2
 - * 3.8.0 Obstruction of Justice
 - 3.8.1, 3.8.5-3.8.6
 - * 3.37.0 Constitutional Rights Law
 - 3.37.1-3.37.4
 - * 3.38.0 Laws of Arrest
 - 3.38.1-3.38.13
 - 3.41.0 Juvenile Law and Procedure
 - 3.41.1-3.41.5

LEARNING GOALS

III. Law (continued)

- * 7.1.0 Effects of Force
7.1.1-7.1.2.
- * 7.2.0 Reasonable Force
7.2.1-7.2.4
- * 7.3.0 Deadly Force
7.3.1-7.3.5
- 7.4.9 Simulated Use Of Force
7.4.1
- 11.3.0 Illegal Force Against Prisoners
11.3.1-11.3.2

IV. Laws of Evidence (Recommended Minimum Hours - 8)

- 4.1.0 Concepts of Evidence
4.1.1-4.1.5
- * 4.6.0 Rules of Evidence
4.6.1
- * 4.7.0 Search Concept
4.7.1-4.7.4
- * 4.8.0 Seizure Concept
4.8.1-4.8.5

V. Communications (Recommended Minimum Hours -12)

- 5.1.0 Interpersonal Communications
5.1.1-5.1.3
- 5.2.0 Note Taking
5.2.1-5.2.4
- 5.3.0 Introduction to Report Writing
5.3.1-5.3.3

**VI. Force and Weaponry (Recommended Minimum Hours - 20)

- * 7.5.0 Firearms Safety
7.5.1
- * 7.6.0 Handgun
7.6.1
- * 7.7.0 Care and Cleaning of Service Handgun
7.7.1
- * 7.10.0 Handgun Shooting Principles
7.10.1-7.10.2
- * 7.13.0 Handgun/Day/Range (Target)
7.13.1-7.13.3
- * 7.14.0 Handgun/Night/Range
7.14.1-7.14.2
- * 7.15.0 Handgun/Combat/Day (Range)
7.15.1-7.15.3
- * 7.16.0 Handgun/Combat/Night (Range)
7.16.1-7.16.3

LEARNING GOALS

VII. Patrol Procedures (Recommended Minimum Hours - 16)

- * 8.8.0 Interrogation
8.8.1-8.8.2
- * 8.14.0 Person Search Technique
8.14.1-8.14.4
- * 8.16.0 Building Area Search
8.16.1-8.16.2
- * 8.18.0 Search/Handcuffing/Control Simulation
8.18.1-8.18.2
- * 8.19.0 Restraint Devices
8.19.1-8.19.3
- * 8.20.0 Prisoner Transportation
8.20.1-8.20.3

VIII. Criminal Investigation (Recommended Minimum Hours - 6)

- 10.1.0 Preliminary Investigation
10.1.1.-10.1.4
- 10.3.0 Crime Scene Notes
10.3.1
- 10.6.0 Identification, Collection, and
Preservation of Evidence
10.6.1-10.6.3, 10.6.6
- 10.7.0 Chain of Custody
10.7.1

Total Minimum
Course Administration
and Testing

96 Hours
4 Hours

Total

100 Hours (Including Firearms Module)

*Existing PC 832 curriculum
**Firearms Module

POST Prescribed
Training Courses

May 1, 1983

ARREST AND FIREARMS COURSE - P.C. 832
Course Outline

POST ADMINISTRATIVE MANUAL REFERENCE

Law
Commission Procedure D-7

LEGAL REFERENCE

Penal Code Section 832(a) (added by Statutes 1971) requires every person described in Chapter 4.5, Title 3 of Pt. 2, of the Penal Code as a peace officer to complete a course of training in the exercise of powers of arrest and in the carrying and use of firearms. The course must be approved by the Commission. P.C. Section 832(b)(1) requires such training to be completed within 90 days following date of employment and prior to the exercise of peace officer powers.

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

BACKGROUND

The course curriculum was approved by the Commission in 1972. The course is certified for 40 hours, presented in two parts--26 hours in laws of arrest and 14 hours in firearms. Peace officers who do not carry firearms are not required to complete the firearms portion.

CERTIFICATION INFORMATION

The P.C. 832 Course is certified to community colleges and law enforcement agencies in blocks of 40 hours only. The course, in Learning Goal/Performance Objective format, is also included in the POST-certified Basic Course. Refer to POST publication Performance Objectives for the Basic Course.

TOPICAL OUTLINE

1.0 Introduction

1.1 Orientation

A. Administrative Procedures
Registration and Processing

B. Overview of Course

Description of course content and examination procedures;
explanation of attendance requirements and POST requirements.

Orientation (cont.)

C. Purpose of Course (P.C. 832)

History of and reasons for enactment of P.C. 832.

1.2 Ethics

A. Philosophy: Role of Peace Officer in Society

Explanation of the peace officer function within the criminal justice system and society; discussion of role perceptions and discrepancies among various segments of the public.

B. Professional Obligations

Law Enforcement Code of Ethics; discuss interagency cooperation within the criminal justice system; opportunities for individuals and professional improvement.

C. Personal and Organizational Conduct and Integrity

Discusses ethical and unethical acts on and off duty; discusses how to maintain integrity within the organization.

2.0 Discretionary Decision Making

Discretion in criminal justice problems; identification of situation and alternative actions possible; alternatives to invoking the criminal justice process; the decision making process.

3.0 Arrest, Search and Seizure

3.1 Laws of Arrest

A. Definition of Arrest

Explains those acts and circumstances which constitute a legal arrest; definition of a crime; explains when arrest may be deemed detention only.

B. Explains Statutes and Case Decisions Which Authorize Arrest by Peace Officers.

C. Probable Cause

D. P.C. 150 and its Limitations

Explains statutes which require and restrict citizen aid to peace officers.

E. Rights of Accused (Miranda)

Explains Miranda warning, admonition; rights to bail, telephone calls, counsel and arraignment; juvenile procedures.

3.2 Search and Seizure

Defines search and seizure; explains exclusionary rule; defines circumstances under which searches and seizures are permissible; discusses Constitutional principles, federal and state case decisions affecting searches; stop and frisk.

A. Incident to Arrest

Arrest, Search and Seizure (cont.)

B. Search Warrant

C. Consent

D. Exceptions to laws of search and seizure (e.g., court ordered search of probationer; agricultural inspections; parolee).

3.3 Methods of Arrest

A. Physical Arrest, Search, and Transport

How to make an arrest; safety precautions; when and how to handcuff; techniques of searching person and premises; how to safely transport prisoners.

B. Citation

Explains legal and procedural provisions for releasing on written promise to appear in lieu of taking into physical custody; mechanics of citations.

C. Arrest Warrant

Defines warrants of arrest; differentiates between felony and misdemeanor warrants; explains endorsements; execution of warrants.

4.0 Firearms

4.1 Moral Aspects, Legal Aspects

Reviews those situations in which the use of deadly force is warranted; the legal restrictions imposed on the use of weapons by law, court decisions and agency firearms use policy. The moral aspects in the use of deadly force are stressed.

4.2 Safety Aspects of Firearms

Explains basic nomenclature; care and cleaning; storage; transportation; range rules; emergency treatment of firearms injuries.

4.3 Range

Firing of weapons used in employment. Emphasis is on function, capabilities, firing positions and accuracy; officer must demonstrate familiarity with weapon assigned.

Examination

Written examination on all subject matter in the course, including firearms when the officer is required to carry a firearm.

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P.C. 832 Curriculum Review Project
POST External Advisory Committee

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#5578B

PC 832 CURRICULUM REVIEW SEMINAR

Howard Johnsons Motor Inn

May 9, 1984

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#5677B/27

TABLE XVI
ESTIMATED TIME REQUIRED FOR COURSES A AND B

Module		Estimated Hours
Course A		
I	Professional Orientation	8
II	Basic Concepts of the Criminal Law	12
III	Constitutional Rights, Laws of Arrest, Juvenile Laws and Procedures	10
IV	Search and Seizure Concepts	8
V	The Lawful Use of Force	8
VI	Weaponless Defense, Search and Control Techniques, Personal Survival	16
VII	Custody	8
VIII	Communications	<u>8</u>
	Subtotal	78
Course B		
IX	Major Penal Code Sections	16
X	Controlled Drugs and Substances	8
XI	Principles of Criminal Investigation	16
XII	The Lawful and Safe Use of Firearms	6
XIII	Firearms Use (Range)	<u>12</u>
	Subtotal	58
	Total	136

A total of four hours has been reserved for Course Introductions and Examinations.

Number and Type of Persons Trained in
P.C. 832 Courses, 1978-1979/1980-1981

ATTACHMENT F

CATEGORY	1978-1979	1979-1980	1980-1981	Total	Yearly Average
1. Non Agency	2127	2211	2495	6833	2278
2. Reserve Peace Officers	624	492	562	1678	559
3. Law Enforcement, Non Sworn	14	36	70	120	40
4. Law Enforcement, Unknown	1272	642	793	2707	902
5. Court Support Staff	27	15	8	50	17
6. Local Law Enforcement Investigators	35	36	180	251	84
7. Fire Department, Fire Marshal, Arson Investigators	300	270	315	885	295
8. Animal Control, Humane Society	76	48	52	176	59
9. College, School District, University Police	171	99	103	373	124
10. State of California Investigators					
Agriculture	0	0	2	2	--
* Alcohol Beverage Control	6	0	9	15	5
Brand Inspectors	0	0	1	1	--
California Highway Patrol	1	1	2	4	--
Consumer Affairs	2	0	4	6	2
Department of Justice	4	7	10	21	7
Developmental Services	0	2	1	3	1
Employment Standards	0	0	1	1	--
Finance	0	1	0	1	--
Fire Marshal Inspectors, Arson Investigators	0	0	2	2	--
Fish and Game	19	23	26	68	23
Food and Drug Inspectors	0	0	2	2	--
Forestry	3	0	6	9	3
Fraudulent Claims (Insurance)	1	0	0	1	--
Horse Racing Board	0	0	0	0	--
Labor Standards Enforcement (Industrial Relations)	16	4	5	25	8
Medical Quality Assurance	0	3	3	6	2
Motor Vehicles	2	31	6	39	13
Narcotics	0	0	1	1	--
Parks and Recreation	4	26	21	51	17
Sergeants at Arms	9	0	3	12	4
State Police	0	1	1	2	--
Treasury Guards, Messengers	1	1	0	2	--

Table I, Con'd

CATEGORY	1978-1979	1979-1980	1980-1981	Total	Yearly Average
11. California, Unknown Agency or Other Agency	4	2	7	13	4
12. California National Guard	107	44	71	222	74
13. State of California Corrections					
California Department of Corrections	1042	628	1014	2684	895
California Youth Authority	23	477	696	1196	399
14. Corrections, Local Government	472	279	1253	2004	668
15. Special Police: Local Government					
Air Pollution	2	0	2	4	1
Airport	45	28	25	98	33
Cemetery Districts	0	0	0	0	--
Harbor Security	37	40	29	106	35
Housing Authority	7	0	1	8	3
Life Guards	0	0	14	14	5
Museum Guards	12	15	30	57	19
Parks and Recreation	82	47	77	206	69
Port Police	0	5	3	8	3
Redevelopment Police	0	0	1	1	--
Security Police, City or County	14	6	15	35	12
Transit Police	3	7	7	17	6
Utility District Police	5	1	1	7	2
16. Miscellaneous City and County Departments	91	36	7	134	45
17. United States Government					
Air Force	3	14	6	23	8
AMTRAK	0	0	0	0	0
Army	106	68	48	222	74
Border Patrol	1	3	1	5	2
Coast Guard	26	21	204	251	84
Department of Defense	13	3	14	30	10
Forest Service	14	22	11	47	16
Immigration Service	4	1	1	6	2
Indian Affairs (Tribal Police)	0	15	25	40	13
Land Management	19	0	0	19	6
Marine Military Police	19	4	7	30	10
Navy Military Police	92	39	81	212	71

Table I, Con'd

CATEGORY	1978-1979	1979-1980	1980-1981	Total	Yearly Average
17. United States Government, Con'd					
Park Police	6	1	10	17	6
Postal Service	3	2	1	6	2
Treasury (Customs)	1	1	45	47	16
U.S. Unknown	0	4	7	11	4
18. Commercial, Industrial, and Retail Security; Private Investigators, Patrol, and Security					
Alarm Systems	1	0	2	3	1
Amusement Park Police	5	2	7	14	5
Armored Car	2	1	1	4	1
Bank Police	1	0	2	3	1
Corporate Security	22	10	54	86	29
Hotel Investigators	2	1	5	8	3
Private Investigators	1	1	0	2	--
Private Patrol Services	99	126	76	301	100
Railroad Police	5	4	8	17	6
19. State and Local Health Services					
Ambulance Driver	2	0	2	4	1
California Department of Health	1	5	1	7	2
Health Services	43	10	39	92	31
Hospital Police	13	44	24	81	27
Medical Center Police	2	5	4	11	4
Paramedic Services	0	4	1	5	2
20. Unable to Classify	210	311	246	767	256
Total	7379	6286	8363	22528	7509

Memorandum

COMMISSION ON POST

To : Don Beauchamp
 Assistant Deputy Director
 Commission on Peace Officer
 Standards and Training
 P. O. Box 20145
 Sacramento, CA 95820-0145

From : Paul H. Dobson, Deputy Attorney General
 Office of the Attorney General— Sacramento

Date : January 11, 1984

File No.:

Telephone: ATSS(8-) 454-5469
 (916) 324-5469

Subject: Application of Revenue and Taxation Code Section 2231 to POST Programs

This is in response to your memorandum of December 20, 1983, in which you requested our views on the present applicability of opinion CV 73/177 I.L. dated July 26, 1974. That opinion dealt with reimbursement to local agencies for state-mandated costs pursuant to Revenue and Taxation Code section 2231.

Since the issuance of that opinion, the law with respect to state-mandated costs has changed in several respects. First, article XIII B, section 6, of the California Constitution, has been adopted which includes the constitutional requirement that if the state mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse local government for the costs of such program or increase level of service. Additionally, the sections of the Revenue and Taxation Code which respect to local reimbursement for state-mandated costs have been amended several times. (See Rev. & Tax. Code, § 2201 et seq.)

Significantly, Revenue and Taxation Code section 2207, subdivision (h), which was added in 1980, provides that costs mandated by the state include:

"Any statute enacted after January 1st, 1973, or executive order issued after January 1st, 1973, which adds new requirements to an existing optional program or service and thereby increases the costs of such program or service that the local agencies have no reasonably alternatives other than to continue the optional program."

"Executive order" within the meaning of that section includes an administrative regulation. (Rev. & Tax. Code, § 2209.)


You have advised that POST is concerned with the applicability with the rule of reimbursement for state-mandated costs on training and standard requirements adopted by POST pursuant to

Penal Code sections 832, 832.3 and 13510(b). Penal Code sections 832 and 832.3 authorize POST to establish training programs for local peace officers as specified in those sections. POST is contemplating increasing the training requirements under those sections. You would like to know whether such increases would be considered state-mandated costs subject to reimbursement by the state. We believe that they would be state-mandated costs unless it could be successfully demonstrated that the training programs established under sections 832 and 832.3 are optional programs for which the agencies have reasonable alternatives other than to continue such programs. With respect to these two training programs, there are these options: (1) local agency need not fund the costs of training for the individual trainees, but instead require such training at the employee's expense as a condition of employment, or (2) local agencies may discontinue training and allow newly hired officers to lose peace officer powers. In our view, the second option is not a reasonable alternative. The first option may or may not be a reasonable alternative depending upon the facts. If local agency could establish that as a practical matter it must bear the costs of training its newly appointed peace officers to meet the requirements of Penal Code sections 832 and/or 832.3, then a good case would be made out that it constituted a state-mandated cost. Thus, it is possible that a successful claim for reimbursement could be made if POST increased the training requirement under Penal Code sections 832 or 832.3.

Subdivision (b) of Penal Code section 13510 requires POST to adopt job-related standards for peace officers prior to January 1, 1985. Section 12510 is part of the reimbursable POST program. The standards which would be adopted under subdivision (b) would only apply to those local entities that voluntarily applied for aid pursuant to Penal Code section 13522. This POST reimbursable program is clearly optional; thus, it would not appear to be a program creating state-mandated costs within the definition of Revenue and Taxation Code section 2207. Moreover, as a factual matter, it is unclear that increasing the job-related selection standards for applicants to peace officer classes would result in an increase in costs to local entities.

Although the statutory scheme has somewhat changed with respect to local reimbursement for state-mandated costs, our opinion CV 73/177 I.L. appears to still correctly analyze the issue of whether a particular POST program constitutes a state-mandated cost. A good case could be made out by local entities that a

POST regulation which increases the training requirements specified in Penal Code sections 832 and/or 832.3 would constitute such costs. On the other hand, it is doubtful that regulations concerning selection standards for peace officer candidates pursuant to Penal Code section 13510, subdivision (b), would be construed as constituting state-mandated costs.



PAUL H. DOBSON
Deputy Attorney General

PHD:smh

Memorandum

To : Deputy Attorney General

Date : November 30, 1983

From : Norman C. Boehm, Executive Director
Commission on Peace Officer Standards and Training

Subject: APPLICABILITY OF REVENUE AND TAX CODE 2231 TO PENAL CODE SECTION 832

ISSUE: Does Revenue and Taxation Code Section 2231 (State mandated local program) apply to future changes in the training standard under Penal Code Section 832?

