

COMMISSION MEETING AGENDA  
April 19, 1990 - 10:00 a.m.  
Marriott Hotel Mission Valley  
Sierra Rooms 5 & 6  
8757 Rio San Diego Drive  
San Diego, CA 92108  
(619) 692-3800

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS

SPECIAL ACKNOWLEDGEMENT TO FORMER COMMISSIONER CECIL HICKS

APPROVAL OF MINUTES

- A. Approval of the minutes of the January 18, 1990 regular Commission meeting at the Marriott Harbor Hotel in San Diego.

CONSENT CALENDAR

B.1 Receiving Course Certification Report

Since the January meeting, there have been 56 new certifications, one decertification, and 55 modifications. In approving the Consent Calendar, your Honorable Commission receives the report.

B.2 Receiving Financial Report - Third Quarter FY 1989/90

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

B.3 Receiving Information on New Entries Into the Public Safety Dispatcher Program

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

In approving the Consent Calendar, your Honorable Commission notes that since the January meeting, 19 agencies listed in the enclosed report have met the requirements and have been accepted into the POST Reimbursable Public Safety Dispatcher Program.

B.4 Approving a Resolution Commending Special Consultant Mickey Bennett

In approving the Consent Calendar, your Honorable Commission adopts a Resolution commending Mickey Bennett for his outstanding service to POST in developing training standards for carcinogenic materials. Sergeant Bennett, of the Long Beach Police Department, served as a Special Consultant under the POST Fellowship Program from October 1, 1989 through March 30, 1990.

B.6 Approving a Resolution Commending Retired Bureau Chief Ted Morton

In approving the Consent Calendar, your Honorable Commission adopts a Resolution commending Ted Morton for his service to POST. Ted began service to the Commission in 1975, having previously served 27 years with the Los Angeles Police Department. During his tenure at POST, Ted provided many important services and was instrumental in the creation of the Commission's Command College for law enforcement executives. Ted concluded his service with POST as Bureau Chief of the Center for Leadership Development.

PRESENTATION

- Presentation of Resolution to Retired Bureau Chief Ted Morton.

PUBLIC HEARINGS

C. Receiving Testimony on the Proposal to Adopt Policy on Student Safety and Incorporate Commission Procedure D-10 Into Regulation

Presenters of POST certified training vary considerably on their approaches to student safety policies, supervision, equipment, procedures, and other safety related factors. To reduce potential for student injuries, the Commission has expressed interest in adopting a student safety policy requirement for POST certified courses. A proposed policy has been developed under which presenters would establish student safety measures consistent with the nature of training being presented.

The proposed policy would require presenters of certified courses containing manipulative skills to establish POST-approved written policies and procedures to ensure student safety which shall minimally address: (a) Rules of Safety and Conduct, (b) Reporting Injuries, (c) Instructional Staff-to-Student Ratios, and (d) Adherence to Approved Expanded Course Outlines.

To assist presenters in establishing their safety measures, a document, POST Guidelines for Student Safety in Certified Courses, has been prepared. Guidelines focus on thirteen areas of law enforcement training: Firearms, Defensive Tactics/Arrest Control Techniques, Driver Training, Chemical Agents, Explosive Devices, Physical Conditioning, Airborne Operations, Search and Rescue, Equestrian Training, Motorcycle Training, Off-Road Vehicles, Canine Training, and Tactical Operations. Modifications to the document will be made as experience may indicate in the future. Approval of the guidelines document as such is not part of the public hearing.

The proposed Commission policy would be appropriately located in Commission Procedure D-10 (Certification and Presentation of Training Courses). To meet administrative law requirements, it is also proposed that all provisions of Procedure D-10 having regulatory effect be incorporated into regulations.

Subject to the results of the public hearing, the appropriate action would be a MOTION to adopt the proposed regulations on student safety and incorporating Commission Procedure D-10 into regulation.

D. Receiving Testimony on the Proposal to Adopt Training Standards on the Subject of Carcinogenic Materials

Assembly Bill 2376 of 1988 enacted Health and Safety Code Section 1797.187. That statute requires the Commission to include instruction in the identification and handling of possible carcinogenic materials in the Regular Basic Training Course for law enforcement officers. The Commission can meet this legal requirement by combining the existing performance objective on Hazardous Materials First Responders with a new performance objective on recognizing and handling known carcinogens. This training can be accommodated within the existing POST minimum hourly requirement because of the flexibility accorded academies to adjust hours.

To effect these changes, it is proposed that Regulation 1081 (statutory training requirements) be modified by adding Section 17 - Carcinogenic Materials, and that Regulation

1005, Procedure D-1 (Basic Course requirements) be modified to include the described new Performance Objective. Subject to the results of the public hearing, the appropriate action would be a MOTION to adopt proposed training standards on carcinogenic materials for the Regular Basic Course pursuant to Health and Safety Code Section 1797.187.

#### TRAINING PROGRAM SERVICES

E. Recommendation to Approve Regular Basic Course Curriculum Modifications - Postpartum Psychosis, Law, Traffic, and Criminal Investigation

Senate Concurrent Resolution 39 of 1989 requests the Commission to adopt basic course training standards on the recognition of women who appear to be suffering from postpartum psychosis and on handling these situations appropriately. As part of the POST Regular Basic Course curriculum review process, POST has conducted subject matter expert review workshops on the Functional Areas of Law, Traffic, and Criminal Investigation curriculum changes, as well as the postpartum psychosis training standards.

It is proposed the document Performance Objectives for the POST Basic Course be amended to include ten new performance objectives and delete three performance objectives which are redundant with other existing curriculum. The new curriculum will provide the basic training in postpartum psychosis requested in SCR 39 and will keep the training in the areas of Law, Traffic, and Criminal Investigation relevant and up-to-date. These modifications result in an increase of one hour for instruction and testing. This can be accommodated within the existing POST minimum hourly requirement because of the flexibility accorded academies to adjust hours.

The proposed curriculum changes must be adopted pursuant to the Administrative Procedures Act. It is proposed that the abbreviated public notice process be used. If no one requests a public hearing, these proposed regulations would go into effect approximately July 1, 1990.

Subject to the results of the proposed Notice of Regulatory Action, the appropriate action would be a MOTION to adopt proposed curriculum changes for the Regular Basic Course on Postpartum Psychosis, Law, Traffic and Criminal Investigation to be effective July 1, 1990.

F. Recommendation to Schedule a Public Hearing on July 19, 1990 on the Proposal to Adopt Training Standards on Sudden Death of Infants

Senate Bill 1067 of 1989 enacted Section 13519.3 of the Penal Code. The law requires peace officers assigned to patrol or investigations to complete a course of training covering Sudden Infant Death Syndrome (SIDS) and the investigation of sudden death of infants. Officers employed after January 1, 1990 must complete the training prior to July 1, 1992 and prior to award of a POST Basic Certificate.

The legislation requires POST to:

1. Develop the training course required of the affected peace officers.
2. Develop guidelines for the use of law enforcement agencies in the investigation of infant death cases.
3. Incorporate SIDS awareness training in the Basic Course with the subject block covering death investigation.

To effect these changes, it is proposed that Regulation 1081 (Minimum Standards for Statutory Training Requirements) be amended to add Section 18 concerning investigation of cases involving sudden deaths of infants. This section would specify minimum topics for a two-hour course covering SIDS awareness and investigation of infant deaths.

It is also proposed that this same course be adopted as Performance Objectives (POs) in the Regular Basic Course by amending Regulation 1005, Procedure D-1. Performance Objectives on this subject are included in the enclosed report. It is estimated that only one additional hour will be required to present this subject in the basic course because death investigation is already included. Modification of the death investigation performance objective and adoption of two new performance objectives concerning SIDS awareness are proposed.

SIDS investigation guidelines are currently under development and will also be presented for Commission approval at the July meeting.

If the Commission concurs, the appropriate MOTION would be to schedule a public hearing at the July 19, 1990 meeting for the purpose of adopting proposed training standards for the Investigation of Sudden Deaths of Infants pursuant to Penal Code Section 13519.3.

G. Revision of Curriculum for Investigation/Trial Preparation Course for DA Investigators

District Attorney Investigators employed by agencies participating in the POST Program are required to complete the District Attorney Investigators Basic Course. Because district attorney offices generally prefer to employ investigators who have completed the Regular Basic Course, the DA Investigators Basic Course is not presented. Instead, the Commission has established an alternative basic training requirement of the 80-hour Investigation and Trial Preparation Course for those DA investigators who previously completed the Regular Basic Course.

The Investigation and Trial Preparation Course was recently reviewed for the purpose of updating POST's curriculum requirements. With the input of an advisory committee of instructors and district attorney investigators, several needed curriculum changes were identified.

The proposed changes relate to both administration and content. In the technical area, instruction is organized into larger subject blocks to provide presenters with greater latitude in adjusting hours by topic, and several performance objectives are recommended for deletion because the topic is redundant of other performance objectives. Substantive content changes proposed are deletion of instruction no longer believed needed (i.e., search warrants, prosecution summaries, and testimony by affidavit) and addition of instruction covering role of the DA Investigator, ethics, officer safety; and legal issues related to discovery, gangs, asset seizure, and toxic materials.

If the Commission concurs, the appropriate action would be a MOTION to approve the proposed curriculum changes to the Investigation and Trial Preparation Course effective July 1, 1990.

H. Approval of Contract to Develop an Interactive Videodisc Law Enforcement Driver Training Course

At its January 1990 meeting the Commission authorized the dissemination of a Request for Proposal (RFP) to develop an interactive videodisc course of instruction on Law Enforcement Driver Training. The RFP called for the design and development of instructional materials and software to be used with the same or compatible equipment being used by law enforcement agencies and training institutions to deliver the interactive version of PC 832-mandated training.

A distinctive feature of the RFP is the requirement that the

vendor assume most of the cost for development of the courseware in return for rights to market the courseware in California and elsewhere. Sales of the courseware to POST for distribution to California law enforcement agencies and trainers would be at a reduced rate in recognition of POST's contribution of staff time, law enforcement expertise, and video production costs. Planned time for delivery is December 3, 1991.

The proposals will be evaluated for key factors such as instructional design, technical approach, available expertise and experience, and ability to deliver the products on schedule. Due to the time table for submission and selection, the recommended vendor and POST's cost to purchase courseware copies are still being determined. A specific report and recommendation will be made at the Commission meeting.

Assuming a successful bidder, and if the Commission concurs, the appropriate action would be a MOTION to authorize the Executive Director to sign a contract for this purpose.

#### STANDARDS AND EVALUATIONS

##### I. Report on the Basic Course Test Success Criteria

The current graduation requirements for the POST Basic Course are defined in terms of performance objectives (POs) which the student must master. Under the current system the POs are organized in 12 broad subject categories called functional areas, and each PO is assigned a "success criterion" of 70%, 80%, 90% or 100%. In order to successfully complete the course, a student must "pass" 70% of the 70% POs, 80% of the 80% POs, etc., in each of the twelve functional areas. Each academy is responsible for developing and administering its own testing procedures and for determining whether a student qualifies for graduation.

In addition to being cumbersome to administer, the "success criterion" approach is characterized by a number of other shortcomings. In recognition of these shortcomings, in October 1985 the Commission authorized a pilot study to evaluate an alternate approach. Under the new approach, POs requiring demonstration of a knowledge are distinguished from POs requiring demonstration of a skill. The knowledge POs are organized into 38 well defined subject areas called knowledge domains, and the student must pass a test of each knowledge domain. Skill POs are not grouped. Rather, the student must demonstrate mastery of each individual skill PO.

At the same October 1985 meeting, the Commission granted approval for the development of computer software to automate a test item bank for use by the 34 Basic Course presenters. Among other things, the automated system, called POSTRAC, allows for automated storage, retrieval and scoring of knowledge domain tests.

In November 1988 staff reported to the Commission on the results of the pilot test. The report included a demonstration of POSTRAC. The pilot test results were very favorable, both in terms of administering the knowledge domain system and in terms of student achievement (test results). Because only three academies participated in the pilot test, however, permission was requested and granted to further pilot test the system and report back to the Commission at a later date.

As described in the agenda item report, 26 of the 34 basic academies are now using the knowledge domain system and the POSTRAC program, and several others are in the process of evaluating the system. There is widespread support for the new system among academy administrators, and results of the POST Proficiency Exam (an exam given by POST to all basic academy graduates) show significant improvements in test scores associated with adoption of the knowledge domain system. Based on these results, staff believes that the current system for defining student success in the Basic Course (i.e., the "success criterion" system) should be replaced with the knowledge domain system.

A number of alternatives exist with regard to implementing the knowledge domain system. These alternatives, which are discussed in detail in the full agenda report, center around whether POST or the local academies should: (1) specify the particular tests to be used to evaluate student mastery of the knowledge domains, and (2) establish the minimum passing criteria (cutoff scores) on the tests. The majority of basic academy administrators support, and staff concurs, that all academies should be required to use the POSTRAC tests to assess student mastery of the knowledge domains.

With regard to minimum passing scores, staff proposes that POST mandate a minimum passing score range on the POSTRAC tests, wherein all academies would be required to establish minimum cutoff scores that fall within the range. This would assure that all academy graduates would be required to at least achieve the minimum score which defines the low end of the cutoff score range, and yet provide local academies some latitude to raise the minimum score requirement based on local needs.



Commission action to implement these changes would be a significant step in bringing greater consistency and order to Basic Course testing in California.. A public hearing will be required if the Commission chooses to proceed. The Commission may wish to refer these proposals to the Long Range Planning Committee for review and discussion, with a follow-up report presented to the Commission at its July meeting.

#### INFORMATION SERVICES

##### J. Report of Recommendation on Consulting Services for Replacement of Database Management Software

In June 1987, POST entered into a purchase contract with Systemhouse, Inc., in an amount not to exceed \$436,416, for purchase of hardware and software for a new minicomputer system. The hardware and software were installed in April 1988. Since that time, staff has experienced extensive problems with the database management software, "INFO DB+". Systemhouse has agreed to replace INFO DB+ with a new product, tentatively identified as "INGRES", at no cost to POST.

Staff has identified several tasks that will need to be completed in transitioning from INFO DB+ to a replacement database management system. To ensure a smooth transition to the replacement software and minimize the time associated with the conversion process, it is proposed the Commission contract with Systemhouse for consulting services to assist staff in completing the following work:

- Designing and conducting a software performance test to verify that replacement software meets the specifications described in POST's Request for Proposal;
- Developing a detailed conversion plan; and
- Conducting those tasks associated with the actual conversion, including revising the database design; designing and developing user aids; designing a systems acceptance test; reprogramming of current applications, conducting the systems acceptance test, and training users on the new system.

To complete these tasks, Systemhouse has proposed to provide POST up to 782 hours of professional services at a cost not to exceed \$62,100. It is anticipated that the conversion from INFO DB+ to a replacement product can be completed in six to eight months, with costs distributed over FY 89/90 and 90/91.

Staff believes Systemhouse is the best qualified to assist with the database replacement project because the firm managed the installation of the computer system, already has an awareness of POST's operating environment, and has extensive experience managing the selection and implementation of database management software.

If the Commission concurs, the appropriate action would be a MOTION to authorize the Executive Director to contract with Systemhouse, Inc., for up to 782 hours of professional services associated with replacement of POST's database management software, at a cost not to exceed \$62,100. (ROLL CALL VOTE)

#### EXECUTIVE OFFICE

K. Request for Public Hearing - Adopt Regulations Concerning Distribution of Asset Forfeiture Funds

Health and Safety Code Section 11489 was modified in 1988 to revise provisions for distribution of money accruing from the seizure/disposal of property involved in drug offenses. The law provides that after specified distributions are made, 85% of any remaining funds would be deposited in the Peace Officer Training Fund (POTF). The Office of Criminal Justice Planning (OCJP) reports that up to \$400,000 will have accrued for transfer to the POTF.

The law provides that state agencies shall be entitled to allocations out of funds transferred to the POTF from this source for drug related training completed by their full time peace officer employees. State agency allocations are to be made on the same proportionate basis as provided for POST program agencies under P.C. 13523.

Summary interpretation of the law is that monies accruing shall be disbursed as reimbursement for drug related training only, and that state agencies shall be eligible for these asset forfeiture fund reimbursements on an equal basis with agencies participating in the POST program.

It is proposed that a special account for asset forfeiture funds be established, and that reimbursements be distributed on an annual basis at the close of each fiscal year. Reimbursements would be calculated by determining how many total hours of eligible drug training were completed statewide for the fiscal year, and dividing that number into the amount of money available. The resulting hourly dollar amount would then be used to determine the yearly reimbursement to each agency based upon the number of hours of training completed by agency personnel.

New regulations are required to establish the special account and implement a reimbursement program as described.

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing on this matter at the July 1990 Commission meeting.

L. Review of Salary Reimbursement Rate

Commission policy calls for a quarterly review of the salary reimbursement rate. Expenditures for training reimbursement are projected based upon current experience and compared with available budget funds. When projections warrant, the Commission considers increases in the rate retroactive to beginning of the fiscal year.

Projections for consideration at this meeting must take into account expenditure reports not available as of preparation time for this agenda. A full report will be completed and available at the meeting. The report will be reviewed for recommendations by the Commission's Finance Committee.

At the January 1990 meeting, Commissioners authorized a 5% increase in the salary reimbursement rate contingent upon pending action for a \$3 million augmentation to the training reimbursement budget. Action on this matter by the Department of Finance and the Legislature is still pending. A status report on this issue will be provided at the meeting.

COMMITTEE REPORTS

M. Finance Committee

At the January meeting, the Commission authorized negotiation of a number of contracts for training and other services. These contracts were reviewed and approved by the Finance Committee at its April 18, 1990 meeting in San Diego. Commissioner Tidwell will report the Committee's recommended actions on the following contracts and contract amendments.

Proposed contracts have been negotiated and, upon approval, are ready for signature for Fiscal Year 1990/91:

1. Contracts for the Management Course \$323,771  
are proposed for the following presenters:

California State University - Humboldt  
California State University - Long Beach  
California State University - Northridge

California State University - San Jose  
San Diego Regional Training Center

2. A contract with San Diego Regional Training Center for support of executive training including the Command College. The contractor provides a variety of training activities of the Commission conducted by the Center for Leadership Development. \$395,046
3. An Interagency Agreement with CSU Long Beach for administrative services for the Supervisory Leadership Institute. \$195,934
4. A contract with Cooperative Personnel Services to administer the Basic Course Proficiency Examination. \$ 31,266
5. A contract with Cooperative Personnel Services to administer the POST Entry-Level Reading and Writing Test Battery. \$ 92,006
6. A contract with Cooperative Personnel Services to administer the P.C. 832 Written Examination. \$ 70,134
7. An Interagency Agreement with the State Controller's Office for auditing services. \$ 85,000
8. A contract with the State's Teale Data Center for computer services. The contract provides a link between POST's computer and the Data Center's mainframe computer. \$ 89,000
9. POST's CALSTARS Contract provides computer linkage necessary services with the Health and Welfare Data Center. \$ 25,000
10. An Interagency Agreement with San Diego State University for satellite video broadcasts. \$ 24,000
11. Department of Justice - Training Center \$870,933

An Interagency Agreement with the Department of Justice Training Center to provide training is recommended. They will train 3671 students in 21 separate courses. An additional \$104,000 is included in the contract to reduce the backlog of training in narcotics investigation courses.

A contract for the Executive Development Course would normally be brought forward at this time as well. However, because the Executive Development Course is currently being restructured into a one 4-day workshop and two 3-day workshop format with project assignment between workshops, a new contract will be proposed at the July Commission meeting.

N. Legislative Review Committee

Commissioner Van de Kamp, Chairman of the Commission's Legislative Review Committee or his representative, will report on the Committee meeting held April 19, 1990 in San Diego.

O. ACR 58 Study Committee

Chairman Block, who also chairs the ACR 58 Study Committee, will report on the preliminary activities of the Committee to date.

P. Advisory Committee

Don Brown, Chairman of the POST Advisory Committee, will report on the Committee meeting held April 18, 1990 in San Diego.

OLD/NEW BUSINESS

Q. Appointment of Advisory Committee Members

Each of three organizations represented on the POST Advisory Committee has submitted the name of a nominee to fill a three-year term of office beginning in September 1990. The nominees are:

Chief John Clements, representing California Highway Patrol; and

Deputy Chancellor Douglas W. Burris, representing California Community Colleges Chancellor's Office.

A nominee, representing the California State Sheriffs' Association, is expected from CSSA before the meeting.

Lieutenant Jay Clark of El Cerrito Police Department has been nominated by the California Association of Peace Training Officers to fill the unexpired term of Bruce Rayl. The term expires in September 1991.

At the January meeting, the Commission approved the recommendation of the Advisory Liaison Committee to add a public member to the Advisory Committee, reestablishing the

total membership to 14, which includes two public member positions. The Commissioners have submitted names of nominees to fill the two three-year terms of office beginning in September 1990 to the Chairman.

R. Report of the Nominating Committee for Election of Officers

Commissioner Wasserman, Chairman of the Nominating Committee, will report the results of the Committee's recommendations for nominations for Commission Chairman and Vice-Chairman.

RECESS TO EXECUTIVE SESSION

Santa Clara County Department of Corrections

The Commission may adjourn to executive session which, in accordance with Section 11126(q) of the Government Code, will be closed to the public. The purpose of the executive session is to discuss a legal action which has been filed by the Santa Clara County Department of Corrections.