BACKGROUND: Penal Code Section 832 was enacted in 1972 prior to the effective date of Revenue and Taxation Section 2231 and hence is definitely not a state-mandated local program. Effective January 1, 1984, amendments to P.C. Section 832 remove the limitation of Arrest and Firearms and allow POST to include any appropriate training. It is conceivable and probable that after study, POST staff will recommend to the Commission that the training requirements (currently 40 hours) be increased.

ANALYSIS: Penal Code Section 832 could be interpreted in several ways as it relates to a state-mandated local program. Is the standard applicable to individual peace officers or to their employing agencies? Does the fact that employing agencies have an option to require completion of the training prior to employment and thus negating costs have an impact?

The 40-hour course is presented throughout California by 65 non-tuition-charging institutions. Some institutions, such as community colleges, charge a small materials fee for ammunition and instructional materials. Almost all attendees are doing so on their own without being paid. Of those connected with a police or sheriff's department, most are reserve officers attending on their own without pay from the jurisdiction.

Currently, P.C. 832 is written as a pre-assignment training requirement. Is it possible to have legislation introduced to make it a pre-employment training requirement? Would this make a difference as it relates to Revenue and Taxation Code Section 2231? If P.C. Section 832 was interpreted to be a state-mandated local program, would POST be obligated to provide the reimbursement or would some other agency?

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Basic Course Curriculum Modifications - Traffic		June 28, 1984
Bureau	Reviewed By	Researched By
Training Program Services	Hal Snow <i>HS</i>	Don Moura
Executive Director Approval	Date of Approval	Date of Report
<i>Mouran C. Boehm</i>	5-31-84	May 11, 1984
Purpose:		
<input type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Status Report
Financial Impact		<input type="checkbox"/> Yes (See Analysis per 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 routine curriculum changes to the Basic Course relative to Traffic?

BACKGROUND

As part of POST's ongoing effort to maintain the Basic Course Curriculum, POST staff, with the input of academy instructors who teach particular subject areas, periodically reviews and updates curriculum. Functional Area #9 (Traffic), has been reviewed. Recommended changes to performance objectives have been identified and are being submitted for approval.

ANALYSIS

Recommended changes to Functional Area #9 - Traffic include one (1) additional learning goal, nine (9) new performance objectives, six (6) deleted performance objectives, and three (3) modifications to performance objectives (Attachment A). Seven of the proposed new performance objectives, 9.3.2 - 9.4.15 shown on Attachment A, reflect the need to include some of the more serious Vehicle Code offenses such as driving with suspended or revoked license, required stops, following too close, drag racing, dumping on highways, overtaking and passing violations, and failure to obey the lawful orders of a peace officer. The purpose for the addition of performance objective 9.13.16, relating to traffic accident scene management, is to consolidate Performance Objective's 9.13.1 - 9.13.5 into one objective. The purpose of new Learning Goal 9.16.0 is to require instruction relating to mandatory/optional physical arrest provisions of Vehicle Code Sections 40300-40305.

The recommended changes are endorsed by the academy directors. There should be no fiscal impact or effect on the length of the Basic Course.

RECOMMENDATION

Effective September 1, 1984, approve Basic Course curriculum changes to Functional Area #9 - Traffic (Attachment A).

9.0 TRAFFIC

9.3.2 The student will identify driver licensing violations by either common name or section number. (Vehicle Code Sections 12500, 12951, 14601, and 14603.

New. Adds unlawful to drive unless licensed, possession of license, driving when privilege suspended or revoked, and violation of license restrictions.

9.4.10 Given a Vehicle Code and word pictures or audio-visual presentation depicting required stop violations, the student will identify them by either common name or section number. (Vehicle Code Sections 22450 and 22451.

New. Adds required stops.

9.4.11 Given a Vehicle Code and word pictures or audio-visual presentation depicting vehicle equipment violations, the student will identify them by either common name or section number. (Vehicle Code Sections 24250, 24400, 24600, 24603, 24951, 24650, 26453, 26700, 26706, 26709, 2700, and 27150.

New. Adds required equipment.

9.4.12 Given a Vehicle Code and word pictures or audio-visual presentation depicting a following too close violation, the student will identify it by either common name or section number. (Vehicle Code Section 21703)

New. Adds following too close violation.

9.4.13 Given a Vehicle Code and word pictures or audio-visual presentation depicting public offenses, the student will identify them by common name, crime classification, and section number. (Vehicle Code Sections 23109 and 23110).

New. Adds miscellaneous public offenses such as drag racing and dumping upon highways.

9.4.14 Given a Vehicle Code and word pictures or audio-visual presentation depicting overtaking and passing violations, the student will identify them by either common name or section number. (Vehicle Code Sections 21650, 21651, 21750 thru 21752, 21754, and 21755)

New. Adds overtaking or passing violations.

9.4.15 Given a Vehicle Code and word pictures or audio-visual presentation depicting failure to obey the lawful orders of a peace officer violations, the student will identify them by either common name or section number. (Vehicle Code Sections 2800 and 2800.1)

New. Adds failure to obey the lawful orders of a peace officer.

9.6.1 Given an exercise, The student will complete these identify the tasks the agency delegates to an officer responding to the scene of an alleged necessary to investigate an auto theft.

Reason for Change: Changes the emphasis from local policy to the actual investigation of an auto theft.

9.6.3 The student will identify ways to determine if a parked vehicle had recently been operated.

Delete: The information is covered in Performance Objective 9.15.2.

9.7.1 The student will identify the reason the initial conversation contact of with the police/traffic violator contact-as-being-is the most crucial towards in establishing the appropriate mutual a cooperative police officer/violator relationship.

Reason for Change: Broadens the subject by substituting the word "contact" for "conversation." Also improves a rather awkward sentence.

9.13.6 The student will identify the following elements of traffic accident scene management:

- A. Upon approach, survey scene for hazards
- B. Position patrol vehicle properly
- C. Check for injuries, their extent, and obtain, or provide, necessary medical assistance
- D. Determine needs and request assistance if necessary
- E. Preserve scene when appropriate
- F. Restore traffic flow which could include alternative routes
- G. Clear the scene

Reason for Change: Deletes 9.13.1-9.13.5 which contain unnecessary duplication and subjectivity. New Performance Objective 9.13.6 contains all the deleted material plus additional material which is necessary for a complete understanding of traffic accident scene management.

9.14.2 The student will identify the proper basic principles of traffic accident investigation which will minimally include:

- A. Statement taking
- B. Evidence collection
- C. Diagramming
- D. Determination of primary collision factor
- F. Accident report

New.

- 9.15.2 The student will identify the steps necessary to store or impound a vehicle in an authorized manner. Given a practical exercise, the student will prepare a storage or impound report.

Reason for Change: A practical exercise provides a better way of determining whether the student can perform the task than does a paper and pencil test.

9.16.0 VEHICLE CODE ARREST PROCEDURES

Learning Goal: The student will understand arrest procedures which are unique to enforcement of the Vehicle Code.

- 9.16.1 Given a Vehicle Code and word pictures or audio-visual presentation depicting arrest situations, the student will identify 1) whether the violator must be physically arrested or (2) whether the violator may be cited or arrested at the option of the officer. (Vehicle Code Sections 40300 thru 40303, and 40305)

Reason for Change: New. Although Vehicle Code Arrest Procedures is in the unit guide, there is no performance objective to test the student's ability to apply the law.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Must Pass Performance Objectives In The Basic Course		Meeting Date June 28, 1984
Bureau Training Program Services	Reviewed By Hal Snow <i>Yes</i>	Researched By Don Moura
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 6-11-84	Date of Report May 16, 1984
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 per 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 adopt policy approving the concept of selectively including in the Basic Course curriculum "must pass" performance objectives which can have consequences of serious injury or death to officers and citizens?

BACKGROUND

POST's course completion standard (success criteria) for the Basic Course does not include performance objectives that specifically must be passed by students. Instead, our success criteria specifies that students must pass only certain percentages of objectives in each broad category (Functional Area) and depending upon the classification of objective (70%, 80%, and 90%, with 90% being the most critical). Specifically, the success criteria specifies that each student must successfully pass 70% of the 70% objectives within each Functional Area, etc. The result is that students can fail 21% or 113 of the approximately 530 performance objectives. These 113 objectives can include some of the most critical such as Firearms Proficiency, Weaponless Defense, Baton Techniques, Legal Aspects in Using Deadly Force, First Aid/CPR and others that could result in injury and death. It appears appropriate to begin establishing as part of POST's Basic Course curriculum certain "must pass" performance objectives. It is proposed that the Commission approve in concept the establishment of must pass performance objectives which can have consequences of serious injury or death of officers or citizens.

ANALYSIS

It is possible for students to complete the Basic Course without demonstrating minimum competency in critical areas of the Basic Course. The following are arguments for and against establishing must pass performance objectives.

Arguments For:

1. Ensures graduates of the Basic Course have demonstrated competency on the most critical skills and knowledge.

2. Academies are ready and willing to implement must pass performance objectives because of improved testing, tracking procedures for student performance on objectives, and student remediation and retesting programs to assist students to pass the course.

Arguments Against:

1. Theoretically, this proposal could result in more students failing the Basic Course although the amount is not expected to be significant.
2. Establishing certain must pass performance objectives could pose some problems for POST because these objectives would be required to be passed at the level of mastery as determined by each academy. Thus, there could be as many as 32 different levels of mastery. However, staff believes that the academies overwhelmingly have demonstrated fairness, reasonableness and a high degree of uniformity in establishing mastery levels.

There should be no disagreement over the proposed criteria for designating performance objectives as must pass which is the consequences of serious injury or death to officers or citizens. We have eliminated other consequences from consideration such as loss of liberty, civil action, adverse publicity, and departmental discipline.

If the Commission approves of the concept of establishing Basic Course must pass performance objectives which can have consequences of serious injury or death to officers or citizens, designating such objectives would become a part of routine curriculum updating and thus subject to Commission approval.

RECOMMENDATION

Adopt Commission policy approving the concept of selectively including in the Basic Course curriculum "must pass" performance objectives which can have consequences of serious injury or death to officers and citizens.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Testing/Training Requirement For Certified Officers With Break In Service		Meeting Date June 28, 1984
Bureau Training Program Services	Reviewed By	Researched By Hal Snow
Executive Director Approval <i>Monica C. Boehm</i>	Date of Approval 6/7/84	Date of Report May 14, 1984
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 per 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 a public hearing be approved for October 1984 to adopt a requirement that former California peace officers possessing the POST Basic Certificate and returning to an agency participating in the POST Program after a three-year or more break in service be subject to the same requalification requirements as "non-certificated" persons?

BACKGROUND:

The Commission, at the October 23, 1981, meeting adopted a requirement that the certified Basic Course be honored for a maximum time period of three years for persons not continuously employed and certificated. This matter was set for a public hearing at the January 28, 1982 Commission meeting. The Commission, at the October 1981 meeting, also directed staff to do a study and report back at the January 1982 meeting as to the status requirements for further "training" for those who have received certificates if there has been a three-year break in service. The Commission, at the January 28, 1982 meeting, approved a staff request to extend the time for this study and report back to the Commission by the January 1983 meeting. The issue was subsequently combined with the "Certificate Enhancement" study, and resolution was further delayed.

ANALYSIS:

Current Commission policy specifies that retesting through the Basic Course Waiver Examination or repeating the Basic Course is required if there has been a three-year or longer break in service and no certificate has been issued. This also applies to pre-employment academy graduates who have never become employed as a peace officer subsequent to academy graduation.

Those peace officers who are employed and practicing are continuously being updated through experience, in-service and formalized POST training, firearms range practice, reading training bulletins, and involvement in professional associations. For non-certificated persons, the Commission, by establishing the existing rule, has concluded that persons not employed as peace officers over a period of time become out of date with basic proficiencies such as, law, court decisions, and police practices. It must be observed that the same forgetting process and datedness due to lack of exposure applies equally to certificated persons.

POST Commissions in other states were recently surveyed regarding their recertification requirements. Minnesota peace officers must have 48 hours of continuing education every 3 years to keep their licenses active. Oregon requires persons out of law enforcement for more than 5 years to repeat the Basic Course; those from out of state and those in Oregon out of law enforcement more than 2-1/2 years, but less than 5 years, must take a one-week crash course on Oregon law (course reportedly contains the equivalent of 2-1/2 weeks of training material). Florida requires those out of service for 3 years to take a 40- to 80-hour refresher course; the course hours depend on the length of a person's original basic training.

There is a serious conflict between the existing policies that the POST Basic Certificate is "good for life," while the same training and experiences without the certificate is only good for three years. Staff believes the law enforcement community should support the proposed safeguard of making the three years or more break in service apply to certificated persons.

Staff believes the Commission's intent in October 1981 in directing staff to conduct a study of further "training" requirements for those who have certificates was to include the possibility of also requalifying by means of testing. The alternative of requalifying by means of completing a training course has been researched and found not to be practical at this time because: 1) there are insufficient re-entering officers to make such training offered in a timely and cost-effective manner and, 2) no existing course, e.g., Advanced Officer, P.C. 832, etc., has been found to possess suitable content.

The Basic Course Waiver Examination, on the other hand, is periodically updated to correspond with training requirements of the Basic Course. The paper and pencil exam of necessity measures only the cognitive or knowledge aspects of the Basic Course. Staff is currently researching additional testing mechanisms that would measure proficiency on manipulative skills. In the interim, staff believes BCW Examination is a satisfactory requalifying process for certificated re-entering officers, whether regular or specialized.

Cost to the Commission and law enforcement agencies would be negligible because the costs for the BCW Examination are, in most cases, borne by the applicant.

RECOMMENDATION:

Approve a public hearing for the October 1984 Commission meeting that would make changes to POST regulations and procedures to require certificated persons who have a continuous break in service of more than three years as a California peace officer, to requalify in the same way as non-certificated persons. (See Attachment A, Proposed Regulation Changes)

Proposed Regulation Change1011. Certificates and Awards(f) new

When there is a continuous break in service of three years or more, the Regular and Specialized Basic Certificates become inactive and can be reactivated by successfully completing the Basic Course Waiver Examination or Basic Course, and becoming reemployed by a law enforcement agency participating in the POST Program. See Commission Procedure F-1-11 for Certificate Renewal.

Proposed Commission Procedure ChangesD-11-11 Prior POST-Certified Basic Course Training

The following procedures apply to an individual who has previously completed a POST-certified Basic Course, or has been issued a Waiver of Attendance of a POST-certified Basic Course (Section D-11-10 of this procedure) ~~and who has not been awarded a POST Basic Certificate, a POST Specialized Basic Certificate, or Reserve Officer Certificate,~~ and has not been continuously employed as a California peace officer as defined in Commission Regulations Section 1001(1), or appointed as a Level I Reserve Officer, and who is desiring to be employed or reemployed as a full-time California peace officer in an agency participating in a POST Program, or is desiring to be appointed or reappointed as a Level I Reserve Officer:

- a. Completion of a POST-certified Basic Course no more than three (3) years prior to date of employment, will satisfy the current minimum training requirements of either the Basic Course or the Specialized Basic Investigators Course (PAM Section D-1), will not satisfy the current minimum basic training requirement. A waiver of attendance of a POST-certified basic course may be requested in accordance with this procedure to meet the current minimum training requirements for either the Basic Course or the Specialized Basic Investigators Course, as determined by the Commission.

F-1-11 Certificate Renewal new

Regular certificates shall be valid as long as the holder is employed in an agency as specified in F-1-2a. When there is a break in service in such an agency of three years or more, the certificates become inactive. Certificates may be reactivated by successfully completing the Basic Course Waiver Examination specified in PAM D-11-6 or the Basic Course, and becoming reemployed by an agency listed in F-1-2a.

Specialized certificates shall be valid as long as the holder is employed in a California law enforcement agency as specified in F-1-2b. When there is a break in service of three years or more, the certificates become inactive. Certificates may be reactivated by successfully completing the Basic Course Waiver Examination specified in PAM D-11-6 or the Basic Course, and becoming reemployed by a law enforcement agency participating in the Specialized Law Enforcement Certificate Program.

Proposed Commission Procedure Changes

D-11-11 Prior POST-Certified Basic Course Training

The following procedures apply to an individual who has previously completed a POST-certified Basic Course, or has been issued a Waiver of Attendance of a POST-certified Basic Course (Section D-11-10 of this procedure) ~~and who has not been awarded a POST Basic Certificate, a POST Specialized Basic Certificate, or Reserve Officer Certificate~~, and has not been continuously employed as a California peace officer as defined in Commission Regulations Section 1001(1), or appointed as a Level I Reserve Officer, and who is desiring to be employed or reemployed as a full-time California peace officer in an agency participating in a POST Program, or is desiring to be appointed or reappointed as a Level I Reserve Officer:

- a. Completion of a POST-certified Basic Course no more than three (3) years prior to date of employment, will satisfy the current minimum training requirements of either the Basic Course or the Specialized Basic Investigators Course (PAM Section D-1), will not satisfy the current minimum basic training requirement. A waiver of attendance of a POST-certified basic course may be requested in accordance with this procedure to meet the current minimum training requirements for either the Basic Course or the Specialized Basic Investigators Course, as determined by the Commission.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Report on Reading/Writing Standards		Meeting Date June 28, 1984
Bureau Standards & Evaluation	Reviewed By	Researched By John Berner <i>JS</i>
Executive Director Approval <i>Rosman C. Boehm</i>	Date of Approval 6-12-84	Date of Report June 7, 1984
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 per details) <input type="checkbox"/> No		

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

ISSUES:

1. Should the Commission adopt changes in its regulation and policies relative to the testing of peace officer candidates for reading and writing abilities?
2. Should the Commission continue to offer the POST reading and writing tests to employers and academies without charge?
3. Should the Commission continue to study the reading and writing capabilities of peace officer recruits?

BACKGROUND:

POST Regulation 1002(a)(7) was amended at public hearing on October 20, 1983 to include a writing ability requirement. The amended regulation, which became effective January 1, 1984, reads as follows:

"Every peace officer employed by a department shall:

Be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability."

In anticipation of the regulation change, the Commission directed staff at the July 21, 1983 Commission meeting to study the impact of the regulation change, and report all findings at the June 1984 Commission meeting.

2.

At the time Regulation 1002(a)(7) was amended to include a writing requirement, the Commission was presented with several alternatives. These alternatives centered around the following issues:

- (1) Should all agencies be required to use the POST reading and writing tests, or should agencies be given the option of using alternative job-related tests of reading and writing ability?
- (2) Should users of the POST tests be required to use a minimum passing score established by POST?
- (3) Should all persons admitted to a POST-certified academy be required to pass reading and writing tests (nonaffiliated as well as affiliated students)?
- (4) Should POST defray the costs associated with the use of the POST tests?

Upon review and discussion of these issues, the Commission concurred with staff's recommendations that the regulation be amended as currently worded. The Commission further directed that:

- (1) The POST-developed tests be made available, free of charge, to local agencies and academies (Applicant Testing Program).
- (2) POST not establish mandatory minimum passing scores for the POST tests pending further study.
- (3) All recruits entering a POST-certified Basic Course on or before June 30, 1984 be required to take (but not pass) the POST tests (Academy Testing Program).
- (4) The results of both the Applicant Testing Program and the Academy Testing Program be evaluated, and a report made to the Commission for the purpose of deciding what actions, if any, should be taken to change the regulation and/or POST policies relative to the regulation.

ANALYSIS:

The staff report is based on a number of research activities. The research activities fall into two major categories - those designed to assess the need and overall impact of the current regulation and those designed to provide evaluative information about the POST tests. The analyses performed in each of the major categories are listed and discussed separately. Each analysis is preceded by the specific research question that it was designed to address.

OVERALL NEED AND IMPACT OF THE REGULATION

Is The Regulation Having A Positive Impact?

Two different analyses bear on this issue. Table 1 shows a comparison of the scores achieved on the POST reading and writing tests by the cadets in the original 1982 POST Validation Study, with the scores achieved by cadets who began cadet training during the period from October 1, 1983 to approximately April 15, 1984. Results are shown for the reading test, the writing test, and the total test battery. The far right hand column shows the percentage of cadets who scored below the POST recommended minimum passing score for the total test battery.

The results show a slight, but nonsignificant, increase in reading test scores; a modest, but statistically significant decrease in writing test scores ($\bar{z}=2.03, p<.05$); and a slight, but nonsignificant decrease in scores for the total test battery. On balance, the results suggest that more stringent criteria need to be applied to the testing which is being conducted. However, fewer than 10% of the cadets who began training during the October 1, 1983 to April 15, 1984 time period were subjected to the revised regulation (which became effective January 1, 1984). Thus, they were not required to pass a writing test as a condition for employment, and the slight decrease in overall test scores is attributable to the decrease in writing test scores. All cadets tested during this 1983/84 timeframe were, on the other hand, required to pass a reading test; and although the increase is not significant, the reading test scores for this group are slightly higher than for the original 1982 validation study group.

Table 1: Scores on POST Reading and Writing Tests for Cadets Entering Academy Training in 1982 and 1983/84

Academy Training Period		\bar{X}^1 Test Scores			Percent Scoring Below Recommended Minimum
		Reading	Writing	Total	
1982	(N=480)	49.8	49.6	49.8	12.3
1983/84	(N=1377)	50.2	48.5	49.4	12.6

A further analysis that bears on the issue of the need to apply more stringent test score criteria is reflected in the test score information in table 2. Shown in table 2 are the cutoff scores that were used by 54 agencies that used the POST tests for screening purposes during the period from November 1, 1983 to May 5, 1984.²

1

\bar{X} = Average Test Score

2

A total of 78 agencies used the POST tests for screening during this time period. POST currently has cutoff information for 54 of the 78 agencies.

4.

As indicated in the table, only one of the 54 agencies used a cutoff score below the POST recommended minimum of 37; many agencies used cutoffs far in excess of 37; and the average cutoff was 42.8. The one agency that used a cutoff score below 37 set the cutoff at 36.9, with the result being that one individual passed the test who did not meet POST's recommended minimum. The results are highly encouraging and suggest that improved reading and writing scores should be found among cadets in future academy classes.³

Table 2: Cutoff Scores Used by Employing Agencies on POST Developed Reading and Writing Tests. (N=54 Agencies)

Cutoff Score	Frequency	
Above 52	1 (2%)	
49-52	6 (11%)	
45-48	11 (20%)	$\bar{X} = 42.8$
41-44	18 (33%)	
37-40	17 (31%)	
Below 37	1 (2%)	

3

It is estimated that fewer than 30% of those persons screened and subsequently hired by these 54 departments have started academy training. (Many are still going through subsequent phases of the selection process.)

Should All Persons Admitted To A POST Certified Academy Be Required To Pass Reading and Writing Tests?

Table 3 shows a breakdown of the POST reading and writing scores for the same sample of 1377 cadets reported in table 1. Scores are shown for three different groups: affiliated students who were previously screened on a written; nonaffiliated students who took a written administered by the academy; and nonaffiliated students who were not previously tested. The value of reading and writing testing is clearly indicated by the scores of the three subgroups and strongly suggests that all cadets should be required to pass reading and writing tests as a prerequisite for entry into the academy. Affiliated students who were previously screened scored better than nonaffiliated students who were previously tested (but not necessarily screened). Nonaffiliated students who were not previously tested scored the lowest, with 26.3% failing to achieve a score at or above the POST recommended minimum.

Table 3: Distribution of POST Reading and Writing Test Scores
For Cadets Entering Basic Training Between October 1, 1983
and April 15, 1984

		\bar{X} *	Percent Scoring Below POST Recommended Minimum
Affiliated Students	(N=1039)	50.4	9.9
Nonaffiliated Students			
Previously tested	(N=262)	46.8	19.1
Not previously tested	(N=76)	44.9	26.3

*Differences in \bar{X} test performance are statistically significant ($F=17.9$, $df=2$, $p<.0001$)

Should Users of POST's Test Be Required To Use A Minimum Passing Score Established By POST?

As reported in table 2, the vast majority of agencies using the POST tests for employment purposes (98%) have voluntarily established minimum cutoff scores at or above POST's current recommended minimum. While these findings suggest that a POST imposed minimum cutoff would have minimal impact on locally determined selection practices, they also call into question the need to establish a POST mandated minimum cutoff. Furthermore, a mandated cutoff could very possibly have the undesirable consequence of actually lowering the average reading and writing ability levels of those selected with the tests. This could occur because agencies currently using cutoffs which exceed the POST recommended minimum may well become reluctant to continue to do so given a POST mandated cutoff, fearing that challenges to the test would result. The potential for this undesirable outcome, coupled with the fact that preliminary findings indicated that agencies are voluntarily setting reasonable cutoff scores, would appear to argue in favor of POST maintaining its policy of not mandating a minimum cutoff score at the current time.

EVALUATION OF POST DEVELOPED TESTS

Are the POST Tests Valid?

Table 4 shows the validity coefficients obtained for the POST tests in each of 12 academy classes. The results are highly consistent with previous findings, and show that scores on the POST tests are highly predictive of academy success.⁴

Table 4: Correlation of POST Reading and Writing Test Scores With POST Proficiency Test Scores

Academy	Reading	Writing	Combined
A (N=25)	.82**	.35*	.68**
B (N=51)	.72**	.50**	.68**
C (N=37)	.35*	.52**	.54**
D (N=165)	.65**	.39**	.59**
E (N=16)	.49*	.64*	.68**
F (N=25)	.59**	.33	.54**
G (N=30)	.49*	.20	.38*
H (N=59)	.53**	.20	.45**
I (N=38)	.74**	.62**	.75**
J (N=16)	.70*	.58**	.75**
K (N=93)	.60**	.48**	.59**
L (N=17)	.67**	.54*	.72**

*significant at the .05 level

**significant at the .01 level

4

Subgroup analyses were also performed and confirm earlier findings that the tests are both valid and fair (in terms of predicting academy performance) for the major protected groups defined in Title VII of the 1964 Civil Rights Act.

7.

Who is Using the POST Tests?

During the period from November 1, 1983 to March 31, 1984, a total of 48 departments in the POST Regular Program used the POST tests for screening purposes. A breakdown of the agencies by size category is shown in table 5. As indicated in the last column of the table, demand for the test has been fairly consistent across all agency size categories.⁵

Table 5: Use of POST Tests by Agencies in the POST Regular Program (November 1, 1983 - March 31, 1984)

Agency Size (Sworn Personnel)	Total Agencies	Number of Agencies Using POST Tests	Percentage of Agencies Using POST Tests
1-24	90	3	3.3
25-49	102	7	6.9
50-74	57	12	21.9
75-99	42	5	11.9
100-199	60	11	18.3
200-299	29	4	13.8
300-399	10	1	10.0
400-499	7	0	9.9
500-999	12	4	33.3
Over 1,000	10	1	10.0

5

In addition to the 48 departments in the POST Regular Program, a total of 17 other agencies (POST certified academies, agencies in the POST Specialized Program) used the tests for screening purposes during the same five month period. The total number of test administrations during this timeframe was 93, as a number of agencies administered the tests more than once.

What Do Agencies Think of the POST Tests?

To address this question, a phone survey was conducted of the first 35 agencies that used the POST tests for employment purposes. Results of the survey are shown in table 6, and reflect a general overall satisfaction with both the testing process and the resultant candidate groups. By far the two greatest concerns expressed by the survey respondents were the turnaround time for getting the test results (which is steadily improving), and the difficulty encountered in understanding the T-score method used to express scores on the tests.⁶ Of particular note is a comparison of responses to questions 8 and 9, which indicates there would be a modest shift in test preference if the tests were no longer made available free of charge.

Table 6: User Satisfaction With POST Tests (N=35 Agencies)

	Yes	No	No Response
1. Test Convenient To Obtain?	30	3	2
2. Sufficient Information Provided Prior to Test Administration?	28	3	4
3. Test Easy To Administer?	22	13	0
4. Proctor's Instructions Easy to Follow?	28	7	0
5. Turnaround Time Acceptable?	24	11	0
6. Test Results Easy To Utilize?	21	14	0
7. Pleased With Candidate Group?	28	3	4
8. Plan To Use Test Again?	28	5	2
9. Continue To Use If No Longer Free?	21	8	6

⁶

Although a difficult concept to understand, the converting of test scores to T-scores is absolutely necessary to ensure that scores on different selection tests (e.g., written and oral) are properly weighted when combined.

How Much Is It Costing To Administer the POST Tests?

Applicant Testing Program

Last July, when the Commission granted approval to make the POST tests available to local agencies free of charge until June 30, 1984, it was estimated that: (1) up to 50,000 applicants would take the POST tests; and (2) the cost per applicant would be approximately \$4.00 (total cost = \$200,000). Table 7 shows, on a monthly basis, both the actual number of tests that have been administered, and the actual costs for testing. The November to March time period covered in the table represents the first five months of the program.

Table 7: Cost of Applicant Testing Program

Month	Tests Administered	Total Cost	Cost Per Candidate
November	1259	\$15,142.46	\$ 12.03
December	1821	6,488.78	3.56
January	1347	5,166.19	3.84
February	1717	6,395.89	3.73
March	3024	6,626.24	2.19
TOTALS	9168	\$38,819.56	\$ 4.34

The last column in table 7 shows the cost per candidate for each given month. The high cost per candidate figure for November reflects the initial start up costs associated with providing information to potential users of the tests, as well as printing costs to produce adequate copies of the tests. As reflected in the last column of the table, the cost per candidate costs have steadily decreased since January to a low of \$2.19 in March. Given this steady decrease, the \$4.34 cost per candidate for the total five month period is expected to reach or fall below the projected \$4.00 figure over the full course of the program.

Projected to June 30, 1984, the total number of test administrations is not expected to exceed 20,000. This figure is considerably less than the original estimate of 50,000, and when combined with the cost per candidate projection of \$4.00 or less, translates into a total cost to POST of approximately \$80,000.⁷ This represents a substantial reduction over the original cost estimate of \$200,000 for the Applicant Testing Program.

7

The original projection of 50,000 candidates was predicated on a 12 month program. In actuality, the program will have been operational only 8 months on June 30 (November 1, 1983 - June 30, 1984).

Academy Testing Program

Commission approval was also granted last July to pay (for research purposes) for the administration of the POST tests to all academy students enrolled in basic training on or before June 30, 1984. The estimated total cost for this program was \$30,000. Actual costs through March 31 are \$15,026 with a projected total cost of \$24,000.

When the most recent cost estimates for the two testing programs are combined, the total becomes \$104,000. By comparison, the original amount estimated for the two programs was \$230,000.

SUMMARY AND CONCLUSIONS

Results concerning the overall impact of revised POST Regulation 1002(a)(7) are equivocal. On the one hand, the reading test scores of recent academy cadets are only slightly higher than those achieved by cadets in 1982, and the writing test scores for recent cadets are actually slightly lower. On the other hand, few of the recent cadets tested for comparative purposes were hired under the writing test provision of the revised regulation, and test scores among recent job applicants suggest that improvement will occur in future academy classes. Clearly, resolution of whether the revised regulation is adequately addressing the problem must await the testing of more cadets who were screened under the revised regulation. Such testing should include the assessment of not only reading and writing ability, but also subsequent academy performance (e.g., POST Proficiency Test).⁸

Results pertaining to other aspects of the regulation are less equivocal, and suggest that:

- (1) Nonaffiliated students should be screened for reading and writing ability (as a prerequisite to entry into the academy).
- (2) Users of the POST tests are establishing reasonable cutoff scores, thereby calling into question the need for POST to alter its current policy of refraining from mandating minimum passing scores.

While less equivocal, these findings also should be considered preliminary, and warrant follow-up study for verification purposes.

8

Due to the short time period since enactment of the recent regulation, very few academy graduates have been identified who were hired on the basis of the new regulation.

11.

With respect to the POST developed tests, research shows that: agencies of every size are using the tests; the agencies are generally satisfied with the tests; the tests are being used in a manner consistent with POST recommendations; and fewer tests are being administered than originally estimated, but the cost per candidate to administer the tests is very close to original estimates.

In consideration of all findings and conclusions to date, it is proposed that the Commission adopt the following recommendations:

- (1) Authorize staff to continue its study of the regulation during the next 12 months, so that more definitive conclusions can be reached regarding the overall impact and efficacy of the regulation.
- (2) During the 12 month period of the follow-up study:
 - a) maintain the status of the current regulation
 - b) continue funding the use of the POST tests by those agencies/academies that use the tests for screening purposes (Applicant Testing Program)

Continued study of the regulation is necessary to determine whether cadets hired under the current regulation and now beginning to enter academies do, in fact, have improved reading and writing abilities (as suggested by the test data for recent job applicants). Additional study is also needed to allow for a thorough tracking of these individuals through academy training. A further evaluation of the impact of the regulation could then be achieved by examining for improvement in Academy Proficiency Test scores. Finally, continuation of the original research effort over the next 12 months will make it possible to further assess all initial findings regarding the need to screen all academy students, and the advisability of POST mandating minimum passing scores.

Maximum benefit will accrue from the 12 month follow-up study if the Academy Testing Program is continued for the first six months of the study, and the Applicant Testing Program is continued for the entire 12 months. By continuing the Academy Testing Program for the next six months, it will be possible to collect additional reading and writing test score information for approximately 2,000 cadets (most of whom will have been screened under the current regulation), and then to track their performance in the academy over

12.

the subsequent six months. Based on actual costs to administer this program during the current fiscal year, it is estimated that the cost to continue the program for six months will not exceed \$15,000.

Continuation of the Applicant Testing Program is recommended to encourage expanded use of the POST tests, and to facilitate the continued cooperation and assistance of user agencies in carrying out the needed research. Assuming that the current cost per candidate figure of \$4.00 remains unchanged, and that approximately 30,000 tests would be administered during the 12 month period, the total cost to continue the Applicant Testing Program should not exceed \$120,000.

RECOMMENDATIONS:

If the Commission concurs, the appropriate action would be to:

- (1) Authorize staff to conduct a 12 month follow-up study of the impact of POST Regulation 1002(a)(7). Such study would focus on those issues that were the subject of the current investigation.
- (2) Pending the results of the follow-up study, maintain current POST policies relative to POST Regulation 1002(a)(7).
- (3) For the purposes of both conducting the follow-up study, and encouraging agencies to use the POST reading and writing tests, approve the expenditure of an amount not to exceed \$135,000 for an interagency agreement with Cooperative Personnel Services. Such monies would be used to pay the costs of continuing the Academy Testing Program for six months (\$15,000) and the Applicant Testing Program for 12 months (\$120,000).