RETURN FROM RECESS

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

July 19, 1990 - Marriott Mission Valley - San Diego  
November 1, 1990 - Raddison Hotel - Sacramento  
January 17, 1991 - San Diego  
April 18, 1991 - Sacramento

ADJOURNMENT

COMMISSION MEETING MINUTES  
January 18, 1990  
Marriott Harbor Hotel  
San Diego, CA

The meeting was called to order at 10:05 a.m. by Chairman Block.  
Chairman Block led the flag salute.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

Sherman Block  
Carm Grande  
Ronald Lowenberg  
Edward Maghakian  
Alex Pantaleoni  
Floyd Tidwell  
John Van de Kamp  
Robert Vernon  
Robert Wasserman

Commissioners Absent:

Raquel Montenegro

POST Advisory Committee Members Present:

Don Brown, Chairman  
Donald Forkus  
Dolores Kan  
Joe McKeown  
Carolyn Owens  
Cecil Riley

Staff Present:

Norman C. Boehm, Executive Director  
Glen Fine, Deputy Executive Director  
Doug Thomas, Assistant Executive Director  
Russ Kinderman, Senior Consultant, Training Program  
Services  
Tom Liddicoat, Budget Officer, Administrative Services  
Holly Mitchum, Bureau Chief, Information Services  
Ted Morton, Bureau Chief, Center for Leadership Development  
Otto Saltenberger, Bureau Chief, Administrative Services  
Harold Snow, Bureau Chief, Training Program Services  
Darrell Stewart, Bureau Chief, Special Projects  
Vera Roff, Executive Secretary

## Visitors' Roster

Dodie Alsop, San Bernardino Police Department  
Mike Bemis, San Bernardino Police Department  
Nicholas Berkuta, Los Angeles Sheriff's Department  
Karrie Brown, Riverside County Sheriff's Department  
Karl Burgoyne, M.D., USC-LA Psych. Resident  
Bob Curry, San Diego County Marshall's Office  
Merwyn Down, Ventura County Sheriff's Department  
Joyce Eisen, R.N., Forensic Mental Health Seravice  
Joe Funchess, Ventura County Sheriff's Department  
Frank Gordon, Board Member, C.A.C.I.  
Michael Grogan, Millbrae Police Department  
Anthony Hailey, Department of Corrections, Santa Clara  
County  
Chuck Hall, Captain, Riverside Police  
Jerry Hall, President, Santa Clara D.S.A.  
Lenore Morrell, Ph.D., L.A. County Department of Health  
Dr. Eric Jacobson, Chair, California Medical Association,  
Mental Health Committee  
Dennis Kollar, San Diego Sheriff's Department/CADA  
Gene Kunzman, M.D., L.A. County Department of Health  
Bob Martin, Los Angeles Police Department  
Glen Mason, Supervisor, Administration of Justice  
Bill McClury, Lieutenant, El Cajon Police Department  
Edward McLean, Victoria County Personnel Department  
James Nunn, SBSO  
Randy A. Perry, Legislative Advocate, PORAC  
Mike Poehlman, Oceanside Police Department  
Jim Pruden, C.A.F.I.  
Dean A. Rewerts, CAUSE  
John J. Ryan, Director, Department of Mental Health, County  
of Riverside  
Starla Saiz, Riverside County Sheriff's Department  
Al Siegling, Department of Corrections, Santa Clara County  
Michael Siegling, Student  
Ronald Vanraaphorst, San Diego Sheriff's Department  
Marvin Weise, M.D., L.A. County Department of Health  
Cordelia Williams, Staff Aide, RTD Transit Police Department  
Sam Williams, Treasurer, C.A.C.I.

A. Approval of Minutes of the November 2, 1989 Commission Meeting

MOTION - Tidwell, second - Grande, carried unanimously to approve the minutes of the November 2, 1989 Commission meeting at the Holiday Inn Capitol Plaza in Sacramento.



CONSENT CALENDAR

B. MOTION - Pantaleoni, second - Lowenberg, carried unanimously to approve the following Consent Calendar:

B.1 Receiving Course Certification Report

Since the November meeting, there have been 20 new certifications, 2 decertifications, and 57 modifications.

B.2 Receiving Financial Report - Second Quarter FY 1989/90

The second quarter financial report provided information relative to the local assistance budget through December 31, 1989. The report was presented and accepted and is on file at POST headquarters.

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

The Foothill-DeAnza Community College District and the Manteca-Ripon-Escalon-Tracy Judicial District Marshal's Office have met the Commission's requirements and have been accepted into the POST Regular (Reimbursement) Program.

B.4 Receiving Information on New Entries Into the Public Safety Dispatcher Program

Since the November meeting, 14 agencies have been accepted into the POST Reimbursable Public Safety Dispatcher Program.

B.5 Setting Command College Tuition for Non-Reimbursable Agencies

At the January 1988 meeting, the Commission adopted a Command College tuition for all non-reimbursable agencies. Staff was instructed to annually review the tuition and to report to the Commission each January with the recommended tuition for the coming year. The tuition for 1989 was \$3307. It was recommended the tuition for 1990 be increased by \$331 to \$3638 for the two-year program. The increase is due in part to the increase in facility use fees charged by Kellogg West, Cal-Poly, Pomona, where the Command College workshops are presented. The \$3638 tuition will be effective for Classes 14 and 15.

B.6 Approving Resolution Commending Advisory Committee Member Ronald E. Lowenberg

The Commission adopted a Resolution recognizing the service of Ronald E. Lowenberg as a member of the POST Advisory Committee from April 1984 to November 1989, representing California Police Chiefs' Association.

B.7 Approving Resolution Commending Advisory Committee Member William D. Shinn

The Commission adopted a Resolution recognizing the service of William D. Shinn as a member of the POST Advisory Committee from July 1983 to January 1990, representing the Peace Officers' Research Association of California (PORAC).

PRESENTATION

Chairman Block presented a resolution commending Commissioner Ronald Lowenberg for his service on the POST Advisory Committee from April 1984 to November 1989.

PUBLIC HEARINGS

The purpose of the public hearing was to receive testimony in regard to proposed amendments of Commission Regulations and Procedures. The hearing was divided into three parts. Part one pertained to the adoption of training standards on dealing with persons with developmental disabilities and mental illness. Part two pertained to the establishment of a certificate program for public safety dispatchers. Part three pertained to conducting feasibility studies regarding designating persons as peace officers.

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

PART ONE:

C. Proposal to Adopt Training Standards on Dealing with Persons with Developmental Disabilities/Mental Illness

The purpose of this portion of the public hearing was to consider training standards for the Regular Basic Course and in-service training on the subject of law enforcement response to persons with developmental disabilities and/or mental illness pursuant to Senate Bill 2210.

Following a staff report, the Executive Director presented a summarization of written commentary received from the following:

John J. Ryan, Director, Department of Mental Health, County of Riverside; and

Dr. Eric Jacobson, Chair, California Medical Association Mental Health Committee.

Oral testimony was received from the following:

Gene Kunzman, M.D., Los Angeles County Department of Mental Health, Forensic Bureau, spoke in favor of the proposed standards and suggested more emphasis on suicide prevention.

Lenore K. Morrell, Ph.D., Los Angeles County Department of Mental Health, spoke in favor of the proposed standards and suggested additional training regarding confiscation of weapons.

Bob Martin, Captain, Los Angeles Police Department, Detective Headquarters Division, raised the distinction between mentally ill and mentally retarded persons.

In the correspondence from the parties listed above, certain questions or other matters were expressed which were responded to by the Executive Director as follows:

Response to John J. Ryan's recommendation that the proposed additional training recognize changes related to mental illness in areas such as behavior factors of the mentally ill and available referral sources. The proposed regulation changes do include training on mental illness, including both behavior factors and

referral resources. Mr. Ryan was provided with a copy of the proposed regulation for his information.

Response to Dr. Eric Jacobson's recommendation that separate courses be established for the developmentally disabled and the mentally ill, and that a minimum of eight hours of training focus on mental illness, and a minimum of four hours focus on developmental disabilities. The proposed curriculum standards do not require that instruction on developmental disabilities and mental illness be taught together. Training institutions are given latitude to sequence and group performance objectives as they see fit to meet varying local conditions.

With regard to concerns expressed about the minimum course hours required in the proposed regulation, minimum hours are established merely as a minimum guideline, which academies may elect to exceed. The proposed standards were developed with broad-based input from law enforcement trainers and special interest groups representative of the medical and mental health communities. In a performance-based training program such as POST's Regular Basic Course, emphasis is placed on student performance and demonstration of proficiency. Minimum time allocations are not indicative of the importance or criticality of the subject area.

There being no further testimony, the hearing was closed. After discussion, the following actions were taken:

MOTION - Wasserman, second - Lowenberg, carried unanimously to adopt training standards for the Regular Basic Course and supplemental training for in-service officers on the subject of law enforcement response to persons with developmental disabilities and mental illness pursuant to Penal Code Section 13519.2 to be effective July 1, 1990 (Attachment A).

MOTION - Van de Kamp, second - Wasserman, carried unanimously that the Developmental Disabilities and Mental Illness Advisory Committee review the implementation of the training standards and report the results to the Commission within a period of one year.

#### PART TWO

D. Proposal to Establish a Certificate Program for Public Safety Dispatchers

The purpose of this portion of the public hearing was to consider inclusion of a Dispatcher Certificate provision in the Public Safety Dispatcher Program.

The Executive Director provided a summary of written testimony received from the following:

Mel Nelson, Chief of Police, City of Livermore;  
John V. Gillespie, Sheriff, County of Ventura;  
Joseph D. McNamara, Chief of Police, City of San Jose;  
Irene M. Carroll, Communications Training Coordinator,  
City of San Jose; and  
Cynthia J. Obos, Secretary, Communications Operations  
Managers Association.

Following the staff report, oral testimony in support of Public Safety Dispatcher Certificates was received from the following:

Merwyn Down, Ventura County Sheriff's Department;  
Mike Poehlman, Captain, Oceanside Police Department;  
Chuck Hall, Captain, Riverside Police Department; and  
Bill McClury, Lieutenant, El Cajon Police Department.

During discussion, it was suggested that the Commission adopt the Public Safety Dispatcher Certificate Program as presented and direct staff to develop an interim test to be administered to experienced dispatchers who have not attended the POST 80-hour Basic Complaint/Dispatcher Course but who otherwise meet the criteria for a certificate. The interim test would be used pending completion of an upgraded exam based on job task analysis.

There being no further testimony, the hearing was closed.

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

Response to recommendations of John V. Gillespie, Joseph D. McNamara, Irene M. Carroll, and Cynthia J. Obos that the Commission consider alternatives to the requirement of completion of the 80-hour Basic Complaint/Dispatcher Course by those dispatchers hired after an agency's entry into the POST Program. There are a number of ways to accommodate these dispatchers, including consideration of equivalent training, experience, and testing.

Response to concerns of John V. Gillespie and Irene M. Carroll that adoption of this regulation would impose a financial burden. Participation in the POST Dispatcher Program is voluntary. The Public Safety Dispatcher Certificate is not required, even for those dispatchers employed by agencies participating in the POST Dispatcher Program. If an agency chooses to participate in the program and chooses to train its staff at a level to qualify for award of the certificate, the Commission will reimburse travel and subsistence costs, as well as a percentage of the salary of those individuals attending the course.

Response to recommendation of Joseph D. McNamara and Cynthia J. Obos that POST establish a time frame for compliance with the certificate criteria after an agency joins the POST Public Safety Dispatcher Program. Staff believes that establishing such a time frame is

not necessary. Public Safety Dispatcher Certificates are not required, and would be issued only after the dispatcher has completed the requirements as described in the proposed regulation.

After considering staff's recommendations and the written and oral testimony, the following action was taken:

MOTION - Tidwell, second - Wasserman, carried unanimously to adopt the Public Safety Dispatcher Certificate Program as proposed effective July 1, 1990, but with an equivalency exam as an alternative to the required training for dispatchers employed prior to their agency's entry into the program and who are also employed prior to July 1, 1990. And, further to adopt proposed language clarifying that the one year probation requirement applies only to full time employees. (Commission Procedure F-5 and Regulation 1018, Attachment B).

There was consensus that regulations should state that those eligible dispatchers who take and pass the equivalency exam are deemed to have satisfied the minimum training standards.

#### PART THREE

E. Proposal to Adopt Regulations Pertaining to Conducting Feasibility Studies Regarding Designating Persons as Peace Officers as Provided by Senate Bill 353

The purpose of this part of the public hearing was to receive testimony on adoption of regulations pertaining to conducting feasibility studies regarding designating persons as peace officers as provided by Senate Bill 353. The Executive Director addressed written concerns made by Russ Patton, Personnel Director, Orange County, Personnel Department. Recommendations and responses included:

The department head of the entity employing the person or persons requesting the feasibility study not be required to endorse the request, but only to acknowledge the request in writing as part of the study request package. The use of the word "endorse" is not intended to imply concurrence, but rather to indicate that the department head is aware of the request. The word "acknowledge", however, may more appropriately reflect the intent of the proposed regulation.

The portion of the regulation stating that studies shall be conducted in accordance with Penal Code Section 13541 is too general. The study should be required to show, beyond question, that the duties of

persons requesting peace officer status are principally duties requiring exposure to the kinds of hazardous activities normally associated with police work. The context of the statute is believed sufficiently clear that POST studies would focus on the need for peace officer powers. Those powers are identified in various statutes and are commonly recognized and understood.

To define the scope of the study, as proposed, in determining whether active law enforcement and hazardous exposure are involved, is considered too limiting and would undoubtedly deviate from the intent of the statute.

The study requests should be required to include sufficient data to make a determination that the persons requesting peace officer status are engaged in active law enforcement. The statute requires a review of current and proposed duties. It is unnecessary to include an additional provision that the requests include sufficient data to make a determination.

The Commission's analysis of the request should include written comment from the employing jurisdiction legislative authority or their designee. Studies will include the solicitation of input from all affected parties. However, no objection is seen to clarifying that written comment will be solicited. The following language will be recommended to the Commission for consideration: "During the conduct of studies, written comment will be solicited from the employing jurisdiction's chief administrator and from the concerned department head."

The Commission's analysis should include verification of actual duties, including a review of class specifications and on-site field audit. Studies will include on-site visits. However, no objection is seen to clarifying that on-site visits to collect information and verify duties will be conducted. The following language will be recommended to the Commission for consideration: "Conduct of studies shall include on-site visits to verify duties and responsibilities."

Appeal rights should be expanded to include all impacted parties if there is disagreement with the study recommendations. Staff finds no objection to extending appeal rights to the employing jurisdiction. An amendment to so allow will be suggested to the Commission. However, as the term "impacted party" is

overly broad and might present definition problems, "employing jurisdiction" will be used instead.

Following a staff report, oral testimony in support of the proposal was received from the following:

Randy A. Perry, Legislative Advocate, Peace Officer Research Association of California;  
Dean A. Rewerts, California Union of Safety Employees;  
and  
Al Siegling, Department of Corrections, Santa Clara County, and President of the Correctional Officers' Association.

The hearing was closed, discussion ensued, and the following action was taken:

MOTION - Van de Kamp, second - Maghakian, carried unanimously to adopt regulations for conducting feasibility studies for persons desiring a designation change to peace officer status. The regulations will be effective 30 days after approval by the Office of Administrative Law (Attachment C). Staff will track language to assure that these regulations only apply to persons who were not entitled to be designated as peace officers prior to January 1, 1990.

#### TRAINING PROGRAM SERVICES

F. Scheduling a Public Hearing for April 19, 1990 on the Proposal to Adopt Policy on Student Safety and Incorporate Commission Procedure D-10 Into Regulation

Presenters of POST certified training vary considerably on their approaches to student safety policies, supervision, equipment, procedures, and other safety related factors. To reduce potential for student injuries, the Commission has expressed interest in adopting a student safety policy for POST certified courses. A proposed policy has been developed under which presenters would establish student safety measures consistent with the nature of training being presented.

The proposed policy would require presenters of certified courses containing manipulative skills to establish POST-approved written policies and procedures to ensure student safety which shall minimally address: (a) Rules of Safety and Conduct; (b) Reporting Injuries; (c) Instructional Staff-to-Student Ratios; and (d) Adherence to Approved Expanded Course Outlines.



MOTION - Wasserman, second - Vernon, carried unanimously to approve the setting of a public hearing for the April 1990 meeting to consider adopting a policy on student safety and incorporating Commission Procedure D-10 into regulation.

G. Scheduling a Public Hearing for April 19, 1990 on the Proposal to Adopt Training Standards on the Subject of Carcinogenic Materials

Assembly Bill 2376 requires the Commission to include instruction in the identification and handling of possible carcinogenic materials in the Regular Basic Training Course for law enforcement officers. The Commission can meet this legal requirement by combining the existing performance objective on Hazardous Materials First Responders with a new performance objective on recognizing and handling known carcinogens. This training can be accommodated within the existing POST minimum hourly requirement because of the flexibility accorded academies to adjust hours.

To effect these changes, it was proposed that Regulation 1081 be modified by adding Section (3) - Carcinogenic Materials. The section would specify minimum topics for basic training.

MOTION - Lowenberg, second - Tidwell, carried unanimously to schedule a public hearing for the April 19, 1990 Commission meeting to consider proposed carcinogenic materials training for the Regular Basic Course pursuant to Health and Safety Code 1797.187.

H. Approval of Regular Basic Course Curriculum Modifications - Vehicle Operations/Professional Orientation

As part of the continuing process to maintain the Regular Basic Course, POST convenes workshops where staff, instructors, and subject matter experts systematically review and update curriculum. The Functional Areas of Vehicle Operations and Professional Orientation were recently reviewed in depth by such workshop committees. Vehicle Operations experts developed three new proposed performance objectives focusing on threshold braking, estimating distances traveled by vehicle speed, and vehicle inspection. A performance objective concerning experiencing controlled skids was proposed to be deleted because another existing performance objective concerning all wheel braking skids appropriately addresses the behavior expected of students.

In the Professional Orientation Functional Area, one new performance objective was proposed to assure that students have familiarity with the Canons of Professional Conduct.

MOTION - Wasserman, second - Lowenberg, carried unanimously to approve the Regular Basic Course curriculum changes related to Force and Weaponry, Vehicle Operations, and Professional Orientation effective March 1, 1990.

I. Report on the Missing Persons Teleconference and Proposal for Presentation of Teleconference Training Courses by POST

On November 14, 1989, POST presented a two-hour teleconference training program for public safety dispatchers. Attending dispatchers met a statutory mandate to receive training on handling missing person reports.

The program, budgeted by the Commission at \$45,000, reached over 1100 dispatchers. A tape of the program will be used for future classroom presentations to reach additional trainees. This vehicle for delivery is clearly a cost-effective means of delivering short blocks of cognitive training.

A satellite training broadcast dealing with persons with developmental disabilities/mental illness is proposed as the next teleconference presentation. This in-service topic is required by law for all peace officers. Staff recommended that San Diego State University develop and present the courses under an interagency agreement with the Commission. The presentation (which can be rebroadcast, if necessary) will meet this specific mandated training need for all California peace officers.

MOTION - Pantaleoni, second - Lowenberg, carried unanimously by ROLL CALL VOTE to: (1) approve the report and authorize the Executive Director to negotiate and sign a contract with San Diego State University in an amount not to exceed \$45,000 to develop and present a telecourse on the subject of handling persons with mental illnesses or developmental disabilities; and (2) authorize staff to experiment with video replay of this telecourse as POST certified training, and to report back to the Commission.

J. Adoption of Narcotic Investigation Training Standards for ABC Investigators

Senate Bill 1351 enacted Section 25755 of the Business and Professions Code to require all investigators of the State Department of Alcoholic Beverage Control to complete a four-week course on narcotics enforcement approved by POST before June 1, 1993.

The 160-hour requirement can be met by the existing 80-hour Narcotics Investigation Course, followed by an 80-hour structured field training program. Approving this training standard was recommended for the Commission's consideration to meet the requirements of the legislation.

The field training program would be administered by ABC and would involve investigators being assigned to either the department's Drug Enforcement and Narcotics Team or a narcotics unit/task force with a local law enforcement agency. Forms and procedures for documenting specific training experiences were mutually developed by ABC and POST staff. Upon completion of the field training program, ABC would certify that each investigator has completed the field training program.

The legislation only requires POST to develop and approve the course. Beyond that, ABC assumes full responsibility for complying with the legislation.

To implement this training standard, Regulation 1081 (Minimum Standards for Approved Courses) must be modified following a rule-making procedure. Because ABC is the only agency affected by this regulation change, use of the abbreviated public notice process is proposed. If no one requests a public hearing or offers comments which result in a modification to the proposed regulation following notifying the field, the change would become effective March 5, 1990. If a request is received, a public hearing will be scheduled.

MOTION - Wasserman, second - Maghakian, carried unanimously to approve a four-week narcotic investigation training standard for investigators of the Department of Alcoholic Beverage Control subject to results of Notice of Proposed Regulatory Action. The regulation will include recognition of already completed POST-certified training related to narcotics investigation.

#### CENTER FOR LEADERSHIP DEVELOPMENT

##### K. Report on Supervisory Leadership Institute

Due to time constraints, a video presentation on the Supervisory Leadership Institute was postponed to a future meeting.

EXECUTIVE OFFICE

L. Request for Proposal (RFP) to Develop an Interactive Videodisc Law Enforcement Driver Training Course

Lack of availability of adequate driver training facilities and rising costs prompted the Commission to conduct studies on law enforcement driver training alternatives. In May 1989, the Commission asked Hughes Aircraft to prepare a driver training plan that incorporates use of two newer technologies: interactive videodisc and part-task simulation. The Hughes' report provides the basis for developing a driver training course which uses interactive videodisc technology.

The next step is to issue a Request for Proposal (RFP) inviting bids on developing a video interactive training course. The course would permit trainees to learn the cognitive aspects of driver training and to apply what they know in decision-making exercises requiring them to exercise good judgment under a variety of conditions.

Interactive videodisc technology can be used by individuals, small groups, or in large classroom situations. It would use the same type of equipment presently used by law enforcement agencies and training institutions for delivery of POST's first interactive videodisc course, "Introduction to Law Enforcement."

The proposed cost for a contract to develop the interactive videodisc driver training course would range from \$300,000 to \$600,000 for design, development, programming, and delivery of finished course. The upper figure is probably more in line with costs associated with a four-side video disc training course. These figures take into account that the video production of realistic scenarios would have to be done under separate contract by law enforcement media producers in California. The course will take up to two years to finish from the award of contract. Payment would be spread over two fiscal years.

MOTION - Pantaleoni, second - Tidwell, carried unanimously to authorize issuance of the RFP to Develop an Interactive Videodisc Law Enforcement Driver Training Course with proposals to be brought back to the Commission at its April 1990 meeting.

M. Symposium on the Use of Technology, Equipment and Facilities in Conjunction with the ACR 58 Study

Assembly Concurrent Resolution 58 (Campbell) requests the Commission to form a Committee to study the use of

technology, equipment, systems, and facilities for law enforcement training.

To make certain the Committee has opportunity to receive input from the field and to assure the field has an influence on an understanding of the work of the Committee, it was proposed that a Professional Symposium on Training in the Future be held in mid-1990.

MOTION - Van de Kamp, second - Grande, carried unanimously to approve a symposium on the use of technology, equipment, and facilities for law enforcement training to provide needed information for the ACR 58 study.

#### COMMITTEE REPORTS

##### N. Long Range Planning Committee

Chairman Block, who also chairs the Long Range Planning Committee, reported that the Committee met on December 7, 1989 in Los Angeles. The agenda included:

##### 1. NARCOTICS TRAINING

The Committee considered the Attorney General's request for funding an increase in the DOJ Training Center for narcotics training. There was consensus that training in narcotics enforcement should be presented on a decentralized basis. The Committee believes expertise is available in urban areas and that the training can be effectively and economically presented on a regional basis for the most part.

##### 2. ACR 58

This is the joint resolution requesting POST to study law enforcement training needs, particularly the use of technology. The Committee was briefed on steps being taken by staff to form the steering committee and initiate the study.

##### 3. TELECONFERENCE TRAINING

The Committee was briefed on feedback from POST's pilot teleconference training program - a two-hour satellite broadcast to provide public safety dispatchers with training on handling missing person reports. Committee consensus is that this vehicle holds great promise for efficient delivery of high quality training and that POST should pursue this in a deliberate, step by step fashion.

4. LEVEL I RESERVE OFFICER TRAINING

Level I reserve officers may legally perform the same duties and exercise the same powers as regular officers. The disparity in minimum training has grown: 214 hours for reserves - 560 hours for regulars. The Committee believes that staff should be directed to study and report back on the adequacy of the current Level I reserve training requirement.

5. CULTURAL AWARENESS COMMUNICATIONS NEEDS

The Commission previously directed a study. Committee members were briefed on staff plans for the conduct of the study. The study is scheduled for presentation to the Commission in July, 1990.

6. TRAINING IN USE OF COMPUTERS

The Committee was briefed on staff analysis of existing POST certified computer training. The Committee concurs with proposed direction to de-emphasize basic computer training and to instead emphasize training in law enforcement applications for computers. Unless there is further comment from the Commission, staff will plan on implementing this shift in emphasis to coincide with the upcoming 1990/91 fiscal year.

7. EXTENDED FORMAT BASIC TRAINING

Briefing was received on a pending application by Fullerton College for a new extended format basic course. Committee members believed that more information should be sought on the issue of need and the potential impact on other basic course providers.

MOTION - Maghakian, second - Pantaleoni, carried unanimously to receive the report of the Long Range Planning Committee.

0. Finance Committee

Commissioner Wasserman reported that the Committee met on January 17, 1990 and reviewed proposed training and administrative contracts planned for the upcoming fiscal year. The Finance Committee recommended approval for the Executive Director to negotiate the following contracts:

1. Management Course

This course is currently budgeted at \$319,129 for 22 presentations spread among five presenters.

California State University - Humboldt  
California State University - Long Beach  
California State University - Northridge  
California State University - San Jose  
San Diego Regional Training Center

Course costs are consistent with Commission guidelines, and performance by all five presenters has been satisfactory. Staff anticipates some increases over FY 1989/90 due to increased costs for instructors, coordination, facilities, and materials, although no additional presenters are planned for 1990/91.

2. Executive Development Course

This course is currently presented by California State Polytechnic University, Pomona, at a cost of \$78,925 for five presentations. Course costs are consistent with POST guidelines, and the performance of the presenter has been satisfactory. Staff anticipates some increased costs for instructors, coordination, facilities, and materials which may be allowable by tuition guidelines. Upon approval, a new contract will be negotiated for FY 1990/91.

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

The San Diego Regional Training Center serves as the chief contractor for a variety of training activities of the Commission conducted by the Center for Leadership Development. Curriculum development as well as instructional and evaluation costs for these training activities for FY 1989/90 came to \$359,093. Upon authorization, a new contract will be negotiated for FY 1990/91.

4. CSU Long Beach - Support of Supervisory Leadership Institute

The CSU Long Beach Foundation provides administrative services for the Supervisory Leadership Institute. This includes training site support; ordering materials; paying instructors and auditors; and purchasing equipment. Costs for these services in FY 1989/90 were \$146,000. Upon authorization, a new contract recognizing the need for some increase in the number of presentations will be negotiated for FY 1990/1991.

5. Cooperative Personnel Services - Basic Course Proficiency Examination

POST has contracted with Cooperative Personnel Services for administration of the POST Proficiency Examination each of the last 9 years. The current year contract is for \$28,837.

Approval was requested to negotiate a similar contract with Cooperative Personnel Services for fiscal year 1990/91 for an amount not to exceed \$33,500. The anticipated cost increase is based on a projected 5% increase in Basic Course presentations and labor and shipping cost increases of approximately 10%.

6. Cooperative Personnel Services - Entry-Level Reading and Writing Test Battery

POST has contracted with Cooperative Personnel Services for administration of the POST entry-level reading and writing test battery since 1983. The current year contract is for \$89,134.

Approval was requested to negotiate a similar contract with Cooperative Personnel Services for fiscal year 1990/91 for an amount not to exceed \$97,000. The anticipated cost increase assumes labor and shipping cost increases of approximately 10%.

7. Cooperative Personnel Services - P.C. 832 Written Examination

POST has contracted with Cooperative Personnel Services for administration of the P.C. 832 Written Examination during this, the initial year of the testing program. The current year contract is for \$84,620.

Approval was requested to negotiate a similar contract with Cooperative Personnel Services for fiscal year 1990/91 for an amount not to exceed \$71,500. The cost decrease is attributable to the growing number of P.C. 832 Course presenters who have requested and been granted authority to administer the test locally.

8. State Controller's Office - Agreement for Auditing Services

Each year POST has negotiated an Interagency Agreement with the State Controller's office to conduct audits of selected local jurisdictions which receive POST



reimbursement funds. The Commission approved an agreement not to exceed \$85,000 for the current fiscal year.

Approval was requested to negotiate a similar agreement to maintain current level of service for Fiscal Year 1990/91.

9. Computer Services Contract - Teale Data Center

POST has an Interagency Agreement with Teale Data Center (a state agency) for computer services. The contract provides a link between POST's computer and the Data Center's mainframe computer. This allows POST to utilize the mainframe's power for complex data processing jobs and the storage of large data files that require more resources than POST's minicomputer can provide. The current year contract is for \$89,000.

Approval was requested to negotiate an Interagency Agreement with the Teale Data Center for computer services in 1990/91 for an amount similar to the current year's costs.

10. CALSTARS Contract, 1990/91

The mandated California Accounting and Reporting Systems (CALSTARS) requires an agreement with the Health and Welfare Data Center to provide computer linkage and necessary data processing services. The Commission approved a current year contract in an amount not to exceed \$25,000.

Approval was requested to negotiate a similar agreement to maintain the current level of required service for Fiscal Year 1990/91.

11. San Diego State University for Satellite Video Broadcasts

San Diego State University is producing four 2-hour satellite broadcasts of videotape training programs during 1989/90 for \$16,000. It is requested that the current year interagency agreement be continued and increased to \$24,000 to cover costs attendant to program quality enhancements.

MOTION - Van de Kamp, second - Tidwell, carried unanimously to authorize the Executive Director to negotiate the contracts for the Fiscal Year 1990/91 and report back at the April meeting.

12. Department of Justice - Training Center

The Department of Justice has provided training to local law enforcement through an Interagency Agreement with POST since 1974. During Fiscal Year 1989/90, the amount allocated to this training was \$760,126.

The Committee considered a request by the Attorney General to support POST funding for a Department of Justice budget proposal to establish five positions at the DOJ Advanced Training Center. The positions would enable DOJ to address a significant backlog of requests for training in narcotics investigation courses.

Staff analysis indicated that the narcotics training backlog can be accommodated through a comprehensive approach using a number of existing presenters and an increase in the current contract with the Department of Justice.

MOTION - Maghakian, second - Wasserman, and carried that staff be authorized to negotiate the Interagency Agreement with the Department of Justice Advanced Training Center which could be increased by up to \$104,000 to address the backlog of training needs in narcotics investigation courses. (ABSTAIN: Van de Kamp)

CALIFORNIA PEACE OFFICERS' LEGAL SOURCEBOOK (CPOLS)

The Committee also considered a request from the Attorney General that POST assume the cost of free subscriptions for distribution of the California Peace Officers' Legal Sourcebook to law enforcement agencies.

MOTION - Lowenberg, second - Grande, and carried that the Commission not fund the California Peace Officers' Legal Sourcebook at this time. (ABSTAIN: Van de Kamp)  
The Attorney General reported DOJ budget cuts may make it necessary to discontinue or postpone distribution of the Sourcebook. Since the Sourcebook is a valuable document, concern was expressed that it should not be discontinued. However, there was consensus that because it is a legal resource document, it more appropriately should come from the AG's office. It was suggested that staff contact the AG's office for possible solutions to distribution of the Sourcebook.

SALARY REIMBURSEMENT RATE

The Committee also reviewed and discussed current year revenue and training reimbursement projects. The Department of Finance has approved an augmentation of \$3 Million for

current year training reimbursement. This augmentation is from unbudgeted reserves and is expected to be formally available in the budget in February. This would provide resources for a salary augmentation.

MOTION - Wasserman, second - Vernon, carried unanimously to approve a 5% across the board salary increase to be granted retroactive to July 1, 1989, and that staff be directed to implement the augmentation on receipt of the funds.

P. Legislative Review Committee

Commissioner Van de Kamp, Chairman of the Commission's Legislative Review Committee, reported that the Committee met on January 18, 1990 in San Diego and discussed the following:

1. The Committee reviewed the proposed legislation to enact an accreditation program for police and sheriff's departments. The Committee recommended support in principle of an accreditation program for police and sheriff's departments, and at a later date, to support a feasibility study with respect to state agencies. No recommendation was made concerning funding for the program.

MOTION - Wasserman, second - Maghakian, carried unanimously to adopt the position of the Legislative Committee concerning an accreditation program.

2. The Committee received an update on SB 353 implications which was discussed earlier on the Commission agenda. It was pointed out that harbor districts are not eligible to receive POST funds. No action was taken by the Committee.
3. The Committee also received an update on AB 2306 which has become a two-year bill. This bill would provide for local law enforcement agencies operating under joint powers agreements to participate in the POST program. Such agencies were not named in the original dispatcher legislation, and legal advice is that they are not eligible to participate in the dispatcher program. Senator Boatwright has agreed to introduce a new bill containing the same amendments to ensure passage this year.
4. PORAC has agreed to sponsor legislation to authorize expanded certificate revocations for misdemeanor convictions involving certain offenses for moral turpitude. Current law only requires certificate revocation for a felony conviction.

The Committee recommended that staff negotiate with PORAC to specify in the legislation which misdemeanors would result in certificate revocation. The Committee also recommended development of language to be included in the law which would ensure notification to POST and employing agencies upon conviction.

MOTION - Wasserman, second - Grande, carried unanimously that the Commission adopt the Committee recommendations concerning certificate revocations.

Q. Advisory Liaison Committee

Commissioner Maghakian, Chairman of the POST Advisory Liaison Committee, reported that the Committee met January 17, 1990 in San Diego. The Committee recommended adding one more public member to the Advisory Committee which will increase the membership to 14. In effect, this increase would simply restore a previously deleted position. Nominations should be made by Commissioners prior to the April meeting so the appointment can be made at that time. MOTION - Maghakian, second - Grande, carried unanimously to adopt the recommendation of the Advisory Liaison Committee to add one public member to the Advisory Committee.

R. Advisory Committee

Don Brown, Chairman of the POST Advisory Committee, reported that the Committee met on January 17, 1990 in San Diego. The Committee expressed appreciation for the presentation on the Supervisory Leadership Institute.

OLD/NEW BUSINESS

Appointment of Advisory Committee Members

- S. Chairman Block appointed the following nominees to the POST Advisory Committee to serve unexpired terms of office:

Marcel LeDuc, Peace Officers' Research Association of California, for a term ending September 1991; and,

Douglas W. Burris, California Community Colleges Chancellor's Office, for a term ending September 1990.

Charles S. Brobeck, California Police Chiefs' Association, for a term ending September 1992.

Appointment of Nominating Committee

Chairman Block appointed Commissioner Wasserman as Chairman, and Commissioners Vernon and Pantaleoni to serve as members of the Nominating Committee for Commission officers. The Committee will make recommendations at the April Commission meeting.

RECESS TO EXECUTIVE SESSION

Santa Clara County Department of Corrections

The Commission adjourned to an executive session which, in accordance with Section 11126(q) of the Government Code, was closed to the public. The purpose of the executive session was to discuss a legal action filed by the Santa Clara County Department of Corrections.

RECONVENE

The Commission was briefed in Executive Session by legal counsel concerning the Santa Clara County Department of Corrections' litigation.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

April 19, 1990 - Marriott Hotel Mission Valley - San Diego  
July 19, 1990 - Marriott Hotel Mission Valley - San Diego  
November 1, 1990 - Holiday Inn Capitol Plaza - Sacramento  
January 17, 1991 - San Diego

ADJOURNMENT - 1:55 p.m.

1081. \*Minimum Standards for Approved Courses

Approved courses, as specified in Commission Regulation 1005(g), pertain to training mandated by the Legislature for various kinds of peace officers and other groups for which the Commission has responsibility to establish minimum standards. Approved courses shall meet the following minimum content and hours. More detailed minimum curricula content is contained in the document "POST Prescribed Curricula Manual."

- (1) Arrest and Firearms (Penal Code Section 832) - 40 Hours  
(Certified course; requirement satisfied by Basic Course.)

\*Arrest (24 hours)  
(Required)

- A. Professional Orientation
- B. Law
- C. Laws of Evidence
- D. Investigation Examination

\*Firearms (16 hours)  
(Required for peace officers carrying firearms)

- A. Firearms Safety
- B. Handgun Familiarization
- C. Firearms Care and Cleaning
- D. Firearms Shooting Principles
- E. Firearms Range (Target)

Communications and Arrest (16 hours)  
(Recommended for peace officers who make arrests)

- A. Community relations
- B. Communications
- C. Arrest and Control Examination

\* Specific Basic Course performance objectives are required and specified in the POST Prescribed Curricula Manual

- (2) Aviation Security (Penal Code Section 832.1) - 20 Hours  
(Certified Course)

- A. Introduction and Background
- B. Civil Threat to the Aviation Industry
- C. Federal Organization and Jurisdiction
- D. Legal Aspects

\*underlined for style

- E. Psychological Aspects
- F. Passenger Screening
- G. Aviation Explosives
- H. Aviation Security Questions and Issues Examination and Critique

- (3) Basic (Regular) (Penal Code Section 832.3) - 520 Hours  
(Certified Course)

See PAM, Section D-1

- (4) Chemical Agent for Peace Officers (Penal Code Section 12403) - 8 Hours

(Requirement satisfied by the Basic Course)

Exceptions: Chemical Agent Training for California Youth Authority Field Parole Agents and local field probation officers, as described in P.C. Section 830.5 shall be the training prescribed in P.C. Section 12403.7 and certified by the Department of Justice.

- A. Legal and Ethical Aspects
- B. Chemical Agents Familiarization
- C. Medical and Safety Aspects  
(First Aid)
- D. Use of Equipment
- E. Simulations and Exercises

- (5) Chemical Agent Training for Private Security (Penal Code Section 12403.5) - 2 Hours  
(Not a POST-certified course)

Chemical Agent Training for Private Security personnel shall be the training prescribed in P.C. 12403.7 and certified by Department of Justice.

- A. Self Defense, History of Chemical Agents, and Aerosol Weapons
- B. Effectiveness as a self-defense weapon
- C. Mechanics of Tear Gas Use
- D. Medical Aspects of First Aid
- E. Practical Use
- F. Field Training and Demonstration
- G. Discard of Weapons

- (6) Child Abuse and Neglect (Penal Code Section 13517) -24 Hours  
(Certified course; requirement satisfied by the Basic Course; optional Technical Course.)

- A. General Child Abuse Investigative Procedures
- B. Child Neglect and Emotional Abuse/Deprivation
- C. Physical Child Abuse
- D. Sexual Abuse and Exploitation of Children
- E. Interview and Interrogation Techniques

- F. Community Child Care Facilities
- G. Course Critique and Student Evaluation

(7) Developmental Disabilities and Mental Illness - 4 Hours  
(Penal Code Section 13519.2)

- A. Legal Requirements For Taking Person Into Custody
- B. Mental Health/Regional Center Referral Resources
- C. Practical Exercises
- \*D. Identification of Primary Disability or Problem
- \*E. Behavior Factors of Mental Illness
- \*F. Behavior Factors of Developmental Disabilities
- \*G. Procedures Required for Detention Under Authority of 5150 WIC
- \*H. Alternate Methods for Handling Developmentally Disabled or Mentally Ill

\*For in-service officers completing basic training prior to 7-1-90, supplementary training consists of 2 hours emphasizing the indicated topics.

(8) (7) Domestic Violence (Penal Code Section 13519) - 8 Hours

- A. Overview of Domestic Violence
- B. Legislative Intent/POST Guidelines
- C. Enforcement of Laws
- D. Court Orders
- E. Tenancy

(9) (8) Humane Officer Firearms (Civil Code Section 607f) - 15 Hours

The required course is the Firearms portion of the P.C. 832 Course, with an examination.

(10) (9) Missing Persons (Penal Code Section 13519.1) - 4 Hours

- \*A. Benefits for Law Enforcement Involvement and sensitivity
- B. Initial Response Procedures
- C. Locating Missing Persons
- \*D. Legal Requirements for Initial Response and Follow-up

\*For in-service officers completing basic training prior to 1-1-89, supplementary training consists of 2 hours emphasizing the indicated topics.

(11)~~(10)~~ Reserve Peace Officer (Penal Code Section 832.6) - 214 Hours  
(Certified course; requirement satisfied by the Basic Course.)

Level III Reserve (56 Hours)  
P.C. 832 Arrest and Firearms Course (Level III Reserve is



required for Level III, Level II, and non-designated Level I Reserve Officers.)

Level II Reserve (90 Hours) (Prerequisite - Level III Reserve Course)

- A. Professional Orientation
- B. Law
- C. Communications
- D. Vehicle Operations
- E. Force and Weaponry
- F. Patrol Procedures
- G. Traffic
- H. Custody
- I. Physical Fitness and Defense Techniques
- J. Examination

(Module B is required for Level II and non-designated Level I Reserve Officers.)

Level I Reserve (68 Hours) (Prerequisite - Level III & II Reserve Course)

- A. Professional Orientation
- B. Police Community Relations
- C. Law
- D. Communications
- E. Vehicle Operations
- F. Laws of Evidence
- G. Patrol Procedures
- H. Traffic
- I. Criminal Investigation
- J. Custody
- K. Physical Fitness and Defense Techniques
- L. Examination

(Level I Reserve is required for non-designated Level I Reserve Officers.)

Designated Level I Reserve Officers are required to complete the regular Basic Course as described in PAM Section D-1.

~~(12)~~ (11) Sex Crime Investigation (Penal Code Section 13516) - 24 Hours  
(Certified Course)

Preliminary Sexual Assault Investigation and Sexual Exploitation; Exploitation/Sexual Abuse of Children (Required part of Basic): (6 Hours)

- A. Overview of Problems, Issues and Prevention Considerations
- B. Sensitivity of Responding Officer
- C. Treatment of Victim
- D. Preliminary Investigation Procedure

**Follow-up Sexual Assault Investigation: (18 Hours)**

- E. Collection and Preservation of Evidence**
- F. Classroom Demonstration**
- G. Basic Assault Investigation**
- H. Review Report of Preliminary Investigation**
- I. Re-interview the Victim**
- J. Investigation of the Suspect**
- K. Physical Evidence**
- L. Prosecution**
- M. Pretrial Preparation**

**(13)(12) State Agency Peace Officers (Penal Code Section 13510.5)  
(Certified Course)**

The Advanced Officer Course as described in PAM Section D-2 shall satisfy the minimum training required by P.C. 13510.5, per Commission action of October 1978.

**(14)(13) Traffic Accident Investigation (Vehicle Code Section 40600)  
(Certified Course.)**

- A. Vehicle Law and Court Decision Relating to Traffic Accidents**
- B. Report Forms and Terminology**
- C. Accident Scene Procedures**
- D. Follow-up and Practical Application**

**(15)(14) Wiretap Investigation (Penal Code Section 629.44(a)) - 14 Hours**

- A. Legal Aspect**
- B. Technical Aspects**
- C. Practical Aspects**

COMMISSION PROCEDURE F-5

PUBLIC SAFETY DISPATCHER CERTIFICATE PROGRAM

Purpose

1-1. The Public Safety Dispatcher Certificate Program: This Commission procedure describes the dispatcher certificate program established in Section 1018(f) of the Regulations and sets forth certificate eligibility requirements.

General Provisions

1-2. Eligibility of Dispatchers Employed After Agency Entry Into Public Safety Dispatcher Program or Specialized Public Safety Dispatcher Program: To be eligible for the award of a Public Safety Dispatcher Certificate, an applicant must:

- a. Currently be a full-time, non-peace officer employee who performs duties which include receiving emergency telephone calls for law enforcement service and/or dispatching law enforcement personnel; and
- b. Have been selected in accordance with minimum selection standards described in PAM, Section 1018(c); and
- c. Have satisfactorily met the minimum training standards described in PAM, Section 1018(d); and
- d. Have satisfactorily completed a probationary period with the agency of at least 12 months as described in PAM, Section 1018(e); and
- e. Have been designated as a dispatcher by the employing agency and whose status has been reported to POST in accordance with Regulation 1003, Notice of Appointment/Termination.

1-3. Eligibility of Dispatchers Employed Prior to Agency Entry Into the Public Safety Dispatcher Program or Specialized Public Safety Dispatcher Program: To be eligible for the award of a dispatcher certificate, an applicant must:

- a. Have completed a minimum of one year satisfactory service with the agency as a full-time public safety dispatcher.
- b. Have been trained according to minimum training standards described in PAM Section 1018(d)

- c. Have been designated as a dispatcher by the employing agency and whose status has been reported to POST in accordance with Regulation 1003, Notice of Appointment/Termination.

1-4. Application Requirements:

- a. All applications for award of the certificate shall be completed on the prescribed Commission form entitled "Application for Award of POST Public Safety Dispatcher Certificate", POST 2-289.
- b. The department head shall sign the following statement which appears on the application:

(1) "I recommend that the certificate be awarded. I attest that the applicant has completed a probationary period of at least 12 months as provided in Commission Regulation 1018(e), was selected in accordance with the minimum standards in Section 1018(c), and meets the basic dispatcher training requirement set forth in Section 1018(d). The applicant in my opinion is worthy of the award. My opinion is based upon personal knowledge or inquiry. The personnel records of this jurisdiction/agency substantiate my recommendation."

1-5. Certificate Denial or Cancellation: The Commission shall deny or cancel a Public Safety Dispatcher Certificate if the application that was submitted, or the certificate that was issued, is based on misrepresentation, fraud, or administrative error.

Proposed Amendment to Commission Regulation 1018

1018(e) Probation Period

Every full-time employed public safety dispatcher after hire shall demonstrate competence in the performance of the duties of a public safety dispatcher by satisfactory completion of a probationary period of a least 12 months. Upon entry into the program, departments with a probation period of less than 12 months, when established by ordinance, charter, or memorandum of understanding, shall be granted a waiver of this requirement until a 12-month probation period can be established.