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title OTS Grant for Driver Training Study		Meeting Date June 28, 1984
Bureau Training Program Services	Reviewed By Hal Snow	Researched By Bob Spurlock
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval	Date of Report June 8, 1984

Purpose: Decision Requested Information Only Status Report Financial Impact Yes (See Analysis per details) No

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

ISSUE

Should POST apply for an Office of Traffic Safety grant to study issues concerning Driver Training for peace officers?

BACKGROUND

Each year a number of peace officers and citizens are killed or seriously injured in traffic accidents involving police vehicles driven under pursuit or emergency response circumstances. Law enforcement administrators believe traffic accidents to be the greatest single cause of peace officer deaths, disabling injury, and law suits. There appears to be an increase in large judgements against public entities resulting from vehicle related accidents. Public entities have as a consequence experienced high insurance costs or loss of insurance.

At the January 1980 meeting, the Commission adopted policy to limit POST reimbursement for driver training courses for in-service officers to Plan IV (travel and per diem). The high costs for instruction (vehicles, facilities fuel, multiple instructors, insurance, etc.) thus had to be borne by user law enforcement agencies. This action was taken primarily as an economy measure because POST resources for aid to local government were relatively small \$11,652,000 in comparison to today's \$22,214,000. The Commission instead opted to place priority on available resources for the mandated driver training of recruit officers in the Basic Course. The result of this policy has been relatively few in-service trainees in comparison with the estimated 30,000 officers who drive emergency police vehicles. There are currently nine presenters certified for in-service driver training and from July 1, 1983 - May 1, 1984 a total of 545 sworn officers completed this training at a cost to POST of \$33,806. Several inquiries and concerns have been expressed by law enforcement administrators about POST's policy on driver training. In-service defensive driver training was also identified in the 1980-81 POST Training Needs Assessment as being the #2 training need.

There is some uncertainty about the degree of POST's responsibility to financially support driver training for in-service officers. The needed length and type of such training is in need of review. Delivery of this training in the most cost effective and convenient manner has not been formally studied. The lack of available driver training facilities in certain areas of California has also become a problem in recent times. Finally, there is some question about the potential for using simulators to teach driver training which should be researched.

Staff believes these issues need to be studied so that decisions can be made about POST reimbursement, course certification, and training delivery. Existing staff resources do not permit the needed level of attention to these issues. Therefore, staff has obtained a preliminary indication from the Office of Traffic Safety (OTS) of its willingness to fund this study grant.

ANALYSIS

The benefit to POST for obtaining an OTS grant would be to permit more staff attention to the driver training issue than otherwise could be possible. The specific objectives of the grant would include:

1. To develop the most efficient and cost effective driver training curriculum for in-service officers.
2. To identify and develop the necessary presenters and facilities that would be the most cost effective and convenient.
3. To develop recommendations regarding POST funding for such training.

The proposed grant would be for \$65,000 for the services of a Law Enforcement Consultant and related operating/travel expenses. If the grant were to be approved, work could begin October 1, 1984 and continue through October 1, 1985. It would be expected the Commission would be kept informed throughout the study by periodic progress reports.

RECOMMENDATION

Direct staff to apply for an Office of Traffic Safety grant in the amount of \$65,000 to conduct a study of driver training for in-service officers.

#5959B/01

Commission on Peace Officer Standards and Training

Long Range Planning Committee
Marriott Hotel, Anaheim

May 21, 1984

MINUTES

A meeting of the Long Range Planning Committee was convened by Committee Chairman Jay Rodriguez at 5:45 p.m. In addition to the Chairman, those in attendance were Committee members Glenn Dyer, Carm Grande, Alex Pantaleoni, and Robert Vernon. Staff in attendance were Executive Director Norman Boehm and Deputy Director Glen Fine.

The Committee discussed the following agenda items:

Certificate Program

After brief discussion of need to review the program, there was consensus that discussion would be lengthy and should be delayed until a future Committee meeting. The Committee also asked that this item be taken from the June Commission meeting agenda pending further Committee study.

"Must Pass" Performance Objectives for the Basic Course

The Executive Director explained that existing POST-prescribed success criteria for the Basic Course allows trainees to graduate while failing a certain percentage of performance objectives. This can result in trainees passing the course while failing certain critical objectives in areas such as use of deadly force, defensive tactics, and First Aid. Motion - Pantaleoni, second - Dyer, passed unanimously that the concept of establishing certain objectives as "must pass" be placed on the June 28, 1984, Commission agenda.

POST Funding of Regional Workshops for Chief Executives

The Committee discussed the potential growth of POST certification/funding of problem solving workshops for chief executives of law enforcement agencies in counties or regions in its common interests. The Executive Director reviewed guidelines currently used for such workshops which include planning and evaluation of standards and training issues. Motion - Dyer, second - Pantaleoni, passed unanimously that the Committee approve the continuation of such workshops.

Recognition of STC training as Meeting the POST AOT Requirement

Deputy Sheriffs, assigned to jail duties, currently are required by STC to complete 24 hours of annual refresher training. POST requires the same deputies to complete 20 hours training every four years. There was consensus that POST acceptance of STC training for AOT purposes be placed on the Commission's agenda for consideration at a future meeting.

Potential for State Law Enforcement Agencies to Enter the POST Reimbursement Program

There was consensus that this item be discussed at a future Committee meeting.

Retraining/Testing of Certificated Former Officers With a Three-Year Break in Service

The Commission currently requires non-certificated persons who previously completed the basic course, and who have a three-year break in service, to pass the Basic Course Waiver Exam when re-entering law enforcement. There was consensus that consideration be given to applying the same rule to persons previously awarded the Basic Certificate.

Advisory Committee Report - Future Issues

For purposes of continuing discussion on this report, the Chairman scheduled the next Committee meeting for June 27, 1984, at 2 p.m. in San Diego. Staff will prepare a status report on the issues already acted on as well as those still pending.

Commission on Peace Officer Standards and Training

Ad Hoc Committee on Command College Policies
Sheraton Hotel, Anaheim

May 22, 1984

MINUTES

The meeting of the Ad Hoc Committee on Command College Policies was called to order on May 22, 1984, at the Sheraton Anaheim by Committee Chairman Edmonds. Present were Committee members Dyer and Wasserman. The Committee considered and discussed policy issues relating to entrance into the Law Enforcement Command College. By unanimous vote, the Committee recommends that the minimum qualification of applicants be amended as follows:

1. Applicants have completed the POST Management Course;
2. Applicants occupy a senior management position at the rank of Lieutenant or above;
3. Applicants demonstrate the potential to be effective in an executive position;
4. Applicants demonstrate the ability to influence the policy or impact the operations of their agency.

The Committee also reviewed other questions pertaining to Command College selection and recommends that while any number of applications may be selected from a single agency, only a small number from any one department, for example two or perhaps three, should be accepted in any one class. Other qualifying candidates could simply be accepted in future classes. This is to assure that there is balance in each Command College class, and that attendance is well distributed over a variety of agencies with no single agency being over-represented.

Memorandum

: Legislative Review Committee
Members: Robert L. Vernon
B. Gale Wilson
Attorney General John Van de Kamp

Date : June 4, 1984

From : Robert A. Edmonds, Committee Chairman
Commission on Peace Officer Standards and Training
Legislative Review Committee

Subject: LEGISLATIVE REVIEW COMMITTEE MEETING

The Legislative Review Committee of the Commission will meet at 8 a.m. June 28, 1984, in the Coffee Shop of the Bahia Hotel, 998 West Mission Bay Drive, San Diego. The Chairman will report the Committee's action to the Commission at the regular meeting later that date.

AGENDA

1. Status Report - Active Bills
2. New Legislation
 - A.B. 2808 - Community College Funding
 - S.B. 1536 - Child Abuse Investigator Training
3. Reconsideration of Previous Position
 - S.B. 1472 - Domestic Violence Training
 - A.B. 3482 - Ex-felon as peace officer
4. Discussion of possible amendments to A.B. 3809
5. Adjournment

 BILL-FILE - COMMISSION ON POST-MASTER
 COMMENTS - ACTIVE LEG

BILL NO	AUTHOR	TITLE	SUBJECT	POSITION	COMMENTS
AB 1020	LEONARD	STATE POLICE	TRAINING	NEUTRAL	ACTIVE LEG
AB 1530	MOORE	LAW ENFORCEMENT: CHOKEMOLDS	TRAINING	NEUTRAL	ACTIVE LEG
AB 2026	NAYLOR	DOMESTIC VIOLENCE	TRAINING	NEUTRAL	ACTIVE LEG
AB 2110	ALATORRE	PEACE OFFICERS	TRNG/CERT	NEUTRAL	ACTIVE LEG
AB 2605	ALLEN	PEACE OFFICER TRAINING: CRIMINAL HISTORY	TRAINING	SUPPORT	ACTIVE LEG
AB 2808	O'CONNELL	COMMUNITY COLLEGE DISTRICTS: BUDGETS: POLICE ACADEMY TRAINING	FUNDING	NOT CONSID	ACTIVE LEG
AB 3492	HARRIS	PEACE OFFICERS	STANDARDS	NOT CONSID	ACTIVE LEG
AB 3809	CONDIT	COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING	POST RELAT	OPPOSE	ACTIVE LEG
AB 3903	SEBASTIANI	DOMESTIC VIOLENCE	TRAINING	NEUTRAL	ACTIVE LEG
AB 3939	HAYDEN	POLICE CORPS PILOT PROGRAM	TRAINING	NONE	ACTIVE LEG
AB 4022	MOORE	LAW ENFORCEMENT: CHOKEMOLDS	TRAINING	NEUTRAL	ACTIVE LEG
SB 1383	WATSON	PEACE OFFICERS	STND/TRNG	OPPOSE	ACTIVE LEG
SB 1394	ROBBINS	SURCHARGES AND PENALTY ASSESSMENTS	FUNDING	SUPPORT	ACTIVE LEG
SB 1472	WATSON	DOMESTIC VIOLENCE: LAW ENFORCEMENT TRAINING	TRAINING	OPPOSE	ACTIVE LEG
SB 1515	DAVIS, E	COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING	POST RELAT	OPPOSE	ACTIVE LEG
SB 1533	ROBBINS	JUSTICE FACILITIES: CONSTRUCTION FUNDS	FUNDING	SUPPORT	ACTIVE LEG
SB 1536	RUSSELL	CHILD ABUSE AND NEGLECT	TRAINING	NOT CONSID	ACTIVE LEG
SCR 75	PRESLEY	SUICIDE STUDIES	POST RELAT	NEUTRAL	ACTIVE LEG

BILL ANALYSIS

State of California Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
P.O. Box 20146
Sacramento, California 95820-0146

NAME OR SUBJECT Funding: Comm. College Basic Course	AUTHOR Assemblyman O'Connell	BILL NUMBER AB 2808
SPONSORED BY California Academy Directors Association	RELATED BILLS	DATE LAST AMENDED 5-17-84

BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)

The comments in this analysis will be limited to those provisions of the bill that relate to the POST Basic Training program.

General

Assembly Bill 2808 would:

1. Allow Community Colleges to continue requiring police academy students to furnish personal equipment necessary for employment.
2. Provide a \$300 per police academy student subsidy from the State General Fund to Community Colleges presenting this program.
3. In the event this amount is insufficient to cover the required costs, priority for funding these programs within certain limitations, shall be given by the Chancellor.

Analysis

As a result of the passage of AB IXX earlier this year, the Community College Chancellors Office has ruled that Community College affiliated POST basic academies may not continue to charge student fees or require certain materials be bought at student expense. Currently these fees and material costs average \$1,100 per student. The rationale for this ruling is that the \$50 per student tuition fee imposed in AB IXX is in lieu of any other fee or material cost.

In discussing this problem with the proponents of AB IXX, it is their contention that the Chancellors ruling is in error and that there was no intent that the Community Colleges would be precluded from requiring students to provide certain non-expendable equipment and material that were necessary to pursue the vocation being trained for. This would include such items as uniforms, weapons, flashlights, handcuffs, etc., required of persons attending the POST certified basic training course presented in 19 Community College programs.

The presenters of this training indicate that the elimination of fee charging will work an extreme hardship on all the programs, possibly causing some schools to discontinue at least the high cost portions of the course (driver training, firearms training, etc.). The college budgets cannot absorb the \$1,100 (\$300 fees and \$800 materials) per student cost now paid for by the student or other outside sources, such as the employer.

OFFICIAL POSITION

ANALYSIS BY <i>Don Beauchamp</i>	DATE 6/6/84	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>William C. Beckman</i>	DATE 6/6/84	COMMENT	

Comments

It would appear that there is a legitimate need for state assistance, either administrative or legislative, to resolve this problem. The most obvious and simple resolution would be for the Chancellor's Office to reconsider their interpretation of AB IXX. The other alternative is legislative change, as proposed in this bill.

Assuming there will be no administrative remedy offered, it would seem appropriate for POST to support the legislative remedies provided in AB 2208. The total cost to the state is estimated at \$880,000 annually (\$300 X 2933 students).

Recommendation

Support

apportionment of state or local money to the particular district for the current fiscal year until the district complies with its various duties regarding the adoption and filing of its budget. This bill would prohibit the imposition of this penalty if the chancellor or the county superintendent determines that unique circumstances make it impossible for the district to comply with those duties, or if there are delays in the adoption of the annual Budget Act.

(2) Under existing law, community colleges offer in-service training courses, such as police, fire, corrections, and other criminal justice system occupations.

This bill would require the Chancellor of the California Community Colleges to apportion to each community college district \$300 for each student enrolled in district-operated police academy training programs in the 1984-85 and 1985-86 fiscal years. This bill would make these provisions inoperative on June 30, 1986, and would repeal them as of January 1, 1987.

This bill would appropriate \$880,000 to the chancellor for the 1984-85 fiscal year for the purposes of this bill. It would state the intent of the Legislature that for the 1985-86 fiscal year the funds would be appropriated by the Budget Act of 1985.

(3) This bill would take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 84500.2 is added to the Education
2 Code, to read:

3 84500.2. (a) The Legislature recognizes that the costs
4 of providing police academy training at community
5 colleges is excessive and that existing levels of
6 apportionment support to districts is inadequate to fund
7 these important programs.

8 (b) The Legislature also recognizes that costs to
9 students attending community college police academies
10 are excessive because students are required to furnish
11 personal equipment necessary for their employment as

1 police officers.

2 (c) The Legislature further recognizes that while the
3 Chancellor's Office of the California Community
4 Colleges is currently reviewing variable program costs
5 through its differential funding study pursuant to
6 Chapter 565 of the Statutes of 1983, the implementation
7 of changes necessary for funding high cost programs will
8 not address the immediate funding crisis faced by
9 community college police academies.

10 (d) The Chancellor of the California Community
11 Colleges shall apportion to each community college
12 district three hundred dollars (\$300) for each student
13 enrolled in district-operated police academy training
14 programs in the 1984-85 and 1985-86 fiscal years.

15 In the event that funds appropriated for purposes of
16 this section are insufficient for its purposes, the
17 chancellor shall give priority for funding for district
18 enrollments within the district police academy
19 enrollment level for the 1983-84 fiscal year.

20 (e) The chancellor in consultation with community
21 college police academy directors shall report to the
22 Legislature on each of the following:

23 (1) Allocation of funds to districts.

24 (2) Districts costs per student for operating police
25 academy training programs.

26 (3) Costs to students for materials necessary for police
27 training and employment.

28 (f) This section shall become inoperative on June 30,
29 1986, and, as of January 1, 1987, is repealed, unless a later
30 enacted statute, which becomes effective on or before
31 January 1, 1987, deletes or extends the dates on which it
32 becomes inoperative and is repealed.

33 SEC. 2. Section 85024 of the Education Code is
34 amended to read:

35 85024. (a) Except as otherwise provided in
36 subdivision (b), if the governing board of any community
37 college district neglects or refuses to make a community
38 college district budget as prescribed by the office of the
39 Chancellor of the California Community Colleges, or fails
40 to file a budget by the deadline dates specified in Section

1 85023, the chancellor may direct the county
 2 superintendent of schools to, or the county
 3 superintendent of schools may, withhold any
 4 apportionment of state or local money to the particular
 5 community college district for the current community
 6 college fiscal year until the district complies with its
 7 duties pursuant to Section 85023.

8 (b) No penalty shall be imposed upon a district
 9 pursuant to subdivision (a) if the chancellor or the county
 10 superintendent of schools determines that unique
 11 circumstances make it impossible for the district to
 12 comply with its duties pursuant to Section 85023, or if
 13 there are delays in the adoption of the annual Budget Act.