## REGULATIONS

1019. Feasibility Studies for Peace Officer Status Requests(a) Request for Feasibility Study

- (1) Any person or persons desiring peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 4 shall request in writing the Commission undertake a feasibility study regarding designating that person or persons as peace officers.
- (2) The written request shall include a statement that the entity requesting the study agrees to pay the actual cost of conducting the study and to provide POST with necessary information to conduct the study.
- (3) The department head of the entity employing the person or persons requesting the feasibility study shall endorse the request in writing.

(b) Determining actual study costs

- (1) Fees to cover the actual costs of completing the feasibility study, including the report and recommendations, shall be determined in accordance with Sections 8752 and 8752.1 of the State Administrative Manual

Authority: Penal Code Sections 13503, 13506 and 13540

Reference: Penal Code Sections 13540, 13541, and 13542

- (c) Payment of fees
  - (1) Fees shall be paid upon completion of the feasibility study report and recommendations and prior to its release to the requesting entity.
- (d) Studies shall be conducted in accordance with P. C. Section 13541.
- (e) Favorable recommendations for peace officer status shall be made in accordance with P. C. Section 13542.
- (f) The time limits for completion and issuance of the study report and recommendations shall be in accordance with P. C. Section 13542.
- (g) Procedures for appeal of findings
  - (1) If there is disagreement with the study recommendations, the person or persons requesting the feasibility study may appeal in writing to the collective members of the Commission.
  - (2) Requests for appeals will be acknowledged in writing.
  - (3) Initial appeals will be heard within four months, after the request is received by the Commission, and a decision shall be rendered within six months of receipt of the appeal.

Authority: Penal Code Sections 13503, 13506 and 13540

Reference: Penal Code Sections 13540, 13541, and 13542

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title		Meeting Date
Public Safety Dispatcher Program		April 19, 1990
Bureau	Reviewed By	Researched By
Compliance & Cert. Services		<i>FW</i> Frederick Williams
Executive Director Approval	Date of Approval	Date of Report
<i>Norman C. Behm</i>	4.3.90	March 30, 1990
Purpose:		Financial Impact:
<input type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

ISSUE

Acceptance of agencies into the Public Safety Dispatcher Program.

BACKGROUND

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

ANALYSIS

All of the agencies presently employ full-time dispatchers, and some employ part-time dispatchers. The agencies have all established minimum selection and training standards which equal or exceed the standards adopted for the program.

RECOMMENDATION

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



NEW AGENCIES IN THE PUBLIC SAFETY DISPATCHER PROGRAM

January - April 1990

<u>NAME</u>	<u>ORD/RES/LETTER</u>	<u>ENTRY DATE</u>
Bay Area Rapid Transit District	Letter/Intent	1-17-90
Bell Gardens P.D.	Ord. 573	3-5-90
Campbell P.D.	Ord. 1771	1-17-90
Ceres P.D.	Ord. 741	1-10-90
Chico P.D.	Ord. 1751	3-28-90
Concord P.D.	Ord. 89-2	2-13-90
Covina P.D.	Ord. 89-1697	2-9-90
Escalon P.D.	Ord. 312	2-9-90
Lincoln P.D.	Ord. 526B	1-17-90
Oakland P.D.	Ord. 11146	1-17-90
Perris P.D.	Ord. 776	1-10-90
Santa Cruz P.D.	Ord. 89-35	1-17-90
Sonora P.D.	Ord. 651	1-16-90
Sunnyvale D.P.S.	Ord. 2281-89	3- 5-90
Kings County Comm. Dept.	Ord. 478	1-10-90
Los Angeles Co. D.A.	Ord. 90-0004	2- 9-70
Riverside Co. S.O.	Ord. 469	2-21-90
San Benito Comm. Dept.	Ord. 557	1-22-90
CSU Stanislaus	Resolution	3-1-90

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>Course Certification/Decertification Report</b>		Meeting Date <b>April 19, 1990</b>
Bureau <b>Training Delivery Services</b>	Reviewed By <b>Ronald T. Allen, Chief</b>	Researched By <i>Rachel S. Fuentes</i> <b>Rachel S. Fuentes</b>
Executive Director Approval <i>Morgan C. Behm</i>	Date of Approval <b>4.3.90</b>	Date of Report <b>March 30, 1990</b>
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" 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 January 18, 1990 Commission meeting:

CERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1.	Reserve Training Module "C"	Cabrillo College	Technical	N/A	\$ -0-
2.	Fingerprints, Latent Techniques	Sacramento Public Safety Center	Technical	IV	1,440
3.	Tactical Leadership	FBI, San Francisco	Technical	IV	4,900
4.	Advanced Officer	El Camino College	Technical	IV	26,803
5.	Violent Crime Info Cntr (VCIC)	DOJ Advanced Training Center	Technical	IV	15,840
6.	Reserve Training Module "C"	Butte Center	Technical	IV	-0-
7.	Armorer School	FBI, San Francisco	Technical	IV	3,904
8.	Crime Scene Inv.	Shasta College	Technical	IV	5,940
9.	Field Training Officer	San Francisco P.D.	Technical	IV	7,800
10.	Haz. Materials-On Scene Mgmt.	Los Medanos College	Technical	IV	4,320
11.	Supervisory Course Civilian	West Valley College	Technical	IV	4,800
12.	Communications Training Officer	West Valley College	Technical	IV	9,600

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
13.	Radar Operator	Evergreen Valley College	Technical	IV	11,520
14.	Tactical Communications	Los Angeles Co. Sheriff's Dept.	Technical	IV	-0-
15.	Advanced Officer	College of the Desert	Technical	II	28,560
16.	Child Victims-Interviewing	Gavilan College	Technical	IV	19,600
17.	First Aid/CPR Instructor	Los Angeles Co. Sheriff's Dept.	Technical	IV	10,200
18.	Supv. Training Focus on the 90's	Calif. Public Management Inst.	Supv. Sem.	III	13,440
19.	Blood Alcohol Seminar	DOJ Advanced Training Center	Technical	IV	5,200
20.	Conduct & the Community	Long Beach P.D.	Technical	IV	127,260
21.	Missing Persons/Runaways	San Diego P.D.	Technical	IV	-0-
22.	Missing Persons/Runaways	Napa Valley Col.	Technical	IV	-0-
23.	Missing Persons/Runaways	Los Medanos Col.	Technical	IV	-0-
24.	Missing Persons/Runaways	Los Angeles P.D.	Technical	IV	-0-
25.	Missing Persons/Runaway	Redwoods Center	Technical	IV	-0-
26.	Missing Persons/Runaway	Sacramento Public Safety Center	Technical	IV	-0-
27.	Traffic Accident Inv., Advanced	Ventura Co. CJTC	Technical	IV	5,404
28.	Semi-Auto Pistol Training	Sacramento Public Safety Center	Technical	IV	4,320
29.	Search Warrants for Investigators	Gavilan College	Technical	IV	6,000

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
30.	Drug Influence 11550 H&S	Lassen College	Technical	IV	3,600
31.	Domestic Violence	Los Angeles Co. Sheriff's Dept.	Technical	IV	-0-
32.	Skills & Knowledge Modular Training	Pasadena College	Technical	IV	1,184
33.	Rescue Boat Operation	Dept. of Boating and Waterways	Technical	IV	11,520
34.	Missing Persons/ Runaways	Gavilan College	Technical	IV	600
35.	Missing Persons/ Runaways	San Mateo College	Technical	IV	600
36.	Missing Persons/ Runaways	San Mateo Co. S.D.	Technical	IV	-0-
37.	Driver Awareness Update	Madera County S.D.	Technical	IV	-0-
38.	Motorcycle Course	Long Beach P.D.	Technical	IV	67,392
39.	Firearms/Toolmark Ident. Criteria	California Criminalistic Inst.	Technical	IV	14,800
40.	Boating Acc. Inv./ Reconstruction	Dept. of Boating and Waterways	Technical	IV	48,000
41.	Applied Statistics for LE	DOJ Advanced Training Center	Technical	IV	27,000
42.	Defensive Tactics Instructor	Modesto CJTC	Technical	IV	9,915
43.	Radar Operator Training	Los Medanos College	Technical	IV	7,560
44.	Missing Persons/ Runaways	Evergreen Valley College	Technical	IV	400
45.	Missing Persons/ Dispatchers	Evergreen Valley College	Technical	IV	400
46.	Driver Awareness Update	Lodi Police Dept.	Technical	IV	-0-
47.	Officer Safety/ Field Tactics Upd.	Gavilan College	Technical	IV	8,000

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
48.	Firearms/Fully Automatic Weapons	Sacramento Public Safety Center	Technical	IV	2,592
49.	Combat Shotgun Training	Sacramento Public Safety Center	Technical	IV	4,536
50.	Skills & Knowledge Modular Training	San Diego P.D.	Technical	IV	6,912
51.	Field Evidence Technician	West College College	Technical	IV	12,000
52.	Narcotics Inv., Basic	Gavilan College	Technical	III	40,000
53.	Narcotics Inv., Basic	Orange County S.D.	Technical	III	78,000
54.	Property Mgmt.	Napa College	Technical	IV	4,410
55.	Officer Safety/Field Tactics Upd	Sacramento Public Safety Center	Technical	IV	23,040
56.	Missing Persons/Runaways	Chabot College	Technical	IV	320

DECERTIFIED

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>
1.	Narcotics Invest.	Western States Info. Network-DOJ	Technical	IV

TOTAL CERTIFIED	<u>56</u>
TOTAL DECERTIFIED	<u>1</u>
TOTAL MODIFICATIONS	<u>55</u>

1032 Courses certified as of 3-30-90  
168 Presenters certified as of 3-30-90

444 S&K Modules certified as of 3-30-90  
 50 S&K Presenters certified as of 3-30-90

TOTAL CERTIFIED COURSES: 1,436



*Resolution* OF THE  
*Commission on Peace Officer Standards and Training*  
STATE OF CALIFORNIA

WHEREAS, Mickey Bennett is a Sergeant with the Long Beach Police Department with impressive service in law enforcement; and

WHEREAS, He served the Commission on Peace Officer Standards and Training in the capacity of a POST Special Consultant, full time from October 1, 1989 through March 31, 1990; and

WHEREAS, He was the Project Director for the development of training standards on Carcinogenic Materials; and

WHEREAS, He performed research concerning Cultural Awareness Training; and

**WHEREAS**, His work on these difficult projects was exemplary in every respect; and

WHEREAS, The results of his work will be of benefit to California law enforcement for many years to come; now therefore be it

RESOLVED, That the members of the Commission on Peace Officer Standards and Training commend Mickey Bennett for a job well done; and be it

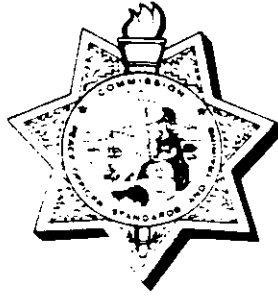
FURTHER RESOLVED, That the Commission extends its best wishes for continued service to California law enforcement.

\_\_\_\_\_  
*Chairman*

\_\_\_\_\_  
*Executive Director*

\_\_\_\_\_  
April 19, 1990

\_\_\_\_\_  
*Date*



*Resolution* OF THE  
*Commission on Peace Officer Standards and Training*  
STATE OF CALIFORNIA

WHEREAS, Ted Morton served the Commission on Peace Officer Standards and Training with distinction for 15 years; and

WHEREAS, Ted Morton served as a Law Enforcement Consultant and attained the rank of Bureau Chief in 1981; and

WHEREAS, Ted Morton also served law enforcement as a member of the Los Angeles Police Department and retired with 27 years of service; and

WHEREAS, Ted Morton was instrumental in the creation of the Commission's Command College for law enforcement managers and executives; and

WHEREAS, Ted Morton was personally responsible for many innovations and improvements in Commission programs; and

WHEREAS, Ted Morton has helped foster respect for the Commission's programs by his dedication to excellence and through his adherence to high principles of personal conduct; now

THEREFORE, BE IT RESOLVED, that the members of the Commission on Peace Officer Standards and Training do hereby commend Ted Morton for his dedicated and effective service and offer their personal and best wishes upon this occasion of his retirement.

\_\_\_\_\_  
*Chairman*

\_\_\_\_\_  
*Executive Director*

\_\_\_\_\_  
April 19, 1990

\_\_\_\_\_  
*Date*

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title Public Hearing - Student Safety and Incorporating Commission Procedure D-10 Into Regulation		Meeting Date April 19, 1990
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval <i>Norman C. Becken</i>	Date of Approval 3/27/90	Date of Report February 15, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" type="checkbox"/> No

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

ISSUE

Public hearing to consider adopting regulations on student safety in POST-certified courses and incorporating Commission Procedure D-10 (Certification and Presentation of Training Courses) into regulation.

BACKGROUND

Many POST-certified courses require students to demonstrate and practice manipulative physical skills, e.g., shooting, driving, defensive tactics, etc. It is in these courses that student injuries occur from time to time. Such courses require a much higher degree of control and supervision than others. Liability for the training institution can result if proper supervision, safety equipment, and procedures are not present for the safe conduct of the course. Although most training institutions have these in place, they do so in varying degrees and forms.

This report suggests the need for the Commission to establish a policy on student safety and provide specific guidelines for course presenters to voluntarily follow.

Commission policies concerning course certification normally are included in Commission Procedure D-10 (Certification and Presentation of Courses). However, the Office of Administrative Law has recommended this procedure be converted to regulation to comply with the Administrative Procedures Act. This report recommends that the existing provisions of D-10 having regulatory effect, including the above student safety requirement, be incorporated into new Regulations 1051-1058.



## ANALYSIS

The need for the establishment of a POST policy and specific student safety guidelines appears justified for the following reasons:

1. Considerable variation exists on student safety policies, supervision, equipment, and procedures between training institutions.
2. Safety policies and procedures are not universally in place and no specific Commission policy now guides staff certification actions in this regard.
3. Many POST organizations in other states are setting safety guidelines for training presenters. Case law holding training institutions and standards setting organizations to the "highest standard of care" suggests POST should similarly establish requirements or guidelines. Standardizing the most obvious and critical student safety protections would reduce potential for injuries and potential liability for training institutions.

It is proposed that the Commission adopt a regulation that would require course presenters of manipulative skills to establish policies/practices that ensure student safety and encourage the use of POST suggested guidelines. The following is a proposed Commission Regulation 1053 - Course Certification Request and Review Process that would require any person or organization desiring to have a course certified to submit among other existing materials:

(6) For courses that include manipulative skills training, a copy of the presenter's policies and procedures concerning student safety. The policies and procedures shall minimally address: (a) Rules of Safety and Conduct, (b) Reporting and Handling Injuries, (c) Ratio of Instructional Staff to Students, and (d) Presenter's Commitment to Adhere to POST Approved Expanded Course Outline. ( For reference see "POST Guidelines for Student Safety in Certified Courses.")

This regulation addresses those aspects which are considered essential although other important factors are enumerated in the document POST Guidelines for Student Safety in Certified Courses. The draft guidelines contain specific measures which can be taken to reduce the risk of student injuries arising from participation in certain psychomotor skills training. Draft guidelines contained in this document currently focus on thirteen areas of law enforcement training: Firearms, Defensive Tactics/Arrest Control Techniques, Driver Training, Chemical

Agents, Explosive Devices, Physical Conditioning, Airborne Operations, Search and Rescue, Equestrian Training, Motorcycle Training, Off-Road Vehicles, Canine Training and Tactical Operations. In addition, the section on General Safety Guidelines includes such guidelines on written policies, student fitness for training, instructor attitude and demeanor, instructor training, and response to student injuries.

This document is considered a "living document" in that changes would be expected to be made from time to time. Developed with the input of subject matter experts and instructors, these guidelines reflect contemporary, conventional wisdom in the safe operation of such training. Training presenters could deviate from the guidelines. But certification requirements would entail POST approval of the presenters' safety procedures and policies. Should the Commission wish to adopt a regulation on student safety or another variation, it would be appropriately located in Commission Procedure D-10 (Certification and Presentation of Training Courses) which is shown in Attachment A.

However, it is also recommended that POST convert all existing provisions of Procedure D-10 that have regulatory effect to regulation in order to comply with state law. To accomplish this, it is proposed that D-10 and Regulation 1012 be deleted and that new Regulations 1051 through 1058 be enacted. If enacted, these new regulations would contain the requirement related to student safety as well as all current requirements concerning certification and presentation of training courses. Attachment B contains the Notice of Public Hearing, Statement of Reasons, Bulletin, and proposed regulations.

#### RECOMMENDATION

Subject to the results of the public hearing, approve proposed regulations on student safety in POST-certified courses and course certification and presentation requirements as proposed (incorporating Commission Procedure D-10 into regulation).

## POST ADMINISTRATIVE MANUAL

## COMMISSION PROCEDURE D-10

## CERTIFICATION AND PRESENTATION OF TRAINING COURSES

### Purpose

**10-1. Course Certification Program:** This Commission procedure implements the Course Certification Program established in Section 1012(a) and (b) of the Regulations, which outlines the criteria for certification and presentation of POST courses.

### Standards

**10-2. POST Standards for Training:** A primary responsibility of the Commission on Peace Officer Standards and Training (POST) is to establish minimum standards for the training of personnel in agencies that participate in POST training programs. In fulfilling this responsibility, POST conducts on-going evaluations of certified training courses to ensure continuing need and sustained quality.

### Evaluating Course Proposals

**10-3. POST Evaluation of Training:** Each training course, for which reimbursement allowance is made to eligible law enforcement agencies for personnel training costs, or for which attendance is mandated by POST, shall be certified by POST. The process of course certification includes evaluation of those factors that justify the need for, and ensure the quality of, each training course. Factors evaluated include:

- a. Course content
- b. Qualifications of instructors and coordinators
- c. Adequacy of physical facilities
- d. Cost of course
- e. Potential clientele and volume of trainees
- f. Need and justification for course
- g. Time frame of course presentation
- h. Methods of course presentation
- i. Adequacy and availability of clerical and support staff
- j. Maximum trainees per session
- k. Adequacy of trainee testing or evaluation processes
- l. Appropriate instructor/trainee ratios

### Policy

**10-4. Statements of Policy:** The following statements of policy shall govern the certification of courses by POST:

- a. Only those courses for which there is a definable and justifiable need shall be certified. The POST training resources are directed primarily toward the development of training according to the priorities identified by a needs assessment process. The need for training which is not thus identified must be substantiated by the requester.
- b. Funds allocated for training shall be expended judiciously and in the most cost effective manner possible.
- c. POST staff and course presenters shall develop and use appropriate means of evaluating course effectiveness.
- d. Courses shall not be certified which will be presented in conjunction with association or organizational meetings or conferences, nor shall courses be certified to associations which offer a one-time presentation if attendance is restricted to association members.
- e. POST will only endorse or co-sponsor courses, seminars, conferences or other programs, and grant permission to use POST's name, when POST takes part in the planning phase and assists in the development of the subject matter or program, and the selection of the instructors or speakers.
- f. POST will certify courses in management/labor relations, but will not certify courses to train management and/or employees in the techniques of labor negotiations.
- g. POST will certify courses for developing and improving teaching skills and expertise, but will not certify courses designed to meet state teaching credential requirements, as such

training is available from the University of California.

- h. POST will only certify courses with tuitions, fees and materials charges when all costs are fully disclosed. After a course is certified, POST reserves the right to review and approve or disapprove any subsequently proposed tuition, fee or material charge. This policy applies to both reimbursable and non-reimbursable charges.
- i. No course shall be certified which restricts attendance to a single agency unless the purpose of the course is for the improvement of a specific law enforcement agency, and attendance by non-members of that agency would jeopardize the success of the course.
- j. Contracts for courses shall be awarded competitively with the training to be presented in the most cost-effective manner possible, consistent with quality, cost, and need considerations.
- k. Contracts for courses shall be kept to a minimum and shall be entered into only when absolutely necessary.
- l. Course certification to out-of-state presenters shall be kept to a minimum, and only made on an exceptional basis and with Commission approval.
- m. Course certification shall be made on a fiscal year basis, subject to annual review.
- n. Training course certification and training activities shall be consistent with the Resource Management System.

#### Forms

**10-5. Forms Used for Certification and Presentation of Training Courses:** There are six forms to be used in requesting certification and in presenting a POST certified training course. The forms are:

- a. **Course Certification Request (POST 2-103):** Submitted by the course coordinator to POST and is the basis for obtaining certification of a training course.
- b. **Course Budget (POST 2-106):** Submitted with the Course Certification Request if tuition is to be charged for the course or the course is

proposed to be presented for POST under contract.

- c. **Course Announcement (POST 2-110):** Submitted to obtain POST approval for the initial presentation of a specific certified course and for each separate presentation thereafter.
- d. **Course Roster (POST 2-111):** Lists names of trainees attending a given class and is submitted to POST at the conclusion of each course.
- e. **Course Evaluation Instrument (POST 2-245):** Distributed by the course coordinator on the first day of the presentation and completed at the end of the course by each trainee. The completed forms are to be collected on the last day of the course and submitted to POST with the Course Roster (POST 2-111).
- f. **Training Reimbursement Request (POST 2-273):** This form is not actually used in certification or presentation of a course, but must be collected from POST reimbursable-agency trainees attending a certified course presentation and forwarded to POST attached to the Course Roster. Such trainees who do not have the form during a course presentation should be instructed to have their agencies directly contact POST if reimbursement is desired. Trainees from agencies not in the POST Reimbursement Program will not submit this form to the course coordinator.

Each of the listed forms serves to accomplish a progressive step in ensuring that training courses are approved and presented in conformance with POST standards.

The forms will be furnished by POST upon request.

#### Certification Process

**10-6. Obtaining Course Certification:** Any person who wishes to have a course certified shall:

- a. Contact a POST training consultant for consultation on the proposed course.
- b. Prepare the Course Certification Request (POST 2-103).
- c. Prepare the Course Budget (POST 2-106) if the proposed course will require a tuition or is proposed to be presented under contract.

- d. Prepare an expanded course outline, indicating the subject main topics and sub-topics, with sufficient material to indicate technical information on the subject areas. This outline shall be more than a topical outline or synopsis but less than what is commonly known as a lesson plan or unit guide. Example formats are available from POST upon request.
- e. Prepare an hourly distribution schedule, indicating the days of the week, instructors, and topics scheduled during each specific time period. Example formats are available from POST upon request.
- f. Prepare a resume for each instructor that describes the person's education, job experience, teaching experience, and subjects taught.
- g. Submit the above completed forms and other required material to POST, which must be received by POST at least 60 days prior to the first planned presentation.

#### Recertification Process

**10-7. Annual Recertification:** Consistent with Commission policy, each certified course is reviewed prior to commencement of a new fiscal year. The review includes evaluation of continuing need for each course, currency of curricula, and continuing adherence to the terms of certification.

- a. A course that has not been presented within one year of the time of review shall be decertified unless exceptional justification exists for continuing certification.
- b. POST staff will assure that for each course for recertification POST files contain a current expanded course outline, hourly distribution schedule, and instructor resume(s).
- c. The presenter of each course shall provide POST with copies of all relevant documents necessary for review of course content and instruction, and shall provide information necessary to examine adherence to the terms of certification.

#### Certification Period

**10-8. Certification Period:** A course shall remain certified for a specified number of presentations during a fiscal year, provided that it is presented in the manner in which it is certified, and subject to the restrictions or stipulations stated by POST.

#### Valid Certification

**10-9. Validity of Course Certification:** A course that has been certified is valid for presentation only by the presenter receiving the certification, and is not transferable to another presenter.

#### Request for Changes

**10-10. Certified Course Not to be Changed:** A course, once certified under the conditions specified in the Course Certification Request and certification confirmation letter, is not to be changed or modified without prior POST approval. If a course change is necessary or desirable, any proposed change must be submitted to POST for approval prior to any change being implemented.

#### Basis for Reimbursement

**10-11. Basis for Reimbursement of Certified Courses:** Only a training course that is certified by POST and assigned a certification number is reimbursable.

#### Course Publicity

**10-12. Proper Publicity:** A course must be publicized under the title exactly as it is certified by POST. Titles must also conform to the POST designated classification. The POST seven digit course number should also be printed in any course announcements, brochures, bulletins, or publications, when circulating information about the course presentation, POST shall be clearly indicated as having certified the training course.

#### Course Numbering System

**10-13. Course Numbering:** Each course certified is assigned a seven digit Course Certification Number. The first three digits identify the presenter and the next four digits indicate the course category or type of training. For example, the Sacramento Training Center has a certified supervisory course. The Course Certification Number is 297-0040; 297 specifies the presenter, and 0040 indicates a supervisory course. Additionally, when a Course Announcement (POST 2-110) is forwarded to POST for approval of a specific presentation, an additional three digits are added to the Course Certification Number. The ten digit number then becomes a Course Control Number, and identifies a particular presentation of a specific course. A Course Control Number for the first presentation of the above example course is 297-0040-401.

### Tuition Guidelines

#### 10-14. Approved Expenses for Establishing Tuition:

The following guidelines are to be used by course coordinators and other individuals presenting or planning to present tuition-type and contract training programs certified by POST. These guidelines identify the expenses that may be approved in establishing the allowable tuition and contract costs, and are to be used in completing the Course Certification Request (POST 2-103), and Course Budget (POST 2-106) when requesting the initial certification or recertification.

The Budget Categories Worksheet, Pages 2 and 3 of the Course Budget (POST 2-106), shall be completed, listing the costs for each of the categories as applicable. Each category cost is to be totaled and entered on the Budget Categories Summary, Page 1 of the Course Budget. The Course Budget shall be submitted with the Course Certification Request (POST 2-103).

Direct costs are those allowable costs directly incidental to the development and presentation of a POST-certified course. The adopted guidelines for approved direct and indirect costs are as follows:

#### a. Instruction Costs:

- (1) Up to \$33 per hour for each certified hour of instruction per instructor. It is expected that fringe benefits and instructor preparation, when applicable, will be included in this amount.
- (2) Up to \$62 per instructional hour may be approved in instances of special need for particular expertise in an instructional area, based upon acceptable written justification from the presenter.

On those limited occasions where it may be necessary to obtain special expertise to provide executive level training, the maximum of \$62 per instructional hour may be exceeded upon prior approval of the Executive Director.

- (3) Normally, only one instructor per certified hour will be approved; however, team teaching may be approved by POST staff if deemed necessary. For the purposes of these guidelines, team teaching is defined as having two or more instructors in the classroom for actual teaching purposes and under those conditions which the particular subject matter, material, or

format of instruction may require, which may include workshops, exercises, or panel discussions. No coordinator or observer, while acting as such, will be considered simultaneously a teacher.

- b. **Development Cost:** Development cost for new courses and/or revision of courses when requested by POST may be negotiated by the presenter and POST with the approval of the Executive Director. The cost shall be prorated to all tuitions approved during the first fiscal year of the certification of the course or for an agreed upon number of presentations.
- c. **Coordination:** POST will pay fees for coordination based on the type of services performed. Coordination is categorized as: (1) General Coordination, and (2) Presentation Coordination.

**General Coordination:** General Coordination is the performance of tasks in the development, pre-planning, and maintenance of any certified course to be presented by a specific presenter. Maintenance includes: scheduling, selecting instructors, eliminating duplicative subject matter, providing alternate instructors/instruction as necessary, allocating subject time periods, evaluating instructors, selecting training sites, supervising support staff, and administrative reporting.

General Coordination fees may be charged as follows:

\$50 for each 8 hours, or portion thereof, of a presentation not to exceed \$400

**Presentation Coordination:** Presentation Coordination is the performance of tasks related to course quality control, i.e., insuring attendance of instructors, identifying the need and arranging for the appearance of alternate instructors through the general coordinator when assigned instructors are not available, and being responsible for the development of a positive learning environment and favorable social climate. It is required that the Presentation Coordinator be in the classroom, or immediate vicinity, to resolve problems that may arise relating to the presentation of the course.

Presentation Coordination fees may be charged as follows:

\$12 per certified hour, which is normal, and

Up to \$20 per certified hour, with POST approval, supported by written justification showing a need for a greater degree of coordination expertise.

- d. Clerical Support: Clerical hourly rates may be allowed up to \$10 per hour based on the following formula:

Certified Course Length	Clerical Support
24 hours or less	40 hours maximum
25 to 40 hours	50 hours maximum
Over 40 hours	100 hours maximum

- e. Printing/Reproduction: Actual expenses for brochure and handout printing or reproduction may be allowed. Expenses shall include a per sheet cost breakdown.

- f. Books/Films/Instructional Materials: Actual expenses may be allowed provided each expense is identified. Expendables, such as programmed tests, may be allowed in the same manner. Textbooks may be purchased and a one-time expenditure may be allowed for textbooks which will be used in future class presentations. If the course is decertified, or if the texts are no longer necessary in this course, they shall be delivered to POST for disposition within a reasonable period of time, at the expense of the training institution.

Films and other expensive instructional aids should normally be rented or obtained without charge from the various sources available. If a purchase is necessary, and authorized by POST, such materials shall remain the property of POST.

- g. Paper/Office Supplies/Mailing: Actual expenses may be allowed provided each expense is identified.
- h. Coordinator/Instructor(s) Travel: An estimate is to be made of the necessary travel expenses for advance budget approval. Expenses for local area travel are allowed only when travel exceeds 25 miles one way or if travel is necessary to an additional course site. If a course presentation is authorized out of the

immediate vicinity of the presenter's local area, travel expenses may be allowed in accordance with existing State regulations covering travel and per diem.

- i. Miscellaneous: Any other cost of materials and other direct items of expense acquired that can be identified, justified, and approved by POST may be allowed.
- j. Indirect Costs: Indirect costs are allowable costs for services not easily assignable as direct costs but have an actual cost relatedness to the service to be provided. These may include such items as general administration or use allowances. Indirect costs may not exceed 15% of the total direct costs.
- k. Calculation of Tuition: All budgeted costs for one presentation are added to determine the total cost. The total cost is then divided by the maximum number of students, which determines the tuition cost per student.

POST policy allows a course administrator to exceed maximum enrollments up to 20 percent on a given presentation. This is done to accommodate for unavoidable under-enrollment due to students who do not show up or who cancel their reservations. It is the presenter's responsibility to monitor over-enrollment in a POST certified tuition course so that by the end of the certification period, and as nearly as possible, the total number of students does not exceed the maximum number established by the terms of certification.

As an example, in a certification period a course is certified for four presentations with a maximum number of students of twenty-five for each presentation. At the end of the certification period, if all four authorized presentations were presented, the total number of students who attended should not exceed one hundred.

Over-enrollment that is not properly managed and adjusted during the certification period may result in one of the following:

- (1) Reduction of tuition
- (2) Require presentation(s) without tuition
- (3) Require presenter to provide prorated refunds to trainees
- (4) Decertification of course.

**Certification Request Process**

**10-15. Certification Submission to POST:** The Course Certification Request (POST 2-103) along with supporting documents enumerated in 10-6 and/or 10-7 above shall be received by POST at least 60 days prior to the first planned presentation.

- a. **Review by POST Staff:** After review and processing by POST staff, the Course Certification Request shall be submitted with recommendations to the Executive Director for action. The Executive Director has the option of: (1) certifying the course; (2) not certifying the course; (3) certifying the course with modifications or stipulated conditions; or (4) deferring action until a later date. The applicant will be notified in writing of the Executive Director's decision.
- b. **Executive Director Action:** The Executive Director shall report all courses newly certified to the Commission at the next regular Commission meeting. Any person who has applied to have a course certified and is not satisfied with the decision of the Executive Director may appeal it the decision to the Commission. The applicant may appear before the Commission and offer oral testimony in the appeal.
- c. **Appearance Before the Commission, Notification:** An applicant for certification of a course wishing to appear personally before the Commission should so notify the POST Executive Director in writing at least 45 days before the scheduled Commission meeting.
- d. **Time and Place of Commission Meeting:** Commission meetings are normally held quarterly. The date, time and location of a scheduled Commission meeting may be obtained by contacting the POST Executive Office.

**Instructions for Completion of Course Certification Request**

**10-16. Instructions for Completion of Course Certification Request (POST 2-103):** The numbers preceding the paragraphs that follow correspond to the numbered spaces on the form:

1. **Agency Submitting Request:** Enter name of school, agency, individual, or firm submitting the request for course certification.

2. **Course Title:** If course has a descriptive title, other than POST category, enter the title.
3. **College Affiliation:** If course is given by a non-college agency but is affiliated with a college or university, enter the name of that college or university.
4. **POST Course Category:** Enter the POST category of course, i.e., Basic, Advanced Officer, Supervisory.
5. **Course Length in Hours:** Enter the total training hours in course.
6. **Format:** Enter the chronological arrangement of the course: hours per day, days per week, and number of weeks.
7. **Presentations Per Year:** Enter the number of times this particular course will be given each fiscal year, July 1 to June 30.
8. **Units Granted; Semester, Quarter:** Enter the number of semester or quarter units granted for the course.
9. **Participating Law Enforcement Agencies and Estimated Number of Trainees from Each Agency:** List the law enforcement agencies that have committed personnel to attend this course, and the yearly estimated number of personnel attending from each agency.
10. **Enrollment Restrictions:** Enter any prerequisites necessary for admittance to the class, e.g., preparatory training, approval of chief, sworn police officer, etc.
11. **Maximum Number of Students:** Enter the maximum number of trainees that will be permitted to enroll in each class.
12. **Is Residency Required:** Check appropriate space to indicate whether or not the trainee is required to reside at the course site.
13. **Living Accommodations:** Check the appropriate space to indicate where living accommodations are available. If the course is one which the trainees commute daily, check "Not Applicable."
14. **Costs:** State any tuition, fees or material costs in the appropriate space. If tuition is charged, this request must be accompanied by a detailed course budget. If there are costs other



than tuition, meals and lodging, give details in narrative (space 18).

15. **Address of Course Site:** Enter address where course is to be actually presented. If course is to be presented at several different locations, write "several" and give details in narrative (Space 18).
16. **Facilities--Number and Size of Classrooms:** Enter the number and size (dimensions) of classrooms in which the course will be presented.
17. **Total Seating Capacity:** Enter seating capacity of the room where class will be presented.
18. **Course Objective and Narrative Description of Course:** Enter precisely, the objective of the course. Present any relevant feature of the course not stated elsewhere. Narrative description is optional. Attach expanded course outline and hourly distribution schedule. Lesson plans are to be kept on file at the presenters facility for POST inspection.
19. **Method of Presentation:** Enter all instructional techniques to be utilized in presenting the training course.
20. **Number of Instructors:** Enter the number of instructors to be used and attach a brief resume of each instructor's education, job experience, and teaching experience.
21. **Training Aids Used:** Enter the training aids to be used.
22. **Texts and Reference Material:** Enter the textbooks or other reference material to be used.
23. **Required Project:** Enter any required project.
24. **Method of Evaluating Stated Objectives:** Enter how achievement of course objectives will be evaluated and measured, e.g., written examination, performance examination, critique, etc.
25. **Name and Title of Person Requesting Course Certification:** Self-explanatory.
26. **Date of Request:** Self-explanatory.

### Instructions for Completion of Course Budget

**10-17. Instructions for Completion of Course Budget (POST 2-106):** The Course Budget is to be submitted only for tuition-type and contract training programs. See PAM Section D-10-14 for tuition guidelines.

### Course Announcement Process

**10-18. Course coordinators who wish to present a course of instruction which is currently certified by POST must prepare and submit a Course Announcement (POST 2-110). The course shall not be presented until the Course Announcement has been approved by POST and returned to the course coordinator.**

- a. **Deadline for Submission:** The Course Announcement must be submitted to POST at least 30 calendar days, but not more than 60 days, prior to the offering of the course. An hourly distribution schedule must be attached to each Course Announcement.
- b. **Course Control Number:** After the Course Announcement has been reviewed and approved by POST, the final digits are added to the course certification number. This action changes the course certification number to a course control number and identifies a particular offering of a specific course. The course control number must be used when making any references pertaining to a particular course offering.
- c. **Sequence for Submission:** Each time a course is offered, a new Course Announcement and hourly distribution schedule must be submitted for approval.
- d. **Concurrent Sessions:** In those instances where two sessions of the same certified course are scheduled to run concurrently, two Course Announcement forms must be submitted. In the Comment Section of each Course Announcement, a remark should be made to the effect that this is one of two sessions of the same course being conducted concurrently.
- e. **Modification Procedures:** If, subsequent to POST having approved a Course Announcement, the course coordinator becomes aware of a need to make any course changes, such as dates of presentation, scheduled times, presentation location, or hours of presentation, POST must be contacted for approval prior to

the presentation. Corrections for Course Announcements/Rosters (POST 1-140) may be used for this notification.

- f. **Approval:** Once the Course Control Number is assigned by POST to a particular course presentation, it is recorded on the Course Announcement and a copy of the form is returned to the coordinator. The returned Course Announcement constitutes course approval and is the basis for the presentation of a certified course.

**Instructions for Completion of Course Announcement**

**10-19. Instructions for Completion of Course Announcement (POST 2-110):** The Course Announcement shall be completed and submitted to POST each time a certified course is to be presented. Complete each lettered space on the form.

- a. **Course Certification Number:** Enter the POST-approved course certification number for the course.
- b. **Certified Course Title:** Enter the title approved by POST and as shown in the *Catalog of Certified Courses*, PAM Section D-14.
- c. **Course Presenter:** Enter the name of the school, agency, individual, or firm authorized to present the course as indicated on the Course Certification Request.
- d. **Address Where Course Will be Presented:** Enter the address where the main course of instruction will take place.
- e. **Course Presentation Dates and Times:** Enter the dates and times the course is scheduled to begin and end.
- f. **Basic Course Only-List Dates of Driver Training:** If the Course Announcement is for a Basic Course presentation, enter the dates of the "behind the wheel" driver training. This information will be used to determine if a trainee completed this training and whether his/her agency is eligible for reimbursement of the Driver Training fee.
- g. **Total Certified Hours:** Enter the total number of hours approved on the Certification Confirmation Letter.

- h. **Hours for This Presentation:** Enter the number of hours of instruction for this course presentation.
- i. **Total Number of Training Days:** Enter the number of classroom days that training will be presented.
- j. **Maximum Enrollment:** Enter the maximum number of trainees that will be allowed to enroll for this course presentation. This must conform to the maximum number of students permitted by the course certification.
- k. **List Dates That Class Will Not be Held:** Enter as appropriate. Particular attention should be paid to local or school district holidays in addition to legal holidays. It is not necessary to list weekend dates unless they would be normal class days.
- l. **Tuition:** Enter the POST-approved tuition amount charged per trainee or per agency for this course presentation. For Basic Course presentations enter the amount charged for the driver training portion of the course. If the amount varies per student trainee for any reason i.e., tuition was less because agency vehicle will be used for driver training, explain in comments (space P).
- m. **Travel:** Enter number of miles from the training site to the closest off-campus accommodation if the closest affordable lodging accommodation is greater than 5 miles away.

Occasionally trainees are required to travel to locations away from the normal training site, i.e., to a shooting range. If this course presentation includes training at another location, complete the spaces on the form as follows:

- (1) Indicate if a trainee must provide his/her own transportation to another site or if the course presenter has made arrangements for the transportation of trainees. If the latter is the case, explain the arrangements made and any cost to the trainee or agency.
- (2) Indicate the number of round-trip miles for one round trip to the other training site.

(3) Enter the number of round trips required to attend training at another site.

n. **Lodging:** If lodging is arranged by the presenter, provide information necessary for POST to process subsistence reimbursement by completing the applicable spaces.

A mandatory lodging requirement indicates that all trainees are required to reside at the accommodations provided/arranged by the presenter with no exceptions.

If the lodging accommodations arranged by the presenter cannot be provided for the full length of the course, it will be necessary at the end of the course to provide POST with an itemized report of the number of lodging days charged for each trainee. Situations of this type should be avoided if possible.

o. **Meals:** If meals are arranged by the presenter, enter the daily meal charge, and check the applicable space(s) explaining what meals are provided for this charge. Check the applicable space indicating the days of the week meals are arranged by the presenter.

p. **Comments:** Enter information that will serve to clarify or supplement the course presentation information.

q. **Signature of Coordinator:** The course coordinator or designee must sign the Course Announcement.

r. **Phone:** It is important that POST has the phone number of the coordinator in the event there is a need for additional data or clarification of information.

s. **Name of Alternate:** The name of the coordinator's alternate is essential as a contact person when the coordinator is not available.

#### Course Roster Process

**10-20. Purpose of Course Roster (POST 2-111):** The Course Roster provides POST with a record of all trainees who have attended a POST-Certified Course. The information is used by the Reimbursement Section in approving reimbursements, and by the Certificate Section in maintaining training records and verifying training information for training points.

**10-21. Procedures Required Upon Course Completion:** A Course Roster Form (POST 2-111) must be prepared and submitted to POST after completion of each certified course presentation.

a. **Deadline for Submission:** The Course Roster must be submitted to POST no later than seven calendar days following the ending date of the course.

b. **Modification Procedures:** If subsequent to the submission of a Course Roster the course coordinator becomes aware of errors on the form submitted, he/she shall contact POST immediately about corrections. Corrections for Course Announcements/ Rosters (POST 1-140), may be used for this notification.

c. **Forms to Accompany Course Roster:** The Course Roster must be submitted to POST with:

(1) The Course Evaluation Instrument (POST 2-245), that was completed by each trainee listed on the roster. These forms should not be stapled to the roster form.

(2) The Training Reimbursement Request (POST 2-273) must be collected from trainees at the beginning of the course. These forms should be stapled together with the Course Roster on top.

#### Instructions For Completion of Course Roster

**10-22. Instructions For Completion of Course Roster (POST 2-111):** The Course Roster is to be completed and submitted to POST each time a certified course has been presented.

Enter the appropriate information in the lettered sections of the form for each trainee attending the course presentation. Ditto marks may be used where appropriate.

a. **Course Control Number:** Enter the course control number assigned by POST on the approved Course Announcement (POST 2-110).

b. **Course Presenter:** Enter name of the school, agency, individual or firm authorized to present the course as indicated on the course certification.

- c. **Course Presentation Dates:** Enter beginning date and ending date of training.
- d. **Name of Trainee:** Enter the names of all trainees enrolled in this course by last name, first name, middle initial. Names should appear in the same order as on the Training Reimbursement Requests, (POST 2-273) attached behind the Course Roster. Trainees whose employers are not eligible for reimbursement should be listed in alphabetical order on the roster following the names shown on the Training Reimbursement Request forms.
- e. **Social Security Number:** Enter each trainee's social security number. This number will be used on appropriate POST records as a reliable identifier.
- f. **Trainee Status:** If the trainee's name did not appear on a Training Reimbursement Request form, check the most applicable box indicating the trainee's status. Brief definitions of each status follow:
  - (1) **Peace Officer** - Is an employee designated as a peace officer as described in Penal Code Chapter 4.5, starting at Section 830.
  - (2) **Non-Peace Officer** - Is a civilian, non-sworn employee that does not have authority to exercise peace officer powers.
  - (3) **Reserve Officer** - Is an individual appointed as a Level I, II, or III Reserve Officer as described in Section 832.6(a) of the Penal Code.
- g. **Department or Agency:** Enter the name of the current agency employing the trainee. If the trainee has no agency affiliation, enter "NONE".
- h. **Number Course Hours Attended:** Enter the total number of hours attended by the trainee. It is important that instructors keep a daily account of the trainee's hours of attendance, as the hours will affect the reimbursement process.
- i. **Satisfactory Completion?, (Y/N):** Enter an "X" in the appropriate column. An "X" in the "yes" column indicates the trainee successfully completed all the requirements of the course. When a trainee is reported as successfully completing but, has missed more than 5% of the certified hours of a Basic Course or 10% of the certified hours of other classifications of courses, a statement by the course coordinator must be attached to the Course Roster explaining how successful completion was accomplished.
- j. **Dates of Class Not attended by This Trainee:** Enter the date of any full-day of training that was not attended by the trainee for any reason. If the trainee does not attend several consecutive days, the range of days may be shown rather than an individual listing. If additional space is needed, attach an additional sheet of paper.
- k. **Reason for Absence/Failure:** Provide a brief explanation of the reason for absence or failure. If further explanation is required, attach an additional sheet of paper.
- l. **Lodging Billed:** Place an "X" in this space if the trainee resided in accommodations arranged by the presenter and will be billed the amount shown on the Course Announcement. If the per day rate for lodging varied from the amount shown on the Course Announcement, explain on a separate sheet of paper.
- m. **Meals Billed:** Place an "X" in this space if the trainee obtained meals arranged by the presenter and will be billed the amount shown on the Course Announcement. If the per day rate for meals varied from the amount shown on the Course Announcement, explain on a separate sheet of paper.
- n. **Signature of Coordinator:** The course coordinator or designee shall sign the Course Roster.
- o. **Date Approved:** Self-Explanatory.
- p. **Phone:** It is important that POST is provided the phone number of the coordinator in the event there is need for additional data or clarification of information.
- q. **Page of Pages:** Indicate the roster page number followed by the total number of roster pages submitted. This is done to account for all pages submitted.