14 ~~SEC. 2.~~

15 *SEC. 3. There is hereby appropriated the sum of eight*
 16 *hundred eighty thousand dollars (\$880,000) from the*
 17 *General Fund to the Chancellor of the California*
 18 *Community Colleges for allocation to community college*
 19 *districts pursuant to Section 84500.1 of the Education*
 20 *Code for the 1984-85 fiscal year.*

21 *It is the intent of the Legislature that the appropriation*
 22 *for the 1985-86 fiscal year be made in the Budget Act of*
 23 *1985.*

24 *SEC. 4. This act is an urgency statute necessary for*
 25 *the immediate preservation of the public peace, health,*
 26 *or safety within the meaning of Article IV of the*
 27 *Constitution and shall go into immediate effect. The facts*
 28 *constituting the necessity are:*

29 *In order to provide the state with timely and accurate*
 30 *information regarding the California Community*
 31 *Colleges and to continue the operation of the community*
 32 *college police academies, it is necessary that this act take*
 33 *effect immediately.*

AMENDED IN SENATE MAY 17, 1984

AMENDED IN ASSEMBLY APRIL 4, 1984

CALIFORNIA LEGISLATURE—1983-84 REGULAR SESSION

ASSEMBLY BILL

No. 2808

Introduced by Assembly Member ~~Campbell~~ Members
O'Connell and Katz

February 9, 1984

An act to amend Section 85024 of, and to add and repeal
 Section 84500.2 of, the Education Code, relating to
 community college districts, making an appropriation
 therefor, and declaring the urgency thereof, to take effect
 immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2808, as amended, ~~Campbell~~ *O'Connell*. Community
 college districts: budgets: police academy training.

(1) Existing law requires the governing board of each
 community college district to meet specified deadlines
 regarding the adoption and subsequent filing of a district
 budget with the county superintendent of schools. Currently,
 if a district board neglects or refuses to make a budget as
 prescribed by the Chancellor of the California Community
 Colleges, the county superintendent of schools is prohibited
 from making any apportionment of state or county money to
 the particular district for the current fiscal year.

This bill would revise the above-described penalty by
 providing that if the governing board of any community
 college district neglects or refuses to make a budget as
 prescribed by the chancellor, or fails to file a budget by the
 deadline dates specified in certain statutory provisions, the
 chancellor may direct the county superintendent of schools
 to, or the county superintendent of schools may, withhold any

BILL ANALYSIS

State of California Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 P.O. Box 20145
 Sacramento, California 95820-0145

FILE OR SUBJECT Training: Child Sexual Abuse or Exploitation Investigators	AUTHOR Senators Russell and Presley	BILL NUMBER SB 1536
SPONSORED BY Joint Committee for Revision of the Penal Code	RELATED BILLS	DATE LAST AMENDED 5-22-84

BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)

Note: This analysis will only address those parts of the bill that directly affect the Commission on Peace Officer Standards and Training.

General

Senate Bill 1536 would:

1. Require all officers whose duties include the handling of cases involving the sexual exploitation or sexual abuse of children to complete specialized training in this subject within six months of assignment.

Analysis

Current law requires only specialists in the investigation of sexual exploitation or sexual abuse of children to complete specialized training in this subject within six months of assignment to this investigative specialty. This bill would also require investigators whose broad investigative assignments include investigation of these child offenses, to complete the specialized training within the same time frame.

As it is anticipated that law enforcement agencies with fewer than 25 personnel will not have designated investigators who are responsible for the investigation of those sexual offenses involving children (these complex investigations are normally handled by a larger local jurisdiction having such investigative expertise, such as the Sheriff's or District Attorney's Office), and agencies over 1000 officers utilize specialist investigators who, by current law, have already undergone this training, the affected agencies under this bill therefore would total approximately 313 police and sheriff's departments. To date this fiscal year, 285 persons have completed the specialized training required in this legislation. Obviously, many of these 313 agencies have already voluntarily chosen to meet this training standard. Based on these facts, it does not appear the training requirements of this bill will require any significant additional training on the part of local law enforcement agencies.

OFFICIAL POSITION

ANALYSIS BY <i>D. Beauchamp</i>	DATE 6/6/84	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>William C. Bechler</i>	DATE 6/6/84	COMMENT	

Comment

As this legislation primarily affects local law enforcement agencies and has no appreciable impact on the POST program, it seems appropriate that POST neither support, nor oppose, SB 1536.

Recommendation

Neutral

AMENDED IN SENATE MAY 22, 1984.

AMENDED IN SENATE MAY 2, 1984

AMENDED IN SENATE APRIL 12, 1984

SENATE BILL

No. 1536

Introduced by Senators Russell and Presley

February 1, 1984

An act to amend Sections 1000.12, ~~11165~~, ~~11166~~ 11166, and 13516 of, and to add Section ~~11164~~ 11174.5 to, the Penal Code, relating to child abuse and neglect.

LEGISLATIVE COUNSEL'S DIGEST

SB 1536, as amended, Russell. Child abuse and neglect.

Existing law provides that in lieu of prosecuting a person who is suspected of violating laws in which a minor is a victim of an act of abuse or neglect, and who is referred by the local police or sheriff's department, the prosecuting attorney may refer that person to the county department in charge of public social services for counseling and other services, after seeking the advice of the county department in charge of public social services in determining whether or not to make the referral. In the case of a person suspected of sexual abuse of a child, certain specified conditions must be complied with in order to make such a referral.

This bill would delete the requirement that the person be referred to the prosecuting attorney by the local police or sheriff's department.

Existing law requires certain classes of persons, including medical and nonmedical practitioners, to report known or suspected instances of child abuse to a child protective agency ~~(which is defined to include a police or sheriff's department, a county probation department, or a county welfare department)~~ immediately or as soon as practically possible, as

specified. Failure to make such a required report is a misdemeanor.

This bill would provide that specified persons are not required to make such a report in certain instances. ~~It also would expand the definition of "child protective agency" to include the district attorney.~~

Existing law requires a county welfare or probation department to report known or suspected instances of child abuse to the law enforcement agency having jurisdiction over the case and to the agency having the responsibility for the investigation of cases coming within the provisions of the juvenile court law relating to dependent children, except as specified.

This bill would provide that except in emergency cases, the law enforcement agency having jurisdiction over a case, before beginning any investigation, shall report its intent to investigate to the county welfare department, thus creating a state-mandated local program, and, in such a case, the county welfare department shall participate in the investigation, as specified.

Existing law requires the Commission on Peace Officer Standards and Training to prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes are required to successfully complete that training within 6 months of the date the assignment was made. Cities, counties, and districts not adhering to the standards established by the commission are ineligible for allocations from the Peace Officers' Training Fund.

This bill also would provide that any officer whose duties include cases involving the sexual exploitation or sexual abuse of children must successfully complete the above specified training within 6 months of the date of the assignment.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to

the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 1000.12 of the Penal Code is
2 amended to read:

3 1000.12. (a) It is the intent of the Legislature that
4 nothing in this chapter is intended to deprive a
5 prosecuting attorney of the ability to prosecute persons
6 suspected of violating any section of this code in which a
7 minor is a victim of an act of abuse or neglect to the fullest
8 extent of the law, if the prosecuting attorney so chooses.

9 (b) In lieu of prosecuting a person suspected of
10 violating any section of this code in which a minor is a
11 victim of an act of abuse or neglect, the prosecuting
12 attorney may refer that person to the county department
13 in charge of public social services or the probation
14 department for counseling and such other services as the
15 department deems necessary. The prosecuting attorney
16 shall seek the advice of the county department in charge
17 of public social services or the probation department in
18 determining whether or not to make the referral.

19 ~~SEC. 2.~~ Section ~~1164~~ is added to the Penal Code, to
20 read:

21 ~~1164.~~ The intent and purpose of the Legislature in
22 requiring the reporting of suspected child abuse is to
23 protect children from further abuse. In any investigation,

1 arrest or prosecution of suspected child abuse all persons
 2 participating in the case shall consider the needs of the
 3 child victim and shall do whatever is necessary to prevent
 4 psychological harm to the child victim.
 5 SEC. 2. Section 1165 of the Penal Code is amended
 6 to read:

7 1165. As used in this article:

8 (a) "Child" means a person under the age of 18 years;
 9 (b) "Sexual assault" means conduct in violation of the
 10 following sections of the Penal Code: Sections 261 (rape);
 11 261.1 (rape in concert); 265 (incest); 266 (sodomy);
 12 subdivisions (a) and (b) of Section 268 (lewd or lascivious
 13 acts upon a child under 14 years of age); and Sections 269a
 14 (oral copulation); 269 (penetration of a genital or anal
 15 opening by a foreign object); and 647a (child
 16 molestation);

17 (c) "Neglect" means the negligent treatment or the
 18 maltreatment of a child by a person responsible for the
 19 child's welfare under circumstances indicating harm or
 20 threatened harm to the child's health or welfare. The
 21 term includes both acts and omissions on the part of the
 22 responsible person.

23 (1) "Severe neglect" means the negligent failure of a
 24 person having the care or custody of a child to protect the
 25 child from severe malnutrition or medically diagnosed
 26 nonorganic failure to thrive. "Severe neglect" also means
 27 those situations of neglect where any person having the
 28 care or custody of a child willfully causes or permits the
 29 person or health of the child to be placed in a situation
 30 such that his or her person or health is endangered, as
 31 prescribed by subdivision (d), including the intentional
 32 failure to provide adequate food, clothing, or shelter.

33 (2) "General neglect" means the negligent failure of
 34 a person having the care or custody of a child to provide
 35 adequate food, clothing, shelter, or supervision where no
 36 physical injury to the child has occurred.

37 For the purposes of this chapter, a child receiving
 38 treatment by spiritual means as provided in Section 16508
 39 of the Welfare and Institutions Code or not receiving
 40 specified medical treatment for religious reasons, shall

1 *the California Constitution and Section 2231 or 2234 of*
 2 *the Revenue and Taxation Code, no appropriation is*
 3 *made by this act for the purpose of making*
 4 *reimbursement pursuant to these sections. It is*
 5 *recognized, however, that a local agency or school*
 6 *district may pursue any remedies to obtain*
 7 *reimbursement available to it under Chapter 3*
 8 *(commencing with Section 2201) of Part 4 of Division 1*
 9 *of that code.*

1 not for that reason alone be considered a neglected child.
 2 (d) "Willful cruelty or unjustifiable punishment of a
 3 child" means a situation where any person willfully
 4 causes or permits any child to suffer, or inflicts thereon,
 5 unjustifiable physical pain or mental suffering, or having
 6 the care or custody of any child, willfully causes or
 7 permits the person or health of the child to be placed in
 8 a situation such that his or her person or health is
 9 endangered.

10 (e) "Corporal punishment or injury" means a situation
 11 where any person willfully inflicts upon any child any
 12 cruel or inhuman corporal punishment or injury resulting
 13 in a traumatic condition.

14 (f) "Abuse in out/of/home care" means situations of
 15 physical injury on a child which is inflicted by other than
 16 accidental means, or of sexual assault or neglect or the
 17 willful cruelty or unjustifiable punishment of a child, as
 18 defined in this article, where the person responsible for
 19 the child's welfare is a foster parent or the administrator
 20 or an employee of a public or private residential home,
 21 school, or other institution or agency.

22 (g) "Child abuse" means a physical injury which is
 23 inflicted by other than accidental means on a child by
 24 another person. "Child abuse" also means the sexual
 25 assault of a child or any act or omission proscribed by
 26 Section 273a (willful cruelty or unjustifiable punishment
 27 of a child) or 273d (corporal punishment or injury).
 28 "Child abuse" also means the neglect of a child or abuse
 29 in out/of/home care, as defined in this article.

30 (h) "Child care custodian" means a teacher,
 31 administrative officer, supervisor of child welfare and
 32 attendance, or certificated pupil personnel employee of
 33 any public or private school; an administrator of a public
 34 or private day camp; a licensed day care worker; an
 35 administrator of a community care facility licensed to
 36 care for children; headstart teacher; a licensing worker or
 37 licensing evaluator; public assistance worker; employee
 38 of a child care institution including, but not limited to,
 39 foster parents; group home personnel and personnel of
 40 residential care facilities; a social worker or a probation

1 officer.

2 (i) "Medical practitioner" means a physician and
3 surgeon, psychiatrist, psychologist, dentist, resident,
4 intern, podiatrist, chiropractor, licensed nurse, dental
5 hygienist, or any other person who is currently licensed
6 under Division 2 (commencing with Section 500) of the
7 Business and Professions Code.

8 (j) "Nonmedical practitioner" means a state or county
9 public health employee who treats a minor for venereal
10 disease or any other condition; a coroner; a paramedic; a
11 marriage, family and child counselor; or a religious
12 practitioner who diagnoses, examines, or treats children.

13 (k) "Child protective agency" means a police or
14 sheriff's department, the district attorney; a county
15 probation department; or a county welfare department.

16 (l) "Commercial film and photographic print
17 processor" means any person who develops exposed
18 photographic film into negatives, slides, or prints, or who
19 makes prints from negatives or slides, for compensation.
20 The term includes any employee of such a person; it does
21 not include a person who develops film or makes prints
22 for a public agency.

23 SEC. 4.

24 SEC. 2. Section 11166 of the Penal Code is amended
25 to read:

26 11166. (a) Except as provided in subdivisions (b) and
27 (i), and (j), any child care custodian, medical
28 practitioner, nonmedical practitioner, or employee of a
29 child protective agency who has knowledge of or
30 observes a child in his or her professional capacity or
31 within the scope of his or her employment whom he or
32 she knows or reasonably suspects has been the victim of
33 child abuse shall report the known or suspected instance
34 of child abuse to a child protective agency immediately
35 or as soon as practically possible by telephone and shall
36 prepare and send a written report thereof within 36
37 hours of receiving the information concerning the
38 incident. For the purposes of this article, "reasonable
39 suspicion" means that it is objectively reasonable for a
40 person to entertain such a suspicion, based upon facts that

1 psychological harm to the child victim.

2 SEC. 5.

3 SEC. 4. Section 13516 of the Penal Code is amended
4 to read:

5 13516. (a) The commission shall prepare guidelines
6 establishing standard procedures which may be followed
7 by police agencies in the investigation of sexual assault
8 cases, and cases involving the sexual exploitation or sexual
9 abuse of children, including, police response to, and
10 treatment of, victims of such crimes.

11 (b) The course of training leading to the basic
12 certificate issued by the commission shall, on and after
13 July 1, 1977, include adequate instruction in the
14 procedures described in subdivision (a). No
15 reimbursement shall be made to local agencies based on
16 attendance on or after such date at any such course which
17 does not comply with the requirements of this
18 subdivision.

19 (c) The commission shall prepare and implement a
20 course for the training of specialists in the investigation
21 of sexual assault cases, child sexual exploitation cases, and
22 child sexual abuse cases. Officers assigned as investigation
23 specialists for these crimes or any officer whose assigned
24 duties include cases involving the sexual exploitation or
25 sexual abuse of children, shall successfully complete their
26 training within six months of the date the assignment was
27 made.

28 (d) It is the intent of the Legislature in the enactment
29 of this section to encourage the establishment of sex
30 crime investigation units in police agencies throughout
31 the state, which units shall include, but not be limited to,
32 investigating crimes involving the sexual exploitation and
33 sexual abuse of children.

34 SEC. 5. Notwithstanding Section 2231.5 of the
35 Revenue and Taxation Code, this act does not contain a
36 repealer, as required by that section; therefore, the
37 provisions of this act shall remain in effect unless and
38 until they are amended or repealed by a later enacted
39 act.

40 SEC. 6. Notwithstanding Section 6 of Article XIII B of

1 a psychologist, a licensed clinical social worker, or a
 2 marriage, family and child counselor, who is licensed to
 3 practice in this state, shall not be required to report cases
 4 of child sexual abuse where the factual basis for
 5 knowledge or reasonable suspicion of sexual abuse comes
 6 from treatment of a person who is the victim's natural
 7 parent, adoptive parent, stepparent, relative, or member
 8 of the victim's household who has lived in the household;
 9 the treatment was voluntarily sought by that person for
 10 a problem of child sexual abuse; the therapist has
 11 reasonably determined that the child sexual abuse has
 12 stopped; and in the opinion of the therapist it is in the
 13 best interest of the child victim not to report the case.

14 The failure of a treating practitioner to report a case of
 15 child sexual abuse shall not subject him or her to civil
 16 liability or to the criminal penalties prescribed in Section
 17 11172 if he or she is acting pursuant to this subdivision and
 18 has (1) discussed with the person the history of the child
 19 sexual abuse committed by the person, (2) reasonably
 20 determined that the abuse has stopped, and (3) formed
 21 the reasonable opinion in good faith on the basis of
 22 information available that withholding the report would
 23 be in the best interests of the child victim.

24 If during the therapy the treating practitioner knows
 25 or reasonably suspects that the child sexual abuse has
 26 resumed, he or she shall report pursuant to the provisions
 27 of this section.

28 (k) The provisions of subdivision (j) shall not exempt
 29 the treating practitioner from reporting a case of child
 30 sexual abuse if therapy is discontinued prior to
 31 completion as determined by the practitioner, unless
 32 after inquiry the practitioner determines that the patient
 33 is receiving therapy elsewhere.

34 *SEC. 3. Section 11174.5 is added to the Penal Code, to*
 35 *read:*

36 *11174.5. The intent and purpose of the Legislature is*
 37 *to protect children from abuse. In any investigation of*
 38 *suspected child abuse all persons participating in the*
 39 *investigation of the case shall consider the needs of the*
 40 *child victim and shall do whatever is necessary to prevent*

1 could cause a reasonable person in a like position,
 2 drawing when appropriate on his or her training and
 3 experience, to suspect child abuse.

4 (b) Any child care custodian, medical practitioner,
 5 nonmedical practitioner, or employee of a child
 6 protective agency who has knowledge of or who
 7 reasonably suspects that mental suffering has been
 8 inflicted on a child or his or her emotional well-being is
 9 endangered in any other way, may report such known or
 10 suspected instance of child abuse to a child protective
 11 agency.

12 (c) Any commercial film and photographic print
 13 processor who has knowledge of or observes, within the
 14 scope of his or her professional capacity or employment,
 15 any film, photograph, video tape, negative or slide
 16 depicting a child under the age of 14 years engaged in an
 17 act of sexual conduct, shall report such instance of
 18 suspected child abuse to the law enforcement agency
 19 having jurisdiction over the case immediately or as soon
 20 as practically possible by telephone and shall prepare and
 21 send a written report of it with a copy of the film,
 22 photograph, video tape, negative or slide attached within
 23 36 hours of receiving the information concerning the
 24 incident. As used in this subdivision, "sexual conduct"
 25 means any of the following:

26 (1) Sexual intercourse, including genital-genital,
 27 oral-genital, anal-genital, or oral-anal, whether between
 28 persons of the same or opposite sex or between humans
 29 and animals.

30 (2) Penetration of the vagina or rectum by any object.

31 (3) Masturbation, for the purpose of sexual stimulation
 32 of the viewer.

33 (4) Sadomasochistic abuse for the purpose of sexual
 34 stimulation of the viewer.

35 (5) Exhibition of the genitals, pubic or rectal areas of
 36 any person for the purpose of sexual stimulation of the
 37 viewer.

38 (d) Any other person who has knowledge of or
 39 observes a child whom he or she knows or reasonably
 40 suspects has been a victim of child abuse may report the

1 known or suspected instance of child abuse to a child
2 protective agency.

3 (e) When two or more persons who are required to
4 report are present and jointly have knowledge of a
5 known or suspected instance of child abuse, and when
6 there is agreement among them, the telephone report
7 may be made by a member of the team selected by
8 mutual agreement and a single report may be made and
9 signed by such selected member of the reporting team.
10 Any member who has knowledge that the member
11 designated to report has failed to do so, shall thereafter
12 make the report.

13 (f) The reporting duties under this section are
14 individual, and no supervisor or administrator may
15 impede or inhibit the reporting duties and no person
16 making such a report shall be subject to any sanction for
17 making the report. However, internal procedures to
18 facilitate reporting and apprise supervisors and
19 administrators of reports may be established provided
20 that they are not inconsistent with the provisions of this
21 article.

22 (g) A county probation or welfare department shall
23 immediately or as soon as practically possible report by
24 telephone to the law enforcement agency having
25 jurisdiction over the case, and to the agency given the
26 responsibility for investigation of cases under Section 300
27 of the Welfare and Institutions Code, every known or
28 suspected instance of child abuse as defined in Section
29 11165, except acts or omissions coming within the
30 provisions of paragraph (2) of subdivision (c) of Section
31 11165, which shall only be reported to the county welfare
32 department. A county probation or welfare department
33 shall also send a written report thereof within 36 hours of
34 receiving the information concerning the incident to any
35 agency to which it is required to make a telephone report
36 under this subdivision.

37 A law enforcement agency shall immediately or as soon
38 as practically possible report by telephone to the county
39 welfare department and the agency given responsibility
40 for investigation of cases under Section 300 of the Welfare

1 and Institutions Code, every known or suspected
2 instance of child abuse reported to it, except acts or
3 omissions coming within the provisions of paragraph (2)
4 of subdivision (c) of Section 11165, which shall only be
5 reported to the county welfare department. A law
6 enforcement agency shall also send a written report
7 thereof within 36 hours of receiving the information
8 concerning the incident to any agency to which it is
9 required to make a telephone report under this
10 subdivision.

11 (h) The Legislature intends that in each county the
12 law enforcement agencies and the county welfare or
13 social services department shall develop and implement
14 cooperative arrangements for investigating suspected
15 child abuse cases. Except in emergency cases, the local
16 law enforcement agencies having jurisdiction over a case
17 reported under this section, before beginning any
18 investigation, shall report to the county welfare
19 department their intent to investigate, and the county
20 welfare department shall be part of the investigation
21 team. The county welfare department shall determine
22 what action would be in the best interest of the child
23 victim. The county welfare department
24 recommendation shall be transmitted in writing to the
25 law enforcement agency with whom the department
26 made the investigation and the district attorney and the
27 court, if charges are filed.

28 (i) A physician and surgeon practicing psychotherapy,
29 a psychologist, a licensed clinical social worker, or a
30 marriage, family and child counselor, who is licensed to
31 practice in this state, shall not be required to report cases
32 of child sexual abuse where the factual basis for
33 knowledge or reasonable suspicion of sexual abuse comes
34 from the voluntary treatment of the victim, the victim at
35 the time of treatment is not a minor, and the suspected
36 offender is the victim's natural parent, adoptive parent,
37 stepparent, relative, or a member of the victim's
38 household who has lived in the household, unless the
39 victim consents to the reporting.

40 (j) A physician and surgeon practicing psychotherapy,

BILL ANALYSIS

State of California Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
P.O. Box 20145
Sacramento, California 95820-0145

TITLE OR SUBJECT Domestic Violence: Training	AUTHOR Senator Watson	BILL NUMBER SB 1472
SPONSORED BY California Alliance Against Domestic Violence	RELATED BILLS AB 3903	DATE LAST AMENDED

BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)

General

The comments in this bill analysis will be limited to those sections which directly affect the Commission on Peace Officer Standards and Training (POST).

Senate Bill 1472 would:

1. Require POST, by January 1, 1986, to implement a course of instruction in the handling of domestic violence complaints.
2. Require POST, by January 1, 1986, to include adequate instruction in domestic violence topics in the POST basic course.
3. Require all local police and sheriffs officers who have received their basic training prior to January 1, 1986 to attend a supplementary training course on domestic violence by January 1, 1989.
4. Require POST to develop the necessary course(s) to implement the mandates listed above, in consultation with appropriate groups and individuals, to include specific organizations mentioned in the bill.
5. Require POST, in consultation with these groups and individuals, to review existing training programs to determine if domestic violence topics might be included.
6. Appropriate \$6,000 from the Peace Officer Training Fund to POST to carry out the provisions of the bill.

Analysis

According to the sponsors of this legislation, the intent of Senate Bill 1472 is to require the development and presentation of additional training for peace officers in the handling of domestic violence cases. The feeling is that this topical subject is not being adequately addressed in the current training courses.

OFFICIAL POSITION

ANALYSIS BY <i>Don Beauchamp</i>	DATE 6/7/84	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Thomas C. Beckler</i>	DATE	COMMENT	

AMENDED IN SENATE JUNE 7, 1984

AMENDED IN SENATE MAY 2, 1984

AMENDED IN SENATE APRIL 5, 1984

SENATE BILL

No. 1472

Introduced by Senators Watson, Bill Greene, Leroy Greene, Marks, McCorquodale, Petris, Presley, Roberti, Rosenthal, Torres, and Vuich

(Coauthors: Assembly Members Agnos, Allen, Bane, Bates, Bergeson, Calderon, Chacon, Condit, Connelly, Farr, Hauser, Hughes, *Isenberg*, Klehs, Molina, Moorhead, Roos, *Sebastiani*, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters, and Young)

January 25, 1984

An act to add Section 13519 to, and to add and repeal Title 5 (commencing with Section 13700) to Part 4 of, the Penal Code, relating to training of peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1472, as amended, Watson. Domestic violence: law enforcement training.

Existing law provides for the issuance of protective court orders in cases involving domestic violence. Existing law also requires that peace officers receive training in first aid, child abuse, and sexual assault cases in order to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training.

This bill would require peace officers to receive specified training in responding to domestic violence calls ~~in order to be certified~~. The bill would ~~require the Commission on Peace Officer Standards and Training to establish the Committee on~~

~~Domestic Violence and Training, as specified, and would require that the training requirements course of instruction, the learning and performance objectives, and the standards for the training be developed by the Commission on Peace Officer Standards and Training, in consultation with the Committee on Domestic Violence and Police Training appropriate groups and individuals having an interest and expertise in the field of domestic violence, as specified. The bill would appropriate \$5,000 from the General Fund \$6,000 from the Peace Officer Training Fund to the commission for expenses of convening the necessary experts the committee and would appropriate \$75,000 from the Peace Officers Training Fund to the Commission on Peace Officer Standards and Training for the purpose of implementing these provisions.~~ Additionally, the bill would provide procedures for law enforcement officers in responding to domestic violence-related calls and make other provisions relating to domestic violence.

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would impose a state-mandated local program by requiring local law enforcement agencies to *adopt and comply with specified procedures in responding with respect to domestic violence incidents, to maintain records of protection orders and stay/away orders issued in domestic violence incidents, and to compile and record by categories all domestic violence-related calls received.*

This bill would appropriate an unspecified sum to the Controller for allocation and disbursement to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

1 develop a system for recording all domestic
2 violence-related calls for assistance made to the
3 department including whether weapons are involved.
4 Annually, the total number of domestic violence calls
5 received and the numbers of such cases involving
6 weapons shall be compiled by each law enforcement
7 agency and submitted to the Attorney General.

8 (b) The Attorney General shall report annually to the
9 Governor, the Legislature, and the public, the total
10 number of domestic violence-related calls received by
11 California law enforcement agencies, the number of
12 cases involving weapons, and a breakdown of calls
13 received by agency, city, and county.

14 (c) Each law enforcement agency shall develop an
15 incident report form that includes a domestic violence
16 identification code. ~~All incident reports~~ *In all incidents*
17 *of domestic violence, a report shall be written and shall*
18 *be thus identified on the face of the report as a domestic*
19 *violence incident.*

20
21 CHAPTER 5. TERMINATION
22

23 13731. This title shall remain in effect only until
24 January 1, 1991, and as of ~~such~~ *that* date is repealed, unless
25 a later enacted statute, which is chaptered before January
26 1, 1991, deletes or extends ~~such~~ *that* date.

27 SEC. 4. The sum of _____ dollars (\$_____) is
28 hereby appropriated from the General Fund to the
29 Controller for allocation and disbursement in accordance
30 with Section 2231 of the Revenue and Taxation Code to
31 local agencies and school districts to reimburse them for
32 costs mandated by the state and incurred by them
33 pursuant to this act.

O

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares that:
2 (a) A significant number of homicides, aggravated
3 assaults, and assaults and batteries occur within the home
4 between adult members of families. Research shows that
5 35 to 40 percent of all assaults are related to domestic
6 violence.

7 (b) The reported incidence of domestic violence
8 represents only a portion of the total number of incidents
9 of domestic violence.

10 (c) Twenty-three percent of the deaths of law
11 enforcement officers in the line of duty results from
12 intervention by law enforcement officers in incidents of
13 domestic violence.

14 (d) Domestic violence is a complex problem affecting
15 families from all social and economic backgrounds.

16 The purpose of this act is to address domestic violence
17 as a serious crime against society and to assure the victims
18 of domestic violence the maximum protection from
19 abuse which the law and those who enforce the law can
20 provide. It is the intent of the Legislature that the official
21 response to cases of domestic violence shall stress the
22 enforcement of the laws to protect the victim and shall
23 communicate the attitude that violent behavior in the
24 home is criminal behavior and will not be tolerated. It is
25 not the intent of the Legislature to remove a peace
26 officer's individual discretion where that discretion is
27 necessary, nor is it the intent of the Legislature to hold
28 individual peace officers liable for ~~such~~ *that* discretion.

29 To this end the Legislature strongly recommends that
30 the course of training and procedures developed by the
31 Commission on Peace Officer Standards and Training
32 pursuant to Section 13519 of the Penal Code, be adopted
33 by all city police agencies and county sheriffs' offices.

34 SEC. 2. Section 13519 is added to the Penal Code, to
35 read:

1 13519. (a) The commission shall implement by
 2 January 1, 1986, a course or courses of instruction for the
 3 training of law enforcement officers in California in the
 4 handling of domestic violence complaints. This course
 5 *The course or courses* of instruction shall stress
 6 enforcement of criminal laws in domestic violence
 7 situations, availability of civil remedies and community
 8 resources, and protection of the victim. Law
 9 enforcement agencies and community organizations
 10 shall cooperate in all aspects of the training.
 11 Representatives of shelters for battered women or other
 12 programs for battered women shall assist in the planning
 13 and presentation of the training. Where possible, the
 14 commission shall involve domestic violence experts with
 15 expertise in the delivery of direct services to victims of
 16 domestic violence, including utilizing the staff of shelters
 17 for battered women in the presentation of training.

18 As used in this section, "law enforcement officer"
 19 means any officer or employee of a local police
 20 department or sheriff's office.

21 (b) The course of basic training leading to the basic
 22 certificate issued by the commission for law enforcement
 23 officers shall, no later than January 1, 1986, include
 24 adequate instruction in the procedures and techniques
 25 described below:

26 (1) The provisions set forth in Title 5 (commencing
 27 with Section 13700) relating to response, enforcement of
 28 court orders, and data collection.

29 (2) The legal duties imposed on police officers to make
 30 arrests and offer protection and assistance.

31 (3) Techniques for handling incidents of domestic
 32 violence that minimize the likelihood of injury to the
 33 officer and that promote the safety of the victim.

34 (4) The nature and extent of domestic violence.

35 (5) The legal rights of, and remedies available to,
 36 victims of domestic violence.

37 (6) Application of this code and the use of an arrest by
 38 a private person.

39 (7) Documentation, report writing, and evidence
 40 collection.

1 the court in a criminal case where the probability of
 2 victim intimidation exists. Such an order shall remain in
 3 effect as long as the suspect is under the court's
 4 jurisdiction, including any sentence or probationary
 5 period.

6 (b) Law enforcement agencies shall maintain a system
 7 for officer verification of stay/away orders in effect.

8 (c) In domestic violence incidents where a victim
 9 advises an officer that a stay/away order has been issued,
 10 the officer shall attempt to ascertain if such an order is
 11 in effect.

12 (d) When the order has been verified, officers shall
 13 effect an arrest if the suspect has violated any of the terms
 14 of the order. The incident report shall note the specific
 15 violations of the order and the victim shall be given the
 16 incident report number for follow-up.

17 (1) A violation of the order is a violation of subdivision
 18 4 of Section 166, in addition to any other violations
 19 charged, such as battery or assault. Violators shall be
 20 booked or cited according to subdivision (f) of Section
 21 13701.

22 (2) An act of victim intimidation relating to the court
 23 proceedings is a violation of Section 136.1. Violators shall
 24 be booked or cited pursuant to subdivision (f) of Section
 25 13701. Acts of intimidation include, but are not limited to:

26 (A) Attempts to prevent or dissuade a victim from
 27 attending or giving testimony at any proceeding.

28 (B) The use of force or the expressed or implied threat
 29 of force or violence related to the court proceeding.

30 (c) When the order cannot be verified:

31 (1) The officer shall write an incident report, give the
 32 victim the incident report number, and direct the victim
 33 to contact the appropriate investigation unit.

34 (2) When the basis for a custodial arrest does not exist,
 35 the officer shall advise the victim of his or her right to
 36 make a private person's arrest.

37
 38 CHAPTER 4. DATA COLLECTION

39
 40 13730. (a) Each law enforcement agency shall

1 (f) When an officer verifies that a restraining order
2 exists, but cannot verify that the suspect knows of the
3 restraining order, the officer shall do all of the following:

4 (1) Inform the suspect of the fact that there is a
5 restraining order against him or her and of the terms.

6 (2) Admonish the suspect with respect to the
7 conditions of the order for which he or she is now on
8 notice, and that continued violation of the order will
9 result in his or her arrest.

10 (3) Effect an arrest if the suspect does not
11 immediately comply with the order.

12 (4) Make an incident report, whether or not the
13 suspect was arrested, recording that the suspect was
14 advised of the terms of the restraining order. The
15 incident report constitutes "notification and proof of
16 service" with the department, and the suspect shall be
17 arrested or cited for a subsequent violation of the order.
18 The victim shall be given the incident report number as
19 documentation for subsequent violations.

20 (5) Inform the victim that record of the notification
21 will be filed in conjunction with the restraining order and
22 with the incident report and that, if the suspect again
23 violates the restraining order, the responding officer
24 should be informed by police dispatch or the victim that
25 the suspect was notified by an officer and that an incident
26 report and record of notification are on file with the
27 department to that effect.

28 (g) When the existence of a restraining order cannot
29 be verified by the department, and the victim cannot
30 produce a copy, officers shall do both of the following:

31 (1) Advise the victim of his or her right to make a
32 private person's arrest when the basis for a custodial
33 arrest does not exist.

34 (2) Write an incident report, give the victim the
35 incident report number, and direct the victim to
36 follow up with the appropriate investigation unit.

38 CHAPTER 3. STAY-AWAY ORDERS

39
40 13720. (a) A stay-away order shall may be issued by

1 (8) Domestic violence diversion as provided in
2 Chapter 2.6 (commencing with Section 1000.6) of Title 5
3 of Part 2.

4 (9) Tenancy issues and domestic violence.

5 (10) The impact on children of law enforcement
6 intervention in domestic violence.