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**1601 ALHAMBRA BOULEVARD  
SACRAMENTO, CALIFORNIA 95816-7083

February 23, 1990

**BULLETIN: 90-3****SUBJECT: Adoption of Student Safety Requirements and  
Incorporation into Regulation of Existing Course  
Certification Requirements****A public hearing has been scheduled in conjunction with the April  
1990 Commission meeting:**

**Date:** April 19, 1990  
**Time:** 10:00 a.m.  
**Place:** Marriott Hotel, Mission Valley  
San Diego, California

The hearing is to consider proposed regulation changes to adopt student safety requirements in POST-certified courses, and to incorporate into regulation all existing Commission requirements related to certification and presentation of training courses.

To reduce the potential for student injuries, the Commission proposes to require that any person or organization requesting certification of a course containing manipulative skills training include, as part of the certification request, policies and procedures concerning student safety. These policies and procedures shall minimally address: (a) Rules of Safety and Conduct, (b) Reporting and Responding to Injuries, (c) Ratio of Instructional Staff to Students, and (d) The Presenter's Commitment to Adhere to the POST-Approved Expanded Course Outline.

To comply with the Administrative Procedures Act, it is additionally proposed that all existing provisions of Procedure D-10 having regulatory effect be incorporated into new Regulations 1051-1058. No substantive changes are proposed to existing POST requirements for the certification and presentation of training courses.

The Commission may adopt additional changes based upon the public hearing proceedings and written comments received. The Commission invites input on this matter.

The attached Notice of Public Hearing, required by the Administrative Procedures Act, provides details concerning the public hearing process and the proposed regulation changes. Inquiries concerning the proposed action may be directed to Kathy Delle, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

Handwritten signature of Norman C. Boehm.

NORMAN C. BOEHM  
Executive Director

Attachment

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

ADOPTING STUDENT SAFETY REQUIREMENTS IN POST-CERTIFIED COURSES AND INCORPORATION OF COMMISSION PROCEDURE D-10 CERTIFICATION AND PRESENTATION OF TRAINING COURSES INTO REGULATION

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 and 13506 of the Penal Code, and in order to interpret, implement, and make specific Section 13503(e) of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title II of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: April 19, 1990  
Time: 10:00 a.m.  
Place: Marriott Hotel, Mission Valley  
San Diego, California

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

INFORMATIVE DIGEST

Injuries to students in POST-certified courses involving manipulative physical skills suggest the need for POST to consider adopting safety policies and guidelines for course presenters to follow. Among training institutions considerable variation exists on student safety policies, supervision, equipment, and procedures.

To reduce the potential for student injuries, the Commission proposes to require that any person or organization requesting certification of a course containing manipulative skills training, include, as part of the certification request, written policies and procedures concerning student safety. These policies and procedures shall minimally address: (a) Rules of Safety and Conduct, (b) Reporting and Responding to Injuries, (c) Ratio of Instructional Staff to Students, and (d) The Presenter's Commitment to Adhere to the POST-Approved Expanded Course Outline. Presenters would be encouraged to use the safety guidelines described in the publication POST Guidelines for Student Safety in Certified Courses. Using the guidelines as a reference, presenters could establish their own student safety measures consistent with the type of training being presented.

The proposed requirement would be most appropriately located in Commission Procedure D-10 (Certification and Presentation of Training Courses). To comply with the Administrative Procedures Act, however, it is being proposed that the existing provisions of Procedure D-10 having regulatory effect, including the proposed requirement on student safety, be incorporated into new Regulations 1051-1058. No substantive changes are proposed to existing POST requirements for the certification and presentation of training courses including those related to: 1) Course Certification Program, 2) Requirements for Course Certification Request Process, 3) Course Certification Request and Review Process, 4) Requirements for Course Presentation, 5) Requirements for Course Tuition, 6) Requirements for Course Presentation, 7) Annual Presentation, (8) Decertification, and (9) Appeals Process. Existing Regulation 1012 (Certification of Courses) is proposed to be deleted as it would be incorporated into new Regulations 1051-1057.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on April 9, 1990. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA 95816-7083.

#### ADOPTION OF PROPOSED REGULATIONS

After the hearing is concluded and public comments are considered, the Commission may adopt the proposals substantially as set forth without further notice. If the proposed text is modified prior to adoption and the change is related but not solely grammatical or non-substantial in nature, the full text of the resulting regulation will be made available at least 15 days before the date of adoption. This information shall be made available to all persons who testified or submitted written comments at the public hearing, all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### PROPOSED TEXT, STATEMENT OF REASONS, AND OTHER INFORMATION

Copies of the Statement of Reasons and exact language of the proposed action may be obtained at the hearing, or prior to the hearing upon written request to the contact person at the address below. This address is also the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the

Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

#### ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Small Business Impact: None

Cost Impact on Private Persons or Entities: None.

Housing Costs: None.

#### CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Kathy Delle, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.



Commission on Peace Officer Standards and Training

**PUBLIC HEARING: STUDENT SAFETY REQUIREMENTS AND INCORPORATION OF COMMISSION PROCEDURE D-10 (CERTIFICATION AND PRESENTATION OF TRAINING COURSES) INTO REGULATION**

**STATEMENT OF REASONS**

The Commission on Peace Officer Standards and Training (POST) will hold a public hearing on April 19, 1990 for the purpose of receiving comments on proposed changes to Regulations 1012 and establishing new Regulations. These changes relate to adopting student safety requirements for certain POST-certified courses and incorporation of existing Commission Procedure D-10 (Certification and Presentation of Training Courses) into new Regulations 1051-1058.

Student Safety Requirement

The Commission proposes to adopt as part of new Regulation 1055 (a) (6) a requirement that presenters of certified courses containing manipulative skills training shall include a copy of the presenter's written policies and procedures to ensure student safety. Policies and procedures shall minimally address: (a) Rules of Safety and Conduct, (b) Reporting and Responding to Injuries, (c) Ratio of Instructional Staff to Students, and (d) Presenter's Commitment to Adhere to POST Approved Expanded Course Outline. Presenters would be encouraged to use the safety guidelines specified in the publication POST GUIDELINES FOR STUDENT SAFETY IN CERTIFIED COURSES.

This requirement is necessary to reduce the potential for student injuries. Considerable variation has been found to exist on student safety policies, supervision, equipment, and procedures between training institutions. Safety policies and procedures are not universally in place, and no specific Commission Regulation now guides staff certification actions in this regard. Many POST organizations in other states are setting guidelines for training presenters. Case law holding training institutions and standards setting agencies accountable would suggest the need for this requirement. Standardizing the most obvious and critical student safety protections would reduce the potential for injuries and liability for training institutions.

Incorporation of Commission Procedure D-10 into Regulations

The Commission also proposes to incorporate into new Regulations 1051-1058 existing provisions of Commission Procedure D-10 (Certification and Presentation of Training Courses). These longstanding policies and procedures are necessary to implement and maintain the Commission's Course Certification Program.

These requirements and processes are familiar to course presenters and should not result in changes in how presenters relate to the Commission.

1012. This existing Regulation is proposed to be deleted because it is incorporated into new Regulation 1051, 1052 and 1057.
1051. This proposed new Regulation establishes the Course Certification Program and expresses its purpose. Authority for the program is found in Section 13503 (e) of the Penal Code. For clarification, "certification" is defined in a way that indicates POST reimbursement for training can occur only if the course is certified.
- 1052.(a) Factors in evaluating course certification requests are enumerated. They have been determined to be critical to the effectiveness of law enforcement training.
- (1) Course Content must be related to the course objectives, level and type of target audience or students, and training needs of law enforcement agencies and peace officers. Course content must also be consistent with curriculum standards established by the Commission. (Reference Regulation 1081)
  - (2) Qualifications of Instructors and Coordinators is an important factor impacting all aspects of training quality. Instructors most directly influence the instructional methodology or how training is conducted. Coordinators impact all aspects of training. Relevant qualifications include work experience, research conducted, teaching/coordination experience, publications written, and formal education.
  - (3) Physical Facilities Appropriate for The Training is important because it can influence the level and effectiveness of student learning and student safety.
  - (4) Cost of Course is necessary to consider because of the need to secure the most cost effective and affordable training since the Commission has limited resources to reimburse for training. Some types of training, i.e., polygraph, helicopter pilot, foreign language, and others. have been found to be too costly and are not certified by the Commission.
  - (5) Potential Clientel and Volume of Trainees is important so that the training can be precisely directed at the audience needing the training. Because of the Commission's budgetary limitations, some courses must be restricted to agency trainers who return to

their agencies to train others outside of POST course certification.

(6) Need and Justification of Course is a critical factor because these are based upon a perception or documentation of a problem or opportunity for improving law enforcement agency or officer performance. There usually is no difficulty in establishing these if the perception emanates from a legislative or Commission training mandate or from law enforcement itself. A higher degree of substantiation must be established if the perception emanates from training providers and other non law enforcement sources who may or may not have self serving interests.

(7) Methods of Course Presentation have a significant impact upon learning outcomes or student learning. If, for example, a presenter wishes to teach students how to shoot a firearm using exclusively the lecture method of instruction there is a probability the training will not be successful and wasteful of resources.

(8) Availability of Staff to Administer the Course is important for all aspects of instruction and administration. Most training courses, to be effective, must have adequate clerical, instructional and coordination staff.

(9) Course Evaluation Process is important to ensure the course is meeting its objectives. Course coordinators need to have feedback from students about instructors, course content, facilities, instructional materials, and other presentation related matters.

(10) Instructor/Trainee Ratios is important in determining course quality and student safety. For example, too many students per instructor in a course requiring students to practice and demonstrate a skill causes wasteful stand around time for students waiting their turn. This same circumstance can cause serious student safety problems if too many student are permitted to practice in an unsupervised manner.

(11) Provisions for Student Safety is particularly critical in manipulative skills training where injuries to students can and do occur. Proposed Regulation 1053 (a) (6) identifies specific requirements.

1052.(b) To ensure cost effectiveness and to preclude duplicative efforts, training courses must address identifiable and unmet training needs. Training courses cannot be certified that merely provide a

financial advantage to a training provider. It is also inappropriate to certify additional courses on a given topic if there already exists sufficient course presenters.

- 1052.(c) It is necessary for POST to ensure compliance with curriculum requirements of legislative training mandates because the Legislature has determined these to be critical to effective law enforcement and public safety. Also, it is necessary to standardize these selected courses because the public has a right to expect a certain degree of uniformity of law enforcement throughout California.
- 1052.(d) Association meetings and conferences do not lend themselves to a learning-conducive environment, e.g., lack of mental preparedness on the part of participants, insufficient control of student attendance, and the number of attendees generally can not be controlled. These circumstances can obscure the purpose of attendance- training or association business. Associations from time to time desire to have the Commission underwrite the cost of their association meetings under the guise of training.
- 1052.(e) This is necessary to assure program quality and to prevent the Commission's name from being used without its knowledge or participation.
- 1052.(f) Training effectiveness is generally enhanced when trainees are representative of multiple agencies. This promotes a rich diversity of perspectives in student interactions.
- 1053.(a) These forms are necessary to ensure that all information needed to conduct a valid, objective evaluation is available.
- (1) The Course Certification Request Form initiates the course certification request. It specifies the need for the course, its intended audience, and specifies the conditions under which the course is to be presented.
  - (2) Instructor resume(s) are needed to evaluate competency of instructors.
  - (3) The Course Budget is needed to ensure the cost effective use of the POST financial resources.
  - (4) The Expanded Course Outline is necessary to adequately express the course content.

(5) The hourly distribution schedule is necessary to ensure the presenter following the curriculum in the Expanded Course Outline and indicating the instructors for each topic.

(6) A copy of the presenter's policies and procedures on student safety is necessary to determine to what extent the indicated criteria have been addressed.

1053.(b) (1) This permits the requester to be officially notified that the Commission has received the request and that it is being reviewed.

(2) The minimum time period for notifying a requester in writing of the action taken on a request is 30 calendar days, 45 calendar days for a median, and a maximum of 60 calendar days.

(3) This information is provided to course requesters so they may appeal certification decisions.

1054. This is necessary to provide guidance to potential requesters. Rates and requirements are based upon longstanding experience and are updated periodically to reflect changing costs.

1054.(a) These rates reflect contemporary expenditures by public and private training institutions, i.e., colleges, universities, law enforcement agencies, etc., which are the predominant presenters of POST-certified courses.

1054.(b) This provision for the Commission funding development costs is a mechanism to ensure that there is incentive for presenters to develop or update training courses. The proration of these costs over an agreed upon number of presentations is to ensure all students and employing agencies experience similar tuition costs for the same training.

1054.(c) These coordination costs are also based upon longstanding experience. They are broken down into the general and presentation categories to reflect the Commission's expectations for quality course coordination. Requiring the onsite course coordinators to be present has been found to be necessary to assure that all administrative functions are continuously performed.

1054.(d) Hourly rates for clerical support are based upon longstanding experience with this formula.

- 1054.(e) Printing and reproduction of instructional materials is a valid expense and 6 cents per sheet has been an acceptable rate for presenters.
- 1054.(f) Requirements to return purchased texts/film/videos to POST when they are no longer needed is necessary to ensure that Commission purchased property has maximum use for police training.
- 1054.(g) Self explanatory
- 1054.(h) Rates for coordinator/instructor travel are based upon longstanding experience and presenters have expressed no dissatisfaction.
- 1054.(i) Self explanatory
- 1054.(j) An indirect cost rate of 15% has been found to be satisfactory for many years and there has been no problem of obtaining interested presenters.
- 1054.(k) This information is necessary for the requester to complete the Commission's forms. The provisions for overenrollment and underenrollment are necessary to ensure fairness to presenters and to ensure the Commission receives value in training services from course presenters.
- 1055.(a) Fiscal year certification is necessary for budgetary planning. Limitations on presentations is also necessary for budgetary planning.
- 1055.(b) This is necessary to ensure course quality and accountability. Serious abuses can occur if presenters were to be permitted the ability to transfer course certifications.
- 1055.(c) This is necessary to ensure accuracy and completeness in course advertising. Law enforcement agencies must know whether a training course is certified or not because POST reimbursement is very often the determining factor on whether law enforcement personnel are sent to training.
- 1055.(d) This is necessary to ensure the integrity of course approval and presentation process. It is also necessary to maintain course quality.
- 1055.(e) Course Announcements are necessary to effect the POST reimbursement and trainee record keeping processes. The 30 calendar days for submission is to facilitate POST review.

- 1055.(f) This is necessary to ensure course quality because too many students for a given facility or topic can inhibit the learning process. It is also necessary to place this limit for budgetary considerations since most certified courses are reimbursed by the Commission.
- 1055.(g) This clarification is necessary since experience has shown course presenters may neglect to submit a Course Announcement for each presentation which is necessary for the POST automated reimbursement process.
- 1055.(h) Modification procedures are necessary to effect course changes which can occur from time to time. Again, it is important to the POST automated reimbursement process that accurate information is obtained.
- 1055.(i) These documents are necessary to effect the POST reimbursement and trainee record keeping processes. The need for submission within 10 calendar days is to facilitate timely (monthly) trainee reimbursement to employing agencies.
- 1055.(j) This requirement makes it easier for presenters to require lesson plan preparation and updating by instructors. Lesson plans is one form of holding instructors accountable and varifying what was taught. Very often lesson plans are required to be submitted to courts and other bodies investigating the actions of officers in order to determine if the officer's training was adequate. This requirement also permits POST inspection and facilitates presenters making effective use of substitute instructors.
1056. Annual recertification is necessary to assure continuing need and adherence to the original conditions of certification. Recertification also provides opportunity to initiate any needed revisions.
1057. Decertification criteria is necessary in order for the Commission to maintain course quality. Courses not presented generally indicates lack of need and should be decertified to permit POST to maintain a current Catalog of Certified Courses.
1058. An appeals process is necessary to ensure fairness of the Course Certification Program.

rev. 2-9-90

PROPOSED REGULATION CHANGES - CERTIFICATION AND PRESENTATION OF COURSES

(Outline)

- 1012. Certification of Courses (delete)
- 1051. Course Certification Program
- 1052. Requirements for Course Certification
- 1053. Course Certification Request and Review Process
- 1054. Requirements for Course Tuition
- 1055. Requirements for Course Presentation
- 1056. Annual Recertification
- 1057. Decertification
- 1058. Appeals Process

Revised 2-9-90



PROPOSED CHANGES TO REGULATIONS - CERTIFICATION AND PRESENTATION OF COURSES

Changes/Additions/Deletions

1012. Certification of Courses

(a) The Commission may certify courses. Criteria for certification include, but are not limited to, a demonstrated need and compliance with minimum standards for curriculum, facilities, instructors and instructional quality. Because of the variety of courses provided by the Commission (e.g., firearms, chemical agents, defensive driving), specific standards for course certification and presentation will reflect the specific needs for the type of course certified.

(b) Certification of courses may be revoked by action of the Commission when:

(1) There is no longer a demonstrated need for the course; or

(2) There is failure to comply with standards set forth in (a) above; or

(3) There are other causes warranting revocation as determined by the Commission.

1051. Course Certification Program

(a) The Commission administers the Course Certification Program to provide needed and quality training to law enforcement personnel. The Commission may certify courses. Certification means that the Commission has approved presentation of the course and eligible jurisdictions may be reimbursed by POST in accordance with Regulation 1015.

1052. Requirements for Course Certification

(a) Each request for course certification shall be evaluated in accordance with the following factors:

- (1) Course content
- (2) Qualifications of instructors and coordinators
- (3) Physical facilities appropriate for the training
- (4) Cost of course
- (5) Potential clientele and volume of trainees
- (6) Need and justification of course
- (7) Methods of course presentation
- (8) Availability of staff to administer the course
- (9) Course evaluation processes
- (10) Instructor/trainee ratios
- (11) Provisions for student safety

(b) Only those courses for which there is a identifiable and unmet need shall be certified.

(c) Courses for which POST has established curriculum requirements must comply with those requirements. (Reference Regulation 1081)

(d) Courses presented in conjunction with association meetings or conferences shall not be certified nor shall courses be certified to associations if attendance is restricted to association members.

(e) The Commission shall only endorse or co-sponsor courses, seminars or conferences when POST has assisted in planning the event, developing the subject matter or program, and selecting instructors or speakers.

(f) No course shall be certified which restricts attendance to a single agency unless the purpose of the course is to improve that agency, and attendance by non-members would jeopardize the success of the course.

### 1053. Course Certification Request and Review Process.

(a) Course Certification Request. Any person or organization desiring to have a course certified shall prepare and submit a complete course certification request file to POST. Submission of the following forms and related materials shall constitute a complete file:

(1) Course Certification Request Form (POST 2-103)

(2) Instructor Resume(s)

(3) Course Budget (POST 2-106 rev. 7/88), if the proposed course will require a tuition

(4) Expanded Course Outline which minimally includes subject topics to the third level of detail

(5) Hourly distribution schedule indicating, by day of the week, the instructors and topics scheduled during each certified course hour (Example formats are available from POST)

(6) For courses that include manipulative skills training, a copy of the presenter's policies and procedures concerning student safety. The policies and procedures must minimally address: (a) Rules of Safety and Conduct, (b) Reporting and Handling Injuries, (c) Ratios of Instructional Staff to Students, and (d) Presenter's Commitment to Adhere to POST Approved Expanded Outline. (For Reference see "POST Guidelines for Student Safety in Certified Courses.")

(b) Course Certification Review.

(1) Within 14 calendar days of receipt of a course certification request file, the Commission shall review the documents included in the file and notify the requestor, in writing, that the file is either complete or incomplete. In event the file is incomplete, the Commission shall inform the requestor of the document(s) which must be submitted before further action will be taken to consider certification of the course.

(2) The Commission shall review each complete course certification request file and base its decision on evaluation of those factors enumerated in Regulation 1052. Within 60 calendar days of receipt of a complete file, the requestor shall be notified, in writing, of the Commission's decision to approve or disapprove certification of the course.

(3) Any requestor not satisfied with a certification action may submit an appeal to the Commission in accordance with Regulation 1058.

1054. Requirements for Course Tuition. The following requirements are to be used by course coordinators presenting or planning to present tuition based training courses certified by POST. These guidelines and requirements identify the expenses that may be approved in establishing tuition and are to be used in completing the Course Certification Request (POST 2-103) and Course Budget (POST 2-106 rev.7/88) when requesting initial certification or recertification. Allowable costs for establishing tuition per presentation are as follows:

(a) Instructional Costs. Up to \$35 per hour except as noted below for each certified hour of instruction per instructor may be claimed. Fringe benefits and instructor preparation shall be included in this amount. Up to \$62 per instructional hour may be approved in instances of special need for particular expertise based upon written justification from the presenter. On those limited occasions where it may be necessary to obtain special expertise to provide executive level training, the maximum of \$62 per instructional hour may be exceeded upon prior approval of the Executive Director.

(b) Development Costs. When POST has specifically requested development of a new course or revision of a new course, development costs may be negotiated with the presenter. When approved by the Executive Director, such costs shall be prorated as a portion of tuition for an agreed upon number of presentations.

(c) Coordination. POST will allow costs for coordination based on the type of services performed. Coordination is categorized as: (1) General Coordination, and (2) Presentation Coordination.

General Coordination: General Coordination is the performance of tasks associated with the development, pre-planning, and maintenance of any certified course. Maintenance includes: scheduling, selecting instructors, eliminating duplicative subject matter, providing alternate instructors/instruction as necessary, allocating subject time periods, evaluating instructors, selecting training sites, supervising support staff, and administrative reporting. General Coordination costs may be charged at the rate of \$50 per instructional hour and not to exceed \$400 per presentation.

Presentation Coordination. Presentation Coordination is the performance of tasks related to course quality control, i.e., on-site evaluation of instructors, identifying the need and arranging for the appearance of alternate instructors through the general coordinator when assigned instructors are not available, and being responsible for the development of a positive learning environment. It is required that the Presentation Coordinator be in the classroom, or its immediate vicinity, to resolve

problems that may arise relating to the presentation of a course. Approved rates, per certified hour, for presentation coordination may range from \$12 to \$20. Rates that exceed \$12 per certified hour must be supported by written justification that substantiates coordination expertise.

(d) Clerical Support. Hourly rates for clerical support may be allowed up to \$10 per certified hour in accordance with the following formula:

<u>Certified Course Length</u>	<u>Maximum Hours of Clerical Support Permitted</u>
<u>24 hours or less</u>	<u>40 hours</u>
<u>25 to 40</u>	<u>50 hours</u>
<u>Over 40 hours</u>	<u>100 hours</u>

(e) Printing/Reproduction. Actual expenses for printing or reproduction of brochures and handouts may be allowed. Reproduction expenses shall not exceed 6 cents per sheet.