7 (11) The services and facilities available to victims and
8 batterers.

9 (12) The use and applications of this code.

10 (e) Basic training completed by peace officers prior to
11 permanent appointment shall include no less than 20
12 hours of training in responding to domestic violence calls.
13 This minimum hour requirement shall remain in effect
14 only until January 1, 1990.

15 (d) All peace

16 (c) All law enforcement officers who have received
17 their basic certificate on or training before January 1,
18 1986, shall participate; by January 1, 1987, in a Peace
19 Officers Standards and Training certified training course
20 on domestic violence. in supplementary training on
21 domestic violence subjects, as prescribed and certified by
22 the commission. This training shall be completed no later
23 than January 1, 1989.

24 Local law enforcement agencies are encouraged to
25 include, as part of their advanced officer training
26 program, periodic updates and training on domestic
27 violence. The commission shall assist where possible.

28 (e)

29 (d) The course of instruction, the learning and
30 performance objectives, and the standards for the
31 training shall be developed by the commission in
32 consultation with a statewide Committee on Domestic
33 Violence and Police Training.

34 The commission shall form a statewide Committee on
35 Domestic Violence and Police Training which shall
36 consist of consultation with appropriate groups and
37 individuals having an interest and expertise in the field
38 of domestic violence, to include the following: a one
39 representative each from the California Peace Officers'
40 Association, the Peace Officers' Research Association of

1 California, ~~the State Bar Association, of California, the~~
 2 California Women Lawyers' Association, and the State
 3 Commission on the Status of Women; two representatives
 4 from the commission; two representatives from the
 5 California Alliance Against Domestic Violence; two
 6 peace officers, recommended by ~~POST~~ the commission,
 7 who are experienced in the provision of domestic
 8 violence training; and two domestic violence experts,
 9 recommended by the California Alliance Against
 10 Domestic Violence, who are experienced in the provision
 11 of direct services to victims of domestic violence. At least
 12 one of the ~~committee members~~ persons selected shall be
 13 a former victim of domestic violence.

14 The commission, in consultation with the committee
 15 these groups and individuals, shall review all existing
 16 training programs in addition to developing the new
 17 basic and supplementary courses to determine in what
 18 ways domestic violence training might be included as a
 19 part of ongoing programs.

20 ~~(f) Five thousand dollars (\$5,000) is appropriated~~
 21 ~~from the General Fund~~

22 ~~(e) Six thousand dollars (\$6,000) is appropriated from~~
 23 ~~the Peace Officers Training Fund to the commission to~~
 24 ~~support the Committee on Domestic Violence and Police~~
 25 ~~Training to include travel, per diem, and clerical support~~
 26 ~~costs associated costs for convening the necessary~~
 27 ~~experts. The Commission on Peace Officer Standards~~
 28 ~~and Training shall administer these funds and initially~~
 29 ~~convene the committee by July 1, 1985.~~

30 ~~(g) The committee shall select a chairman and a vice~~
 31 ~~chairman from among its members. A majority of the~~
 32 ~~members shall constitute a quorum. The committee shall~~
 33 ~~meet at least three times a year until at least 1988.~~

34 ~~(h) In order to carry out the provisions of this section,~~
 35 ~~seventy-five thousand dollars (\$75,000) is hereby~~
 36 ~~appropriated from the Peace Officers Training Fund in~~
 37 ~~the General Fund to the Commission on Peace Officer~~
 38 ~~Standards and Training.~~

39 SEC. 3. Title 5 (commencing with Section 13700) is
 40 added to Part 4 of the Penal Code, to read:

1 (i) Assisting victims in pursuing criminal options, such
 2 as giving the victim the report number and directing the
 3 victim to the proper investigation unit.

4 In the development of these policies, each local
 5 department shall consult with domestic violence experts,
 6 such as the staff of the local shelter for battered women
 7 and their children.

8 9 CHAPTER 2. RESTRAINING ORDERS

10
 11 13710. (a) Law enforcement agencies shall maintain
 12 a complete and systematic record of all protection orders
 13 with respect to domestic violence incidents, restraining
 14 orders, and proofs of service in effect. This shall be used
 15 to inform law enforcement officers responding to
 16 domestic violence calls of the existence, terms, and
 17 effective dates of protection orders in effect.

18 (b) In domestic violence incidents where a victim
 19 advises an officer of the existence of a restraining order
 20 pertaining to the suspect, the officer shall attempt to
 21 ascertain if such an order is on file with the department.

22 (c) Officers shall effect an arrest when there is
 23 reasonable cause to believe that the subject of the
 24 restraining order has violated the order in the presence
 25 of the officer, and one of the following conditions has
 26 been met:

27 (1) The existence of the order and proof of service on
 28 the suspect has been verified with the department's file
 29 or record section by the officer.

30 (2) The victim produces a copy of the order and the
 31 proof of service on the suspect.

32 (3) The existence of the order has been verified
 33 pursuant to either paragraph (1) or (2) above and no
 34 proof of service is required because the order indicates
 35 that the suspect was present when the order was made.

36 (d) Violators shall be cited or arrested pursuant to
 37 Section 273.6, in addition to any other violations charged,
 38 such as aggravated assault, battery, or trespass.

39 (e) The incident report shall note the terms of the
 40 existing order that have been violated.

1 lawful possession of the premises, the responding officer
2 shall:

3 ~~(1)~~ Request the person to leave the premises and the
4 officer shall remain a reasonable amount of time until the
5 person removes his or her belongings.

6 ~~(2)~~ Should the person refuse to leave upon request,
7 the suspect shall be arrested, and thereupon cited and
8 released unless one of the circumstances in subdivision
9 ~~(f)~~ exists.

10 ~~(f)~~ When a victim in a domestic violence incident
11 requests law enforcement assistance in removing a
12 reasonable amount of personal property to another
13 location, officers shall remain a reasonable amount of
14 time until the victim has safely done so.

15 ~~(m)~~ If a victim claims injuries, whether visible or not,
16 which require medical attention, officers shall administer
17 first aid as appropriate and offer to arrange for proper
18 medical treatment.

19 *13701. Every law enforcement agency in the State of*
20 *California shall develop, adopt, and implement written*
21 *policies and standards for officers' response to domestic*
22 *violence calls. These policies shall reflect that domestic*
23 *violence is to be treated as alleged criminal conduct.*
24 *Further, they shall reflect that domestic violence is to be*
25 *treated the same as any other request for assistance*
26 *where violence has occurred. Local policies shall be in*
27 *writing and shall be available to the public upon request*
28 *and shall include specific standards for the following:*

29 *(a) Felony arrests.*

30 *(b) Misdemeanor arrests.*

31 *(c) Use of citizen arrests.*

32 *(d) Verification and enforcement of temporary*
33 *restraining orders when (1) the suspect is present and*
34 *(2) when the suspect has fled.*

35 *(e) Verification and enforcement of stay-away orders.*

36 *(f) Cite and release policies.*

37 *(g) Emergency assistance to victims, such as medical*
38 *care, transportation to a shelter, and police standbys for*
39 *removing personal property.*

40 *(h) Writing of reports.*

1 TITLE 5. LAW ENFORCEMENT RESPONSE TO
2 DOMESTIC VIOLENCE

3
4 CHAPTER 1. GENERAL PROVISIONS

5
6 13700. As used in this title:

7 (a) "Domestic violence" means any harmful physical
8 contact or the threat thereof, between persons who are
9 spouses, former spouses, cohabitants, former cohabitants,
10 have one or more children in common, or are or have
11 been in a dating, courtship, or engagement relationship.

12 (b) "Officer" means any law enforcement officer
13 employed by a local police department or sheriff's office,
14 consistent with Section 830.1.

15 (c) "Victim" means a person who is a victim of
16 domestic violence and whose relationship with the
17 suspect falls within one of the following categories:

18 (1) Is or has been a family member or household
19 member. As used in this section, "family or household
20 member" means a spouse or cohabitant or a former
21 spouse or former cohabitant. "Family or household
22 member" does not include a minor.

23 (2) Has one or more children in common.

24 (3) Is or has been in a dating, courtship, or
25 engagement relationship.

26 ~~13701.~~ The departments shall implement the
27 following procedures:

28 ~~(a)~~ Officers shall treat all domestic violence as alleged
29 criminal conduct. Domestic violence incidents shall be
30 treated the same as all other requests for law
31 enforcement assistance in cases where there has been
32 physical violence or the threat thereof. Dispute
33 mediation shall not be used as a substitute for appropriate
34 criminal proceedings in domestic violence cases where
35 physical violence has occurred.

36 ~~(b)~~ In all incidents of domestic violence, officers shall
37 write an incident report and identify the report as a
38 domestic violence report pursuant to Section 13730.
39 Additionally, whenever possible, the officer shall give the
40 victim the incident report numbers and the badge

- 1 numbers and names of the responding officers.
- 2 (e) The existence of the elements of a crime or the
- 3 willingness of the victim to make an arrest by a private
- 4 person shall be the principal factors to be considered by
- 5 an officer to determine the proper method of handling
- 6 the incident. The following factors shall not be
- 7 considered by an officer to determine the course of action
- 8 in domestic violence incidents:
- 9 (1) The marital status or personal relationship of the
- 10 suspect and the victim.
- 11 (2) Whether or not the suspect lives on the premises
- 12 with the victim.
- 13 (3) The existence or lack of a temporary restraining
- 14 order or stay/away order.
- 15 (4) The potential financial consequences of arrest.
- 16 (5) The potential consequences to the relationship of
- 17 an arrest.
- 18 (6) The victim's history of prior complaints.
- 19 (7) Verbal assurances that violence will cease.
- 20 (8) The victim's emotional state.
- 21 (9) Lack of evident injuries.
- 22 (10) Calmness or rationality of the suspect.
- 23 (11) Whether the location of the incident is a public or
- 24 private place.
- 25 (12) Speculation that the victim may not follow
- 26 through with the criminal justice process or that the
- 27 arrest may not lead to a conviction.
- 28 (13) Whether or not the victim has made efforts to
- 29 obtain a divorce or restraining order, or to flee the
- 30 residence.
- 31 (14) Whether or not there are witnesses to the
- 32 incident.
- 33 (e) In accordance with state law, an arrest shall be
- 34 made in a domestic violence incident when there is
- 35 reasonable cause to believe that a felony has occurred.
- 36 (f) Where an officer has reasonable cause to believe
- 37 that a misdemeanor has occurred in his or her presence
- 38 in a domestic violence case, the suspect shall be arrested
- 39 and cited or booked according to law, unless exigent
- 40 circumstances exist.

- 1 Officers shall evaluate the likelihood of a continuing
- 2 offense pursuant to paragraph (7) of subdivision (j) of
- 3 Section 853.6. Any one of the following circumstances
- 4 may constitute the likelihood of a continuing offense:
- 5 (1) Whether the suspect has a prior history of arrests
- 6 or citations involving domestic violence.
- 7 (2) Whether the suspect has previously violated valid
- 8 temporary restraining orders or stay/away orders, or
- 9 both.
- 10 (3) Whether the suspect has a prior history of other
- 11 assaultive behavior.
- 12 (4) Statements taken from the victim that the suspect
- 13 has a history of physical abuse towards the victim.
- 14 (5) Statements taken from the victim expressing fear
- 15 of retaliation or further violence should the suspect be
- 16 released.
- 17 (g) When the elements of a crime are present and the
- 18 offense was not committed in the presence of the officers,
- 19 officers shall inform the victims of their right to make a
- 20 private person's arrest. Whenever possible, this
- 21 discussion shall be held out of the presence of the suspect.
- 22 (h) Officers shall not dissuade the victims from
- 23 making private persons' arrests, unless exigent
- 24 circumstances exist. Upon request, officers shall effect a
- 25 private person's arrest pursuant to their duties.
- 26 (i) There shall be no civil liability on the part of, and
- 27 no cause of action shall arise against, any peace officer
- 28 acting within the scope of his or her authority, for false
- 29 arrest or false imprisonment arising out of any private
- 30 person's arrest.
- 31 (j) If the suspect in a domestic violence incident has
- 32 fled, officers shall write an incident report, give the
- 33 victim the incident report number, and direct the victim
- 34 to contact the appropriate investigation unit.
- 35 (k) When a victim requests an officer to remove a
- 36 person from the premises and it can be shown that the
- 37 victim is in lawful possession, by a rental agreement,
- 38 canceled rent check, lease, grant deed, rent receipts or
- 39 other documents, or verification from the apartment
- 40 manager, and the person desired to be removed is not in

Proposed Amendments to SB 1472

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints. This course or courses of instruction shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. ~~Law enforcement agencies and community organizations shall cooperate in all aspects of the training. Representatives of shelters for battered women or other programs for battered women shall assist in the planning and presentation of the training.~~

As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office.

(b) The basic course of training ~~leading to the basic certificate issued by the commission for law enforcement officers~~ shall, no later than January 1, 1986, include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on police officers to make arrests and offer protection and assistance.

(3) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim.

(4) The nature and extent of domestic violence.

(5) The legal rights of, and remedies available to, victims of domestic violence.

(6) Application of this code and the use of an arrest by a private person.

(7) Documentation, report writing, and evidence collection.

(8) Domestic violence diversion as provided in Chapter 2.6 (commencing with Section 1000.6) of Title 5 of Part 2.

(9) Tenancy issues and domestic violence.

(10) The impact on children of law enforcement intervention in domestic violence.

(11) The services and facilities available to victims and batterers.

(12) The use and applications of this code.

~~(c) Basic training completed by peace officers prior to permanent appointment shall include no less than 20 hours of training in responding to domestic violence calls. This minimum hour requirement shall remain in effect only until January 1, 1990.~~

~~(d)~~ (c) All ~~peace~~ law enforcement officers who have received their basic certificate on or training before January 1, 1986, shall participate, ~~by~~ ~~January 1, 1987,~~ in a ~~Peace Officers Standards and Training certified training course on domestic violence~~ in supplementary training on domestic violence subjects, as prescribed and certified by the Commission. Such training shall be completed no later than January 1, 1989.

~~(e)~~ (d) The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission in consultation with ~~a statewide Committee on Domestic Violence and Police Training~~ appropriate groups and individuals having an interest and expertise in the field of domestic violence, to include

~~The commission shall form a statewide Committee on Domestic Violence and Police Training which shall consist of~~ the following: a representative from the California Peace Officers' Association, Peace Officers' Research Association of California, State Bar Association, California Women Lawyers' Association, and the State Commission on the Status of Women; two representatives from the commission; two representatives from the California Alliance Against Domestic Violence; two peace officers, recommended by POST, who are experienced in the provision of domestic violence training; two domestic violence experts, recommended by the California Alliance Against Domestic Violence, who are experienced in the provision of direct services to victims of domestic violence. At least one of the ~~committee members~~ persons selected shall be a former victim of domestic violence.

The commission, in consultation with these ~~committee, groups and individuals~~ shall review ~~all~~ existing training programs ~~in addition to developing the new basic and supplementary courses~~ to determine in what ways domestic violence training might be included as part of ongoing programs.

~~(f) (e) Five Six~~ thousand dollars ~~(\$5,000) (\$6,000)~~ is appropriated from the ~~General Fund~~ Peace Officer Training Fund to the commission to support the ~~Committee on Domestic Violence and Police Training to include~~ travel, per diem, and ~~clerical support~~ associated costs, for convening the necessary experts. ~~The Commission on Peace Officer Standards and Training shall administer these funds and initially convene the committee by July 1, 1985.~~

~~(g) The committee shall select a chairman and a vice chairman from among its members. A majority of the members shall constitute a quorum. The committee shall meet at least three times a year until at least 1988.~~

~~(h) In order to carry out the provisions of this section, seventy five thousand dollars (\$75,000) is hereby appropriated from the Peace Officers Training Fund in the General Fund to the Commission on Peace Officer Standards and Training.~~

5855B

BILL ANALYSIS

State of California Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
P.O. Box 20145
Sacramento, California 95820-0145

TITLE OR SUBJECT Peace Officer Status: Convicted Felon	AUTHOR Assemblyman Harris	BILL NUMBER AB 3482
SPONSORED BY Alameda County Probation Department	RELATED BILLS None	DATE LAST AMENDED May 7, 1984

BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)

General

Assembly Bill 3482 would:

1. Allow a convicted felon, under limited circumstances to be employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department.

Analysis

Current law (Government Code Section 1029) states that persons who have been convicted of a felony in this state (or a crime committed in another state which would have been a felony if committed in California) may not exercise the powers of a peace officer. The only exception to this law are persons who are suitable for work as Probation or Parole Officers, providing that that person has a full and unconditional pardon for the felony on which the person was convicted.

The proponents of this legislation state that its intended purpose is to provide relief for a current long-time member of the Alameda County Probation Department who was convicted of a felony 25 years ago. Through no fault of his, this person's job classification was changed to peace officer status in recent years. This bill would accommodate that change without prejudice. According to the proponents, this person is not eligible for the pardon provided for in current law.

Comments

Generally speaking, the Commission on POST has not traditionally supported the weakening of any selection standards relating to peace officers. The current State Law and POST regulations are considered the minimum that should be required of persons who are granted the authority to exercise peace officer powers. If anything, these standards should be strengthened, not reduced.

Because this bill is narrowly drawn to include only specific employees of a probation department, it has no direct impact on persons participating in the POST program. For this reason, it appears appropriate for the Commission to remain neutral on the bill.

Recommendation

Neutral.

SPECIAL POSITION			
ANALYSIS BY <i>Don Beauchamp</i>	DATE 6/7/84	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Thomas C. Bohan</i>	DATE 6/7/84	COMMENT	

AMENDED IN ASSEMBLY MAY 7, 1984
AMENDED IN ASSEMBLY MAY 2, 1984

CALIFORNIA LEGISLATURE--1983-84 REGULAR SESSION

ASSEMBLY BILL

No. 3482

Introduced by Assembly Member Harris

February 16, 1984

An act to amend Section 1029 of the Government Code, relating to public officers and employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 3482, as amended, Harris. Peace officers.

Existing law does not, generally, allow a person who has been convicted of a felony, or an offense in another state which would have been a felony in this state, from holding or being employed as a probation officer with the state or local government.

This bill would allow ~~the above~~ *employment of persons in certain capacities in an institution operated by a probation department*, if at the time of the person's hire, a prior felony conviction was known to the employer and the class of office which the person held, ~~in good standing~~, was not declared by law to be a ~~probation officer class prohibited to persons convicted of a felony~~, but as a result of a change in classification, as provided by law, ~~it is currently so classified~~ *the new classification would be so prohibited*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 1029 of the Government Code is
2 amended to read:

3 1029. (a) Except as provided in subdivision (b), (c),
4 or (d) any person who has been convicted of a felony in
5 this state or any other state, or who has been convicted
6 of any offense in any other state which would have been
7 a felony if committed in this state, is disqualified from
8 holding office or being employed as a peace officer of the
9 state, county, city, city and county or other political
10 subdivision, whether with or without compensation, and
11 is disqualified from any office or employment by the
12 state, county, city, city and county or other political
13 subdivision, whether with or without compensation,
14 which confers upon the holder or employee the powers
15 and duties of a peace officer.

16 (b) Any person who has been convicted of a felony,
17 other than a felony punishable by death, in this state or
18 any other state, or who has been convicted of any offense
19 in any other state which would have been a felony, other
20 than a felony punishable by death, if committed in this
21 state, and who demonstrates the ability to assist persons
22 in programs of rehabilitation may hold office and be
23 employed as a parole officer of the Department of
24 Corrections or the Department of the Youth Authority,
25 or as a probation officer in a county probation
26 department, if he or she has been granted a full and
27 unconditional pardon for the felony or offense of which
28 he or she was convicted. Notwithstanding any other
29 provision of law, the Department of Corrections or the
30 Department of the Youth Authority, or a county
31 probation department, may refuse to employ any such
32 person regardless of his or her qualifications.

33 (c) Nothing in this section shall be construed to limit
34 or curtail the power or authority of any board of police
35 commissioners, chief of police, sheriff, mayor, or other
36 appointing authority to appoint, employ, or deputize any
37 person as a peace officer in time of disaster caused by
38 flood, fire, pestilence or similar public calamity, or to

1 exercise any power conferred by law to summon
2 assistance in making arrests or preventing the
3 commission of any criminal offense.

4 ~~(d) Nothing in this section shall be construed to~~
5 ~~prohibit any person from holding or being employed as~~
6 ~~a probation officer if at the time of the person's hire a~~
7 ~~prior conviction of a felony was known to the person's~~
8 ~~employer and the class of office which the person held,~~
9 ~~in good standing, was not declared by law to be a~~
10 ~~probation officer, but as result of a change in~~
11 ~~classification, as provided by law, it is currently so~~
12 ~~classified.~~

13 (d) *Nothing in this section shall be construed to*
14 *prohibit any person from holding office or being*
15 *employed as a superintendent, supervisor, or employee*
16 *having custodial responsibilities in an institution*
17 *operated by a probation department, if at the time of the*
18 *person's hire a prior conviction of a felony was known to*
19 *the person's employer, and the class of office for which*
20 *the person was hired was not declared by law to be a class*
21 *prohibited to persons convicted of a felony, but as a result*
22 *of a change in classification, as provided by law, the new*
23 *classification would prohibit employment of a person*
24 *convicted of a felony.*

ASSEMBLY BILL

No. 3809

Introduced by Assembly Member Condit

February 17, 1984

An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training.

LEGISLATIVE COUNSEL'S DIGEST

AB 3809, as introduced, Condit. Commission on Peace Officers Standards and Training.

Existing law establishes in the Department of Justice a Commission on Peace Officers Standards and Training. Of the 11 members of the commission, 2 are required to be sheriffs, chiefs of police, or peace officers nominated by their sheriffs or chiefs of police or peace officers who are deputy sheriffs or city policemen or a combination thereof. Three other members are required to be sheriffs or chiefs of police or peace officers nominated by them.

This bill would instead provide that these 5 members shall be sheriffs or chiefs of police.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 13500 of the Penal Code is
- 2 amended to read:
- 3 13500. There is in the Department of Justice a
- 4 Commission on Peace Officer Standards and Training,
- 5 hereafter referred to in this chapter as the commission.
- 6 The commission consists of 11 members appointed by the
- 7 Governor, after consultation with, and with the advice of,
- 8 the Attorney General and with the advice and consent of

1 the Senate.

2 The commission shall be composed of the following
3 members:

4 (1) ~~Two~~ Five members shall be ~~(i)~~ sheriffs or chiefs
5 of police ~~or peace officers nominated by their respective~~
6 ~~sheriffs or chiefs of police;~~ ~~(ii)~~ peace officers who are
7 ~~deputy sheriffs or city policemen;~~ or ~~(iii)~~ any
8 combination thereof.

9 (2) ~~Three~~ members shall be sheriffs or chiefs of police
10 ~~or peace officers nominated by their respective sheriffs or~~
11 ~~chiefs of police.~~

12 ~~(3)~~ One member shall be a peace officer of the rank
13 of sergeant or below with a minimum of five years'
14 experience as a deputy sheriff or city policeman.

15 ~~(4)~~

16 (3) One member shall be an elected officer or chief
17 administrative officer of a county in this state.

18 ~~(5)~~

19 (4) One member shall be an elected officer or chief
20 administrative officer of a city in this state.

21 ~~(6)~~

22 (5) Two members shall be public members who shall
23 not be peace officers.

24 ~~(7)~~

25 (6) One member shall be an educator or trainer in the
26 field of criminal justice.

27 The Attorney General shall be an ex officio member of
28 the commission.

29 Of the members first appointed by the Governor, three
30 shall be appointed for a term of one year, three for a term
31 of two years, and three for a term of three years. Their
32 successors shall serve for a term of three years and until
33 appointment and qualification of their successors, each
34 term to commence on the expiration date of the term of
35 the predecessor.

36 The additional member provided for by the
37 Legislature in its 1973-1974 Regular Session shall be
38 appointed by the Governor on or before January 15, 1975,
39 and shall serve for a term of three years.

40 The additional member provided for by the

1 Legislature in its 1977-78 Regular Session shall be
2 appointed by the Governor on or after July 1, 1978, and
3 shall serve for a term of three years.

Memorandum

To : POST Advisory Committee

Date : June 4, 1984

Michael Gonzales, Chairman
POST Advisory Committee

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

Subject: POST Advisory Committee Meeting

The POST Advisory Committee will meet on June 27, 1984, in the Chula Vista Room of the Bahia Hotel, 998 West Mission Bay Drive, San Diego. The meeting will begin at 10 a.m. and should conclude by early afternoon. The Committee will reconvene at the same location in the Mission Room at 10 a.m. on June 28, 1984, in joint session with the Commission. Please call Imogene Kauffman at (916) 739-5328 for any assistance in making the necessary arrangements to attend.

AGENDA

Call to Order and Roll Call	Chair
Introduction of New Members	Chair
Approval of Minutes of Previous Meeting	Chair
Commission Liaison Committee Remarks	Commissioner
× Community College Funding Issue	Chair
Commission Meeting Agenda Review	Staff
Legislative Report	Staff
Committee Member Reports	Members
Adjournment	Chair

The agenda package for the Commission meeting will be mailed to you approximately June 15.



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

4949 BROADWAY
P. O. BOX 20145
SACRAMENTO 95820-0145

POST ADVISORY COMMITTEE MEETING
April 18, 1984
Holiday Inn Holidome
Sacramento, California

MINUTESCALL TO ORDER

The meeting of the POST Advisory Committee was called to order by Chairman Michael Gonzales at 10:15 a.m., April 18, 1984.

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Roll was called.

Present were: Michael Gonzales, Chairman
Ben Clark
Ray Davis
Barbara Gardner
Maurice Hannigan
Joe McKeown
Carolyn Owens
Michael Sadleir
William Shinn

Absent were: Don Brown
Michael D'Amico
John Dineen
Mimi Silbert
J. Winston Silva

Commission Advisory
Liaison Committee: Alex Pantaleoni
Robert Wasserman

POST Staff: Norman Boehm, Executive Director
Don Beauchamp, Assistant to Executive Director
Ron Allen, Chief, Training Delivery Services, North
Patti Carbone, Secretary, Center for Executive
Development

Guests: Bill Oliver, California Highway Patrol
Ron Lowenberg, Cypress Police Department

INTRODUCTION OF NEW MEMBERS, STAFF AND GUESTS

Chairman Gonzales introduced three new members to the Advisory Committee. They are: Carolyn Owens, from Cal-Poly representing the public; Chief Ray Davis from Santa Ana, representing CPOA; and Barbara Gardner, representing WPOA. Maurice Hannigan introduced Bill Oliver from the California Highway Patrol who has been nominated to replace Hannigan who will be leaving the Advisory Committee due to a promotion. Also introduced was Chief Ron Lowenberg of the Cypress Police Department, who has been nominated by the California Police Chiefs' Association to represent their organization.

APPROVAL OF PREVIOUS MINUTES

MOTION, Clark, second Sadleir, carried unanimously to approve the minutes of the January 25, 1984 Advisory Committee meeting.

COMMISSION LIAISON COMMITTEE REMARKS

Commissioner Pantaleoni stated that a report from the Commission Liaison Committee will be made by Commissioner Dyer at the Commission meeting on April 19, 1984. Commissioner Wasserman reported that the Liaison Committee met on the matter of attendance for new Advisory Committee members. The Committee is recommending that new Advisory Committee members be invited to visit POST headquarters at least once in the first six months of service and that they attend at least one Commission meeting. A second recommendation will be that after the initial orientation meeting, Advisory members shall normally be reimbursed for only those expenditures incurred during attendance at the Advisory Committee meetings or at special meetings. A third recommendation is that the annual joint Commission/Advisory Committee meeting will be continued.

Ben Clark inquired as to whether the Commission is going to direct the Futures Committee to do anything further on the recommendations of the Advisory Committee on the review of the POST program. Commissioner Pantaleoni advised that several of the recommendations had been finalized and it was anticipated that another meeting would be held with the Long Range Planning Committee to finalize the remaining recommendations.

William Shinn inquired as to whether the Advisory Committee would be involved in the Symposium on the Police Corps issue. Don Beauchamp advised that this issue was before the Commission at the April 19 meeting. Don stated that the Governor's Office has asked POST to study this issue in depth.

POST COURSE CERTIFICATION POLICY

Ron Allen, Chief, Training Delivery Services, North, briefed the Committee on the current policy regarding certification of POST courses. Presently POST has over 700 certified courses with 150 presenters. POST anticipates training over 60,000 students this next fiscal year; reimbursing over 30,000 police officers; and offering over 3,000 presentations. Basic Course reimbursement last fiscal year was \$6,150,000, with \$6,700,000 being reimbursed the first nine months of this fiscal year.

Bill Shinn raised a question regarding POST's policy on reimbursement to an individual who was given permission by his department head to attend a course on his own time in an attempt to save his agency some money. Ron Allen advised that POST's policy is to reimburse an individual attending a POST-certified course only when he is on duty and a Training Reimbursement Form has been signed by the department head. After considerable discussion, a suggestion for resolving the issue was to perhaps convene a group of sheriffs and city police to identify those cities and counties that are utilizing a successful revolving fund system for reimbursement purposes.

POST DRIVER TRAINING REIMBURSEMENT POLICY

Ron Allen briefed the Committee on the current policy of reimbursement for POST driver training courses. A suggestion was made that perhaps POST needs to take a look at the entire driver training area, particularly the advanced level. Norm Boehm advised that POST has started looking at resolving this problem and making recommendations to the Commission for policy direction.

COMMISSION MEETING AGENDA REVIEW

The Executive Director reviewed the agenda for the April 19, 1984 Commission meeting with the Advisory Committee.

LEGISLATIVE UPDATE

Don Beauchamp, Assistant to the Executive Director, reviewed the legislation that will be considered by the Legislative Review Committee at their meeting on April 19, which includes several bills that were considered in the interim by a conference call.

- SB 1472 Domestic Violence Training (oppose)
- SB 1515 Commission Membership (oppose)
- AB 3482 Ex-felon Peace Officers (oppose)
- AB 3809 Commission Membership (oppose)
- AB 3903 Domestic Violence Training (neutral)
- AB 3939 Police Corps (further study)

He also reported on four new pieces of legislation that will be considered at the Commission meeting.

- SB 1557 State Police Services
- AB 2605 Criminal History Data to
Community Colleges
- AB 4022 Chokehold Training
- SCR 75 Suicide Study

SB 1394, regarding POST Funding which the Commission had taken a neutral position on, will be heard for reconsideration.

COMMITTEE MEMBER REPORTS

Committee Member Gardner (WPOA) - Barbara Gardner announced that the WPOA will be having their annual training conference on May 20-23, 1984.

Committee Member McKeown (CADA) - Joe McKeown reported that a Sub-Committee of Academy Directors met with POST staff in conjunction with the Basic Course Consortium to resolve what could have been some serious problems.

Committee Chairman Gonzales (CAPTO) - Mike Gonzales reported that CAPTO's annual seminar will be held October 17-19, 1984 in San Diego. Mike also advised the Committee that the Central Coast Region of CAPTO is working with POST consultants in the area of report writing. They are putting together a report writing update course directed specifically at the line officer.

OPEN DISCUSSION

The Committee discussed a research report being prepared by POST staff that relates to job-related selection standards.

MOTION, Davis, second Hannigan, carried unanimously, that the Advisory Committee members receive a copy of the research report being prepared by POST staff two weeks prior to the October meeting for their review.

Ben Clark raised a question involving the FBI National Needs Assessment and whether the California Needs Assessment and its updates will be sent to the FBI to be included in the National Needs Assessment. Don Beauchamp advised that he will bring this matter to the Executive Director's attention and will report back to him.

The next meeting of the Advisory Committee will be held June 27 & 28, 1984, which will be a joint meeting with the Commission.

ADJOURNMENT

There being no further business to come before the Advisory Committee, Chairman Gonzales adjourned the meeting at 2:15 p.m.

Respectfully submitted,



PATTI CARBONE
Secretary

June 25, 1984

Jack Pearson, Senior Labor Relations Officer, Department of Personnel Administration, stated in a telephone conversation that a letter is in the mail from D.P.A. that states, in part, that D.P.A. fully understands the Commission's policy in that there is a possibility that the Commission will only address the request in the letter of April 19, 1984 at the Commission meeting June 28, 1984. However, if the representative position to the Advisory Committee is granted, D.P.A. would like to submit the following three names, in priority order, for consideration:

1. Jack Pearson, Senior Labor Relations Officer, D.P.A.
2. Bob Bark, Senior Labor Relations Officer, D.P.A.
3. Rick Mc William, Senior Labor Relations Officer, D.P.A.

(Letter to follow)

DEPARTMENT OF PERSONNEL ADMINISTRATION

OFFICE OF THE DIRECTOR

1115 11TH STREET

SACRAMENTO, CALIFORNIA 95814

(916) 322-5193



April 19, 1984

Chairman Robert Edmonds
Commission on Peace Officers Standards
and Training
P.O. Box 20145
Sacramento, California 95820

Dear Chairman Edmonds:

The State of California Department of Personnel Administration is requesting that a management position representing the employees of general law enforcement categories in State service be added to the Peace Officers Standards and Training Advisory Committee.

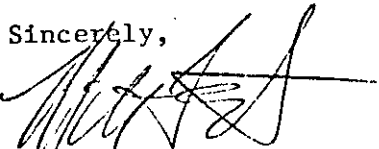
Currently, there are approximately 5,000 law enforcement and law enforcement support positions employed by the State of California which at the Advisory Committee are represented on the labor side by the California Union of Safety Employees.

The recently chaptered State Employer/Employee Relations Act has brought with it numerous proposals involving law enforcement training and standards for State peace officers including State Police Officers, Department of Justice Special Agents, statewide Special Investigators, Fish and Game Wardens, Park Rangers, Hospital Police, Horse Racing Board Investigators, and various other peace officer and regulatory classes.

The Commission on P.O.S.T. addresses training and standards for all these miscellaneous State Police Officer categories. The Advisory Committee currently comprises Municipal Police Chiefs, County Sheriffs and a representative of the Commissioner of the California Highway Patrol. A management position on this committee representing general law enforcement in State service would assist the State as well as complement the existing membership.

Your consideration of this request is appreciated.

Sincerely,



Michael R. Frost
Director

cc: Norm Boehm
Jay Rodriquez
Michael Gonzales

APR 20 11 28 AM '84

COMMISSION ON POST