(f) Books/Films/Instructional Materials. Actual expenses may be allowed, provided each expense is identified. Expendables, such as programmed texts, may be allowed in the same manner. A one-time expenditure for purchase of textbooks may be allowed provided the textbooks will be used in future course presentations. If the course is decertified, or if the texts are no longer necessary for use in the course, they shall be delivered to POST. Films and other instructional aids should be rented or obtained without charge. If a film/video purchase is necessary and authorized by POST in advance, such materials shall be used in future course presentations and shall remain the property of POST.

(g) Paper/Office Supplies/Mailing. Actual expenses may be allowed provided each expense is identified.

(h) Coordinator/Instructor(s) Travel. An estimate is to be made of necessary travel expenses for advanced budget approval. Expenses for local area travel are allowable only when travel exceeds 25 miles one way, or if travel is necessary to an additional course site. If a course presentation is authorized outside of a 25 mile radius of the presenter's principle place of business, travel expenses may be allowed in accordance with existing State regulations covering travel and per diem.

(i) Miscellaneous. Any other cost of materials and other direct items of expense may be approved by POST based upon documented costs.

(j) Indirect Costs. Indirect costs are allowable for expenses not assignable as direct costs. Indirect costs may not exceed 15% of the total direct costs.

(k) Calculation of Tuition. All budgeted costs (direct and indirect) are added to determine the total cost. The tuition cost per student shall be determined by dividing total cost by the maximum number of students approved per presentation (Reference Regulation 1055 (f)). For each presentation, course presenters may exceed the maximum enrollment up to 20% to compensate for unavoidable under enrollments due to late cancellations. However, it is the presenter's responsibility to monitor over enrollment so that by the end of the fiscal year, the total number

of students does not exceed the approved maximum number established by the terms of certification. In the event over enrollment is not properly managed and adjusted during the fiscal year, the Commission may: (a) Reduce the course tuition, (b) Require the presenter to conduct presentation(s) without tuition, (c) Require the presenter to provide prorated refunds to trainees, or (d) Decertify the course.

#### 1055. Requirements for Course Presentation

(a) Term of Certification: Course certification shall be made on a fiscal year basis, subject to annual review. A course shall be certified for a specified number of presentations during a fiscal year. It shall be subject to the restrictions or stipulations specified by POST.

(b) Certification Non-Transferable: A course that has been certified is valid for presentation only by the presenter receiving the certification and is not transferable to another presenter.

(c) Publicity: A certified course, if publicized, must use the exact title as certified by POST. Presenters shall clearly indicate on any course announcements, brochures, bulletin, or publications that POST has certified the individual course offering.

(d) Request for Changes: A course once certified under the conditions specified in the Course certification request, shall not be changed or modified without prior POST approval.

(e) Course announcements: A Course Announcement (POST 2-110) shall be submitted to POST for each proposed course presentation. The Course Announcement must be submitted to POST at least 30 calendar days prior to the presentation of the course. An hourly distribution schedule must be attached to each Course Announcement. A course control number, issued by POST upon approval of the presentation, must be used when making references pertaining to a particular course offering.

(f) Limitations on course enrollments. The Commission shall designate the maximum number of students that may attend each course during a fiscal year.

(g) Concurrent sessions: In those instances where two presentations of the same certified course are scheduled to run concurrently, two Course Announcement forms must be submitted. In the comments section of each Course Announcement, a remark shall be made to the effect that the presentation is one of two presentations of the same course being conducted concurrently.

(h) Modification Procedures: If subsequent to the Commission having approved a Course Announcement, the course coordinator becomes aware of the need to make any changes related to presentation of the course, such as dates of presentation, scheduled times, location, or hours of presentation, the Commission must be contacted to approve such changes prior to the presentation.

(i) Required Documents to be Submitted Upon Completion of Presentation: A completed course roster (POST 2-111 Rev. 7/83) shall be prepared and submitted to the Commission after completion of each certified course

presentation. The following documents shall accompany each Course Roster: (1) A Course Evaluation Instrument (POST) 2-245) completed by each trainee, (2) POST Course Evaluation Control Sheet (POST F-375), and (3) any Training Reimbursement Requests (POST 2-273) that are provided to the presenter by trainees. All documents must be submitted to the Commission no later than 10 calendar days following the ending date of the presentation. Subsequent to submission of these documents, the coordinator shall contact the Commission about needed corrections.

(i) Lesson plans for each topic must be kept on file at the presenter's facility for inspection by POST.

#### 1056. Annual Recertification.

Each certified course is reviewed prior to the beginning of a new fiscal year. The review shall include evaluation of the continuing need for the course, currency of curriculum, and adherence to requirements for course certification (Reference Regulation 1052) and course presentation (Reference Regulation 1055).

#### 1057. Decertification.

Courses may be decertified by action of the Commission when: (1) There is no longer a demonstrated need for the course; or (2) there is failure to comply with requirements set forth in Regulations 1052-1055; or (3) there are other causes warranting decertification as determined by the Commission.

#### 1058. Appeals Process

(a) Any person may appeal in writing any course certification/decertification decision to the POST Executive Director.

(b) Any person not satisfied with the decision of the Executive Director may appeal the decision to the Commission. Persons wishing to appeal to the Commission must notify the POST Executive Director in writing at least 45 calendar days before a scheduled Commission Meeting.

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title <b>Public Hearing - Carcinogenic Training Standards</b>		Meeting Date <b>April 19, 1990</b>
Bureau <b>Training Program Svcs.</b>	Reviewed By <b>Hal Snow</b>	Researched By <b>Mickey Bennett</b>
Executive Director Approval <i>Murray C. Boehm</i>	Date of Approval <b>3-29-90</b>	Date of Report <b>December 5, 1989</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" type="checkbox"/> No

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

ISSUE

This is a public hearing to consider training standards for the Regular Basic Course on the subject of Carcinogenic Materials as they affect law enforcement officers pursuant to Assembly Bill 2376.

BACKGROUND

Assembly Bill 2376, adding Section 1797.187 to the Health and Safety Code (Attachment A), primarily requires law enforcement agencies to notify their employees if the employees have been exposed to a known carcinogenic material as defined by the International Agency for Research on Cancer, during investigation of controlled substance cases or exposure to incidents involving toxic materials. A portion of the bill, added during the legislative process, addresses certain training requirements.

The Commission is required to include instruction in the basic course on the identification and handling of possible carcinogenic materials, and the potential health hazards associated with these materials. Training must also address protective equipment and clothing to minimize contamination and the handling and disposing of materials. Also specified are procedures that can be adopted to minimize exposure to possible hazardous materials.

At the January 1989 meeting, the Commission approved the setting of this matter for public hearing at the April 1990 meeting.

ANALYSIS

An advisory committee (Attachment B) of subject matter experts with expertise in substances and situations in which carcinogenics or hazardous materials may be present was formed to review the current performance objectives and provide consultation on the course of instruction relating to Assembly Bill 2376. The advisory committee evaluated existing documents which list suspected carcinogenic materials, including the substances listed by the International Agency for Research on Cancer. That agency lists approximately 25,000 known or suspected cancer causing substances.

The full realm of carcinogenic exposures possibilities is beyond the scope of POST training. The legislative intent appears to be training for exposure that may occur during dangerous drug investigations and during response to accidents where toxic substances are present.

Carcinogenic materials likely to be encountered in law enforcement situations are included in the definitions of hazardous materials. The Health and Safety Code, Section 25501, defines a hazardous material as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. A carcinogenic, defined as a substance that causes cancer, is included by definition as a hazardous material. Training basic officers to handle hazardous materials situations correctly will automatically provide the necessary carcinogenic training.

It would be impractical to train individual officers concerning hazardous materials safety clothing and equipment. Most authorities, as indicated in the State's Hazardous Materials Medical Management Protocols, agree that it is unacceptable to provide sophisticated protective gear to persons who have not been previously properly fitted and trained. It is impractical and potentially dangerous to train basic patrol officers to physically handle carcinogenic or hazardous materials. Officers are better trained to recognize the potential hazard and call for specialized personnel properly equipped.

The emphasis for basic academy training should focus on identification of hazardous situations and requesting technically proficient assistance. Specific training considerations enumerated in the law were compared with the existing course of instruction, and a proposed curriculum standard consisting of one existing and one new performance objective is recommended.

Existing performance objective 8.39.6 (Attachment C) addresses the directly related issue of requiring the student to identify the responsibilities and considerations of first responders at scenes of hazardous materials. This performance objective is included in the proposed curriculum standard to meet in part the requirement of AB 2376.

Proposed new performance objective 8.39.7 was created to more directly focus the training standard on carcinogenic materials. The proposed new performance objective as shown on Attachment C requires the student when presented a situation which might involve carcinogenic materials to determine if a hazardous materials situation exists, identify the associated risks of immediate and long-term exposure and determine the course of action necessary to minimize the risk of personal contamination, handling, and exposure.



Because this is a legislative training mandate that is required to be incorporated into Commission Regulation 1081 (Minimum Standards for Approved Courses), a public hearing is necessary for the Commission to adopt this standard. It is proposed that Regulation 1081 be modified by adding Section (17) Carcinogenic Materials (Health and Safety Code Section 1797.187) which specifies two minimum topics for basic training that encompass the two previously identified performance objectives (8.39.6 - 7). Those proposed topics include:

- A. Hazardous Materials, Responsibilities, and Considerations for First Responders.
- B. Hazardous Carcinogenic Materials Identification, Associated Risks, and Minimizing Exposures to Responding Officers.

This proposed Regular Basic Course training standard, represented by both topics, will require four hours minimum to complete. It is anticipated that the changes to the Regular Basic Course will have negligible impact on hours since the Regular Basic Course currently contains approximately four hours of training focused on hazardous materials. Academy presenters have sufficient flexibility to conduct this instruction within the existing course. Therefore, no change in the POST 560-hour requirement for the Regular Basic Course is being proposed.

#### RECOMMENDATION

Subject to the results of the public hearing, approve the proposed training standard for the Regular Basic Course on the subject of carcinogenic materials pursuant to Health and Safety Code 1797.187, effective July 1, 1990.

## Assembly Bill No. 2376

## CHAPTER 947

An act to add Section 1797.187 to the Health and Safety Code, relating to health.

[Approved by Governor September 18, 1968. Filed with Secretary of State September 19, 1968.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2376, Statham. Health care: peace officers.

Existing law requires every employer, including state and local agencies, using carcinogens to provide medical examinations of affected employees as defined, to use the carcinogen pursuant to specified standards, and to perform other duties related to the use and exposure to carcinogens.

This bill would require the state and local agencies employing certain peace officers to notify the peace officer when the peace officer is exposed to a known carcinogen under specified circumstances. To the extent that this requirement would be applicable to local agencies, the bill would impose a state-mandated local program. The bill would require that the basic peace officer training course and other appropriate courses of the Commission on Peace Officers Standards and Training include instruction on, but not limited to, the identification and handling of possible carcinogenic materials and potential health hazards associated with those materials.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$300,000, shall be made from the State Mandates Claims Fund.

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

**SECTION 1.** Section 1797.187 is added to the Health and Safety Code, to read:

1797.187. A peace officer as described in Section 830.1, subdivision (a) or (b) of Section 830.2, or subdivision (g) of Section 830.3 of the Penal Code, while in the service of the agency or local

agency which employs him or her, shall be notified by the agency or local agency if the peace officer is exposed to a known carcinogen, as defined by the International Agency for Research on Cancer, or as defined by its director, during the investigation of any place where any controlled substance, as defined in Section 11007 is suspected of being manufactured, stored, transferred, or sold, or any toxic waste spills, accidents, leaks, explosions, or fires.

The Commission on Peace Officers Standards and Training basic training course, and other training courses as the commission determines appropriate, shall include, on or before January 1, 1990, instruction on, but not limited to, the identification and handling of possible carcinogenic materials and the potential health hazards associated with these materials, protective equipment; and clothing available to minimize contamination, handling, and disposing of materials and measures and procedures that can be adopted to minimize exposure to possible hazardous materials.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars (\$500,000), reimbursement shall be made from the State Mandates Claims Fund.

O

CARCINOGENICS ADVISORY COMMITTEE

Tom Abercombie, Senior Criminalist  
Laboratory, Department of Justice

Mickey Bennett, POST Fellow  
Long Beach Police Department

Donald Brown, Lieutenant  
Burbank Police Department

Rick Bingle, Chief Forensic Chemist  
Scientific Investigation Division  
Los Angeles Police Department

Herb Cowan, Range Master/Supervisor  
Diablo Canyon Power Plant  
Pacific Gas and Electric Company

Jeanne Delperdang  
Director Technical Services  
Containerized Chemical

Charles Foden, Retired Fire Chief  
McClellan Air Force Base

Michael George, Captain  
Sacramento Police Department

Mary Halvorson (Reinika), Assistant Dean  
Rancho Santiago College

Charles Johnson, Sergeant  
Concord Police Department

Bruce Lazarus, Director I.H. Services  
Network and Environment Systems

Nancy Masters, Latent Print Analyst  
California Criminalistics Institute

Phil McCormick, Training and  
Emergency Preparation Coordinator  
Chino Police Department

James Petroni, Instructor/Coordinator  
California Specialized Training Institute

Thomas Valentine, Safety Coordinator  
Bureau of Forensic Service, Department of Justice

John Wells, Sergeant  
Hazardous Materials Section  
California Highway Patrol

PROPOSED CURRICULUM CHANGES  
FOR  
CARCINOGENIC MATERIALS

8.39.6 The student will identify the following  
(Existing) responsibilities and considerations of a first  
responder to a hazardous materials incident  
including:

70%  
2

- A. Recognition
- B. Safety/Isolation/Area containment
- C. Notification to proper agencies
- D. Basic first responder limitation

(New) 8.39.7 Given a word picture of a law enforcement  
situation which might involve carcinogenic  
materials contamination for the officer, the  
student will:

80%  
2

- A. Determine if a hazardous materials  
situation exists.
- B. Identify the associated risks of immediate  
and long-term exposure.
- C. Determine the course of action necessary to  
minimize the risk of contamination,  
handling, and exposure.

PROPOSED LANGUAGE FOR REGULATION CHANGE

NOTE: THIS LANGUAGE IS PREDICATED UPON APPROVAL BY THE OFFICE OF ADMINISTRATIVE LAW OF PROPOSED REGULATION 1081 ADOPTED AT THE PUBLIC HEARING HELD APRIL 20, 1989, AND SUBSEQUENTLY REVISED AT THE PUBLIC HEARING HELD JANUARY 18, 1990, AND REVISED AGAIN WITH NO PUBLIC HEARING SCHEDULED, BUT PUBLISHED IN THE NOTICE REGISTER FEBRUARY 23, 1990.

Regulation 1081. Minimum Standards for Approved Courses

(1) - (16) ...

(17) Carcinogenic Materials (Health and Safety Code Section 1797.187) - 4 Hours

A. Hazardous Materials, Responsibilities and Considerations for First Responders.

B. Hazardous Carcinogenic Materials Identification, Associated Risks, and Minimizing Exposure to Responding Officers.



**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

1601 ALHAMBRA BOULEVARD  
SACRAMENTO, CALIFORNIA 95816-7083

February 23, 1990

**BULLETIN: 90-5**

**SUBJECT: Public Hearing - Adoption of Basic Course Training Requirements Concerning Carcinogenic Materials**

A public hearing has been scheduled in conjunction with the April 1990 Commission meeting:

Date: April 19, 1990  
Time: 10:00 a.m.  
Place: Marriott Hotel, Mission Valley  
San Diego, California

The hearing is for the purpose of considering adoption of regulations requiring training on carcinogenic substances. Such training is made necessary by Assembly Bill 2376, which added Section 1797.187 to the Health and Safety Code. This law requires that the Regular Basic Training Course include, on or before January 1, 1990, instruction on carcinogenic materials.

Because the subject of carcinogenic materials falls within the definition of hazardous materials, existing curriculum on hazardous materials satisfies the training mandate in part. The balance of this requirement can be met by proposed new curriculum relating to carcinogenic materials is also proposed.

It is proposed that the following two minimum topics be included in the basic training performance objectives:

- A. Hazardous Materials Responsibilities and Considerations for First Responders; and
- B. Hazardous Carcinogenic Materials Identification, Associated Risks, and Minimizing Exposure to Responding Officers.

Topic A represents existing Basic Course-related curriculum on hazardous materials training for first responders, while Topic B reflects proposed new curriculum more specific to individual officer safety concerns.

The proposed curriculum will require an estimated four hours for presentation. Since the subject of hazardous materials is currently being taught in the Regular Basic Course, the adjusted focus on carcinogenic materials is not expected to result in an actual increase in course hours. Academy presenters have sufficient flexibility to conduct this instruction within the existing course.

The Commission may adopt other changes based upon the public hearing proceedings and written comments received. The Commission invites input on this matter.

The attached Notice of Public Hearing, required by the Administrative Procedures Act, provides details concerning the proposed Regulation changes and provides information regarding the hearing process. Inquiries concerning the proposed action may be directed to Kathy Delle, Staff Services Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

*Norman C. Boehm*

NORMAN C. BOEHM  
Executive Director

Attachment



Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

BASIC TRAINING STANDARDS ON CARCINOGENIC MATERIALS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Section 13503 and 13506 of the Penal Code and in order to interpret, implement, and make specific Section 1797.187 of the Health and Safety Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: April 19, 1990  
Time: 10:00 a.m.  
Place: Marriott Hotel, Mission Valley  
San Diego, California

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

INFORMATIVE DIGEST

From time to time, POST approves training standards pursuant to legislative mandate and they are incorporated into Regulation 1081 (Minimum Standards for Approved Courses). Pursuant to Assembly Bill 2376, Section 1797.187 was added to the Health and Safety Code. This section requires the Commission, on or before January 1, 1990, to include in the Regular Basic Training Course for law enforcement officers instruction in the identification and handling of possible carcinogenic materials, potential health hazards associated with these materials, protective equipment and clothing materials to minimize contamination, and handling and disposing of materials.

It is proposed that Regulation 1081 be modified by adding Section 17, Carcinogenic Materials (Health and Safety Code Section 1797.187), which specifies two minimum topics for Basic Course performance objectives:

- A. Hazardous Materials Responsibilities and Considerations for First Responders; and
- B. Hazardous Carcinogenic Materials, Identification, Associated Risks, and Minimizing Exposure to Responding Officers.

Topic A represents existing Basic Course-related curriculum on hazardous materials training for first responders, while Topic B reflects proposed new curriculum more specific to individual officer safety concerns.

The Regular Basic Course training standards, represented by both topics, will require a minimum of four hours to complete. Since hazardous materials information is currently being presented in the Regular Basic Course, the suggested changes are only an adjustment to the current hazardous materials information, with an appropriate focus on carcinogenic materials. It should be noted that the Regular Basic Course currently contains approximately four hours of this training focused on hazardous materials. No change to the POST 560-hour requirement for the Regular Basic Course is being proposed because academy presenters have sufficient flexibility to conduct this instruction within the existing course.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on April 9, 1990. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA 95816-7083.

#### ADOPTION OF PROPOSED REGULATIONS

After the hearing is concluded and public comments considered, the Commission may adopt the proposals substantially as set forth without further notice. If the proposed text is modified prior to adoption and the change is related but not solely grammatical or nonsubstantial in nature, the full text of the resulting regulation will be made available at least 15 days before the date of adoption to all persons who testified or submitted written comments at the public hearing, all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### PROPOSED TEXT, STATEMENT OF REASONS, AND OTHER INFORMATION

Copies of the Statement of Reasons and exact language of the proposed action may be obtained at the hearing, or prior to the hearing upon written request to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

## ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Small Business Impact: None

Cost Impact on Private Persons or Entities: None.

Housing Costs: None.

## CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Kathy Delle, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: REGULAR BASIC COURSE TRAINING STANDARD  
ON CARCINOGENIC MATERIALS

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training proposes to amend Commission Regulation 1081 (Minimum Standards for Approved Courses) pursuant to Assembly Bill 2376, which added Section 1797.187 to the Health and Safety Code. These changes to the Regular Basic Course pertain to law enforcement response to situations involving carcinogenic materials.

In response to the specifications of Assembly Bill 2376, an advisory committee composed of subject matter experts, training managers, and individuals from state and local government having an interest and expertise in the areas of hazardous materials and hazardous materials instruction was formed to review the current Basic Course performance objectives. Recommended performance objective changes were developed as a result of comparing the existing course of instruction with standards required for conformance with AB 2376.

Health and Safety Code Section 25501 defines a hazardous material as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety, or to the environment if released into the workplace or the environment. A carcinogenic, defined as a substance that causes cancer, is included by definition as a hazardous material. It is therefore proposed that the existing Regular Basic Course curriculum on hazardous materials satisfy, in part, the training mandated by AB 2376. In addition, a new performance objective is proposed for the Regular Basic Course that relates to hazardous materials (including carcinogenics) identification, associated risks, and minimizing exposure to officers.

Since the intent of the legislation is to increase the safety of the individual officer, POST staff has determined that it would be impractical to train individual officers in the use of hazardous materials safety clothing and equipment. Most authorities, as indicated in the State's Hazardous Materials Medical Management Protocols, agree that it is unacceptable to provide sophisticated protective gear to persons who have not previously been properly fitted and trained in its use. It is impractical and potentially dangerous to train patrol officers to physically handle carcinogenic or hazardous materials. Officers are better trained to recognize the potential hazard and call for specialized personnel who are properly equipped and trained to handle the situation.

Keeping the intent of the legislation in mind, subject matter experts determined that the emphasis for basic academy training should focus on identifying hazardous situations and requesting technically proficient assistance. Specific training considerations enumerated in the new law were compared with the

existing course of instruction, and a proposed curriculum standard consisting of one existing and one new performance objective is recommended.

It is proposed that Regulation 1081 be modified by adding Section 17, Carcinogenic Materials (Health and Safety Code Section 1797.187), which specifies two minimum topics to be included in the basic training performance objectives.

The first proposed topic is "Hazardous Materials Responsibilities and Considerations for First Responders." This instruction is necessary because the first responding officer has a responsibility to protect the community from hazardous materials situations. This includes identifying an incident as involving hazardous materials, containing the scene, notifying appropriate response teams, and, when necessary, evacuating the area.

The second proposed topic is "Hazardous Carcinogenic Materials Identification, Associated Risks, and Minimizing Exposure to Responding Officers." In order to take appropriate action in the event of a hazardous materials situation, and to ensure their safety, officers must be able to identify carcinogenic materials and take action to protect themselves from contamination.

The Regular Basic Course training standard, represented by these topics, will require a minimum of four hours to complete. This time period was determined upon analysis by POST staff and subject matter experts of existing relating training and additional proposed curricula. It is anticipated that the changes to the Regular Basic Course will have a negligible impact on instruction hours since the Regular Basic Course currently contains approximately four hours of this training focused on hazardous materials. No change to the POST 560-hour requirement for the Regular Basic Course is being proposed because academy presenters have sufficient flexibility to conduct this instruction within the existing course.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>Basic Course Curriculum Changes - Postpartum Psychosis, Law, Traffic, &amp; Criminal Investigation</b>		Meeting Date <b>April 21, 1990</b>
Bureau <b>Training Program Services</b>	Reviewed By <b>Hal Snow</b>	Researched By <b>Russ Kindermann</b>
Executive Director Approval <i>Norman C. Becken</i>	Date of Approval <b>3.29.90</b>	Date of Report <b>March 22, 1990</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" type="checkbox"/> No

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

ISSUE

Commission approval of Regular Basic Course curriculum on Postpartum Psychosis, Law, Traffic and Criminal Investigation.

BACKGROUND

Senate Concurrent Resolution 39 of 1989, (Attachment A) requests the Commission to adopt basic course training standards on the recognition and handling of women who appear to be suffering from postpartum psychosis. SCR 39 specifically requests that the curriculum include instruction on the handling and recognition of women suffering from postpartum psychosis, nature of the condition, and community resources available to assist in these occurrences.

As part of the POST Regular Basic Course curriculum review process, POST has conducted subject matter expert review workshops on the Functional Areas of Law, Traffic, and Criminal Investigation. Based upon the input of these committees of subject matter experts, curriculum revisions have been developed into performance objectives which are relevant and up to date. The proposed Law, Traffic, and Criminal Investigation curriculum changes, as well as the postpartum psychosis training standards, have been reviewed by the Academy Directors who concur the changes are appropriate.

ANALYSIS

Postpartum psychosis is a disorder that can result in violent episodes of infanticide and/or suicide by the mother. There are approximately 32 postpartum psychosis episodes which result in death or injury to babies yearly in California. A familiarity with postpartum psychosis would enable the law enforcement officer to handle these situations in an appropriate manner consistent with legal requirements.

Staff, with the input of an advisory committee of subject matter experts, developed two new performance objectives concerning postpartum psychosis to be added to the Regular Basic Course. (Attachment B) Performance objective 8.36.11 would require the student to identify

symptoms of mothers who may be suffering from this condition. Performance objective 8.36.12 would require the student to select an appropriate course of action as a responder to a situation involving a woman who might be suffering from postpartum psychosis.

Proposed curriculum changes relative to Law involve: (1) the addition of one performance objective relating to the attempt crime of arson and (2) the deletion of one performance objective involving identification of an "accomplice" which is duplicated in another performance objective. See Attachment C for these proposed changes. The new performance objective was deemed by subject matter experts to be necessary to cover incidents of increasing frequency and is presently being addressed in many academies.

Proposed curriculum changes relative to Criminal Investigation include three new performance objectives and one deleted performance objective. Proposed new performance objectives involve: (1) identification of health hazards associated with substances used in the processing of latent prints; (2) identification of protective measures to be used when processing latent prints; and (3) identification of tasks delegated to a field officer when responding to an alleged crime against an elderly person. The new performance objectives relating to fingerprinting process are based upon the recent recognition of health hazards associated with certain substances and the need to have trainees know the hazards along with protective measures. The new performance objective on law enforcement tasks associated with crimes against the elderly is based upon subject matter expert input on the increasing incidence of such crime, and to have officers trained in the subject. One performance objective involving identification and preservation of "fragile" evidence is recommended to be deleted because it is duplicated in another performance objective. See Attachment D for these proposed changes.

Proposed curriculum changes in the functional area of Traffic include four new and one deleted performance objective. New performance objectives involve: (1) identification of the basic elements necessary to complete a sketch at the scene of a traffic collision; (2) identification of physical evidence used to determine the cause of a collision; (3) identification of information to be obtained during a collision investigation interview; and (4) determination of the Vehicle Code violation and collision factors. The new performance objectives relating to traffic collision investigation factors were deemed by subject matter experts to be minimal, essential tasks required of every field officer, and are being addressed in many academies. One performance objective involving identification of a reckless driving violation is recommended to be deleted because it is duplicated in another performance objective. See Attachment E for these proposed changes.

It is estimated these proposed changes would require one hour for instruction and testing. The proposed new performance objectives related to Traffic presently are taught in most academies. The additional hour would have a negligible impact on total instructional

hours since Basic Academy presenters have sufficient flexibility to conduct this instruction within the existing 560-hour requirement for the Regular Basic Course.

The proposed curriculum changes must be adopted pursuant to the Administrative Procedures Act. It is proposed that the abbreviated public notice process be used. If no one requests a public hearing, these proposed regulations would go into effect approximately July 1, 1990. It is proposed that pursuant to Commission Regulation 1005(a) and Commission Procedure D 1-2 the Performance Objectives for the POST Basic Course document be amended to add ten new performance objectives 8.36.11, 8.36.12, 3.16.3, 10.5.4, 10.5.5, 10.24.1, 9.14.3, 9.14.4, 9.14.5, and 9.14.6 and delete three performance objectives 3.4.2, 10.6.6, and 9.4.8. See Attachment F for a copy of the Notice of Proposed Regulatory Action.

#### RECOMMENDATION

Subject to the results of the proposed Notice of Regulatory Action, approve the proposed curriculum changes for the Regular Basic Course on Postpartum Psychosis, Law, Traffic and Criminal Investigation effective July 1, 1990.



## Senate Concurrent Resolution No. 39

## RESOLUTION CHAPTER 87

Senate Concurrent Resolution No. 39—Relative to Department of Justice training.

[Filed with Secretary of State July 26, 1969.]

## LEGISLATIVE COUNSEL'S DIGEST

SCR 39, Presley. Department of Justice training.

Under existing law, there is in the Department of Justice, the Commission on Peace Officer Standards and Training which is responsible for administrating numerous law enforcement training and certification programs.

This measure would set forth various declarations concerning postpartum psychosis, a phenomenon affecting new mothers, and would request the Commission on Peace Officer Standards and Training to adopt standards, as specified, to include training on the recognition and handling of women possibly suffering from postpartum psychosis.

WHEREAS, Certain mental illnesses have been shown to be related to recent childbirth and are commonly referred to as postpartum psychosis; and

WHEREAS, Postpartum psychosis is not a new illness and has been documented throughout history, being first recognized by Hippocrates 2,300 years ago; and

WHEREAS, The Parliament of Great Britain recognized the existence of the illness which affects new mothers and addressed it in their criminal statutes in 1922; and

WHEREAS, Postpartum psychosis may gravely impair a woman's thoughts and behavior because the symptoms of postpartum psychosis include confusion, delusions, and hallucinations; and

WHEREAS, There is growing recognition of the illness and the tragedies that can ensue when the illness is left untreated; and

WHEREAS, A task force consisting of representatives of law enforcement, prosecutors, health researchers, and psychiatric care providers has studied violent crimes of new mothers, including infanticides; and

WHEREAS, Peace officers are often the first individuals to come into contact with women who may be suffering from postpartum psychosis and have committed a crime; and

WHEREAS, Existing law provides for special consideration and treatment of persons with certain mental illnesses; and

WHEREAS, The Legislature has enacted Section 13519.2 of the Penal Code which requires adequate instruction in the handling of persons with developmental disabilities or mental illness, or both, in

the basic training course for peace officers; and

WHEREAS, Chapter 2 (commencing with Section 1001) of Title 11 of the California Code of Regulations addresses the basic training courses for peace officers, which is incorporated into Sections D-1-3 of the Peace Officer Standards and Training Administrative Manual; and

WHEREAS, The actual basic training course descriptions and goals are found in the PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE; and

WHEREAS, In compliance with Section 13519.2 of the Penal Code, the Commission on Peace Officer Standards and Training is considering amendments to its PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE to include training regarding procedures for dealing with the developmentally disabled and the mentally ill; and

WHEREAS, The PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE is also the appropriate vehicle for including training of law enforcement officers in recognizing and handling women who may be suffering from postpartum psychosis; and

WHEREAS, A peace officer's familiarity with the signs of postpartum psychosis, will expedite assessment and appropriate treatment for a woman who may be suffering from this illness; and

WHEREAS, Such recognition by a peace officer will assist the criminal justice system in determining appropriate custody, and assuring appropriate adjudication and treatment; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Commission on Peace Officer Standards and Training is requested to adopt standards in their PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE, based on its authority pursuant to Section 13519.2 of the Penal Code, to include training on the recognition and handling of women possibly suffering from postpartum psychosis; and be it further

*Resolved,* That the course of instruction relating to the handling of women suffering from postpartum psychosis shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in this area; and be it further

*Resolved,* That in addition to providing instruction on the handling of these women, the course also shall include information on the nature of postpartum psychosis, as well as the community resources available to serve women suffering from postpartum psychosis; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Governor of California, the American Psychiatric Association, and the Commission on Peace Officers Standards and Training.

## POSTPARTUM PSYCHOSIS

- (New) 8.36.11 Given a description of a situation involving  
80% a woman who has given birth within the last  
2 12 months and who displays one or more of the  
following risk factors, the student will  
identify that the woman may be  
suffering from postpartum psychosis.

Risk Factors:

- A. Insomnia
- B. Agitation
- C. Hyperactivity
- D. Stupor
- E. Confusion
- F. Hallucinations
- G. Delusions
- H. Violent or bizarre behavior
- I. Fearful thoughts (Child's safety)

- (New) 8.36.12 Given a description of a situation involving  
80% a woman who might be suffering from  
2 postpartum psychosis, the student will select  
an appropriate course of action from the  
following options:

- A. Involuntary detention under Section 5150  
of the Welfare & Institutions Code
- B. Referral for mental health services,  
and notify family member or other  
concerned parties
- C. Report to child protective services
- D. Arrest
- E. Emergency medical care
- F. No police action required

## LAW

- (New)      3.16.3  
              80%  
              2
- Given word-pictures or audio-visual presentations depicting possible attempts to set fire to or aid, counsel or procure the burning of any structure, forest land or property, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 455)
- (Deleted)    3.4.2
- ~~The student will identify "accomplice" as defined by California law. (Penal Code Section 1111)~~

## CRIMINAL INVESTIGATION

- (New)            10.5.4  
                    70%  
                    2            The student will identify the health hazards associated with substances used in the processing of latent prints. These include:
- A. Respiratory and/or digestive disorders  
B. Eye and skin irritation
- (New)            10.5.5  
                    70%  
                    2            The student will identify protective measures to be used when processing latent prints. These include:
- A. Particle mask  
B. Eye protection  
C. Skin protection
- (New)            10.24.0            CRIMES AGAINST THE ELDERLY
- Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in an alleged crime against an elderly person.
- (New)            10.24.1  
                    80%  
                    2            Given various word pictures or audio-visual presentations depicting an alleged crime against an elderly person, the student will identify those tasks delegated to a responding field officer.
- (Delete)        10.6.6            Given a description of a crime scene containing several pieces of evidence, the student will identify the "fragile" evidence and select the proper method for preserving it.

## TRAFFIC

- (New) 9.14.3      The student will identify the basic elements necessary to complete a factual diagram and/or sketch when investigating the scene of a traffic collision. The elements are:  
70%  
2
- A. Indication of compass direction
  - B. Measurements of the scene in proportion, but not necessarily to scale.
  - C. Use of appropriate illustrations
  - D. Determine the point of impact (P. O. I.) and the point of rest (P. O. R.)
- (New) 9.14.4      The student will identify the following types of physical evidence which are used to determine the cause of a collision:  
70%  
2
- A. Locked wheel skid, critical speed scuff, impending skid, side skids, and acceleration scuff
  - B. Debris, glass, vehicle parts, fluids, and other related property damage
  - C. Photographs of the scene
- (New) 9.14.5      The student will identify the information to be obtained during a collision investigation interview.  
70%  
2
- A. Identify the involved parties and vehicles
  - B. Establish the time and location of collision events
  - C. Establish the chronology of collision events
  - D. Elements unique to hit and run collisions, if applicable
- (New) 9.14.6      Given a Vehicle Code and a description of a traffic collision, the student will determine the Vehicle Code violation, where applicable, and identify the primary and associated collision factors.  
70%  
3
- (Delete) 9.4:8      ~~Given a Vehicle Code and word-pictures or audio-visual presentations depicting a reckless driving violation, the student will identify it by either common name or section number. --- (Vehicle Code Section 23103)~~

Commission on Peace Officer Standards and Training

NOTICE OF PROPOSED REGULATORY ACTION  
TO ADOPT BASIC COURSE CURRICULUM CHANGES ON  
POSTPARTUM PSYCHOSIS, LAW,  
CRIMINAL INVESTIGATION AND TRAFFIC

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to Commission Regulation 1005 (a) and Commission Procedure D 1-2, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

INFORMATIVE DIGEST

Senate Concurrent Resolution 39 (1989) requests the Commission to adopt basic course training standards on postpartum psychosis. Basic training in the areas of Law, Traffic and Criminal Investigation are routinely reviewed to maintain up-to-date, relevant curriculum.

It is proposed the document Performance Objectives for the POST Basic Course be amended to add and delete minimum performance objectives on Postpartum Psychosis, Law, Traffic and Criminal Investigation in the Regular Basic Course.

Performance Objectives to be added are:

- A. Postpartum Psychosis - Identification
- B. Postpartum Psychosis - Course of Action
- C. Criminal Law - Attempt or Procurement to Commit Arson
- D. Criminal Investigation - Health Hazards Associated with the Collection of Latent Fingerprints
- E. Criminal Investigation - Protective Equipment Used with Collection of Latent Fingerprints
- F. Criminal Investigation - Crimes Against an Elderly Person
- G. Traffic Investigation - Elements necessary to complete a Traffic Collision Diagram
- H. Traffic Investigation - Physical Evidence in a Traffic Collision
- I. Traffic Investigation - Traffic Collision Interview
- J. Traffic Investigation - Factors in a Traffic Collision

Performance Objectives to be deleted because of redundancy with other existing curriculum are:

- A. Criminal Law - Definition of "Accomplice"
- B. Criminal Investigation - "Fragile" Evidence
- C. Traffic Investigation - Reckless Driving

The proposed curriculum would add ten new performance objectives and delete three performance objectives on these subjects to the Regular Basic Course. One additional hour would be required for

instruction and testing. It is proposed the document Performance Objectives for the POST Basic Course be modified to add these ten and delete these three performance objectives. Because Basic Academy presenters have sufficient flexibility to conduct this instruction within the existing minimum 560 hours, it is anticipated that this proposed change will have a negligible impact on instruction hours.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions that are described in this notice. Written comments relevant to the proposed actions must be received at POST no later than 4:30 p.m. on \_\_\_\_\_. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or duly authorized representative, may request in writing, no later than \_\_\_\_\_, that a public hearing be held.

#### ADOPTION OF PROPOSED ACTION

Following the close of the public comment period, the Commission may adopt the proposal substantially as described in this notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language, clearly indicated, will be made available to the public at least 15 days before adoption. A request for the modified text should be addressed to the contact person identified in this notice. The Commission will accept written comments on the modified language for 15 days after the date on which the modified text is made available.

#### PROPOSED TEXT, STATEMENT OF REASONS, AND OTHER INFORMATION

Copies of the Statement of Reasons and exact language of the proposed action may be obtained by a request in writing to the contact person at the address below. This address is also the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

#### ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None



**Local Mandate: None**

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

**Small Business Impact: None**

**Costs Impact on Private Persons or Entities: None**

**Housing Costs: None**

#### **CONSIDERATION OF ALTERNATIVES**

In order to take this action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **CONTACT PERSON**

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Kathy Delle, Staff Services Analyst, 1601 Alhambra Blvd, Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

## Commission on Peace Officer Standards and Training

NOTICE OF PROPOSED REGULATORY ACTION  
TO ADOPT BASIC COURSE CURRICULUM CHANGES ON  
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The proposed curriculum would add ten new performance objectives and delete three performance objectives on these subjects to the Regular Basic Course. One additional hour would be required for

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#### PUBLIC COMMENT

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#### ADOPTION OF PROPOSED ACTION

Following the close of the public comment period, the Commission may adopt the proposal substantially as described in this notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language, clearly indicated, will be made available to the public at least 15 days before adoption. A request for the modified text should be addressed to the contact person identified in this notice. The Commission will accept written comments on the modified language for 15 days after the date on which the modified text is made available.

#### PROPOSED TEXT, STATEMENT OF REASONS, AND OTHER INFORMATION

Copies of the Statement of Reasons and exact language of the proposed action may be obtained by a request in writing to the contact person at the address below. This address is also the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

#### ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Small Business Impact: None

Costs Impact on Private Persons or Entities: None

Housing Costs: None

#### CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

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Commission on Peace Officer Standards and Training

REGULATORY ACTION: BASIC COURSE CURRICULUM CHANGES  
ON POSTPARTUM PSYCHOSIS, LAW,  
TRAFFIC AND CRIMINAL INVESTIGATION

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) proposes to amend the document Performance Objectives for the POST Basic Course. These amendments would establish training standards on the subject of postpartum psychosis and in the areas of Law, Criminal Investigation and Traffic.

It is proposed that pursuant to Commission Regulation 1005(a) and Commission Procedure D 1-2 the Performance Objectives for the POST Basic Course document be amended to add ten new performance objectives and delete three performance objectives to the Regular Basic Course. This curriculum was developed taking into consideration input from a committee of subject matter experts from law enforcement, medical, and legal professions.

The following performance objectives were selected for inclusion in the curriculum because they address specific training needs of law enforcement and comply with the request for curriculum on postpartum psychosis in Senate Concurrent Resolution 39 (1989).

Proposed Performance Objectives  
To Be Added

Justification

- |   |  |
|---|--|
| A. Postpartum Psychosis Identification (8.36.11)                  | Officers need to recognize the behavior or risk factors associated with postpartum psychosis in order to take appropriate action.                  |
| B. Postpartum Psychosis Course of Action (8.36.12)                | Officers must understand the appropriate courses of action when confronted with a situation involving a woman suffering from postpartum psychosis. |
| C. Criminal Law - Attempt or procurement to commit arson (8.16.3) | Basic officer training needs to include the specific crime of attempt arson as well as the complete crime, which is presently addressed.           |

- |    |  |   |
|----|--|---|
| D. | Criminal Investigation -<br>Health hazards associated<br>with the collection of<br>latent fingerprints<br>(10.5.4) | Officers need to be<br>knowledgeable of the<br>potential health hazards<br>present in chemical compounds<br>used to secure latent prints.<br>Some substances present<br>carcinogenic health hazards.        |
| E. | Criminal Investigation -<br>Protective equipment used<br>with collection of latent<br>fingerprints (10.5.5)        | Officers need to know basic<br>instruction on the types of<br>protective equipment used for<br>the collection of latent<br>fingerprints.  |
| F. | Criminal Investigation -<br>Crimes against an elderly<br>person (10.24.1)  | The types and number of crimes<br>against the elderly have been<br>recognized as increasing in<br>frequency. Each officer must<br>be aware of tasks to be<br>performed in investigating<br>these incidents. |
| G. | Traffic Investigation<br>Elements necessary to<br>complete a traffic<br>collision diagram (9.14.3)                 | Basic course training must<br>provide instruction and<br>testing on factors relating to<br>a traffic collision diagram.   |
| H. | Traffic Investigation -<br>Physical evidence in a<br>traffic collision (9.14.4)                                    | Officers need to know how to<br>identify physical evidence at<br>a traffic collision scene in<br>order to complete an adequate<br>investigation.  |
| I. | Traffic Investigation -<br>Traffic collision<br>interview (9.14.5)   | Officers need to know how to<br>interview individuals involved<br>in a traffic collision in<br>order to complete an adequate<br>investigation.  |
| J. | Traffic Investigation -<br>Factors in a traffic<br>collision (9.14.6)  | Officers need to know how to<br>determine the primary and<br>associated collision factors<br>which result in traffic<br>collision factors which<br>result in traffic collision.                             |

Proposed Performance Objectives  
To Be Deleted

Justification

- |    |  |   |
|----|--|---|
| A. | Criminal Law - Definition<br>of "Accomplice" (3.4.2) | The concept of "accomplice"<br>conflicts with "accessories"<br>and "principals" which is<br>covered in a separate<br>performance objective. |
|----|--|---|

- |    |  |  |
|----|--|--|
| B. | Criminal Investigation -<br>"Fragile" evidence<br>(10.6.6) | Duplication of existing<br>curriculum. |
| C. | Traffic Investigation -<br>Reckless Driving (9.4.8)        | Duplication of existing<br>curriculum. |

It is estimated these proposed changes would require one additional hour for instruction and testing. It is anticipated this proposed change to the Regular Basic Course will have a negligible impact on instruction hours since Basic Academy presenters have sufficient flexibility to conduct this instruction within the existing minimum 560-hour requirement for the Regular Basic Course.

Requests for copies of the proposed Regulations changes, performance objectives or inquiries concerning the proposed action may be directed to Kathy Delle at (916) 739-5400.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: BASIC TRAINING STANDARDS

Proposed Language

1005. Minimum Standards for Training

(a) Basic Training (Required)

More specific information regarding basic training requirements is located in Commission Procedure D-1.

- (1) Every regular officer, except those participating in a POST-approved field training program, shall satisfactorily meet the training requirements of the Regular Basic Course before being assigned duties which include the exercise of peace officer power.

Requirements for the Regular Basic Course are set forth in PAM, Section D-1-3.

\*\*\*\*

- (b) \*\*\*\*  
(c) \*\*\*\*  
(d) \*\*\*\*  
(e) \*\*\*\*  
(f) \*\*\*\*  
(g) \*\*\*\*  
(h) \*\*\*\*  
(i) \*\*\*\*



PAM Section D-1-1 adopted \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-1-2 adopted \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-1-3 adopted effective April 15, 1982, and amended January 24, 1985 and \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-1-4 adopted effective April 27, 1983, and amended January 24, 1985 and \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-1-5 adopted effective April 27, 1983, and amended January 24, 1985 and \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-1-6 adopted effective October 20, 1983 and amended \_\_\_\_\_ \* \_\_\_\_\_, is herein incorporated by reference.

PAM Section D-2 adopted effective April 15, 1982, and amended January 24, 1985, is herein incorporated by reference.

PAM Section D-3 adopted effective April 15, 1982, and amended October 20, 1983, and January 29, 1988, is herein incorporated by reference.

PAM Section D-4 adopted effective April 15, 1982 is herein incorporated by reference.

The POST Basic Academy Physical Conditioning Manual (February 1990), is herein incorporated by reference effective \_\_\_\_\_ \* \_\_\_\_\_.

The document, Performance Objectives for the POST Basic Course - 1989, is herein incorporated by reference effective \_\_\_\_\_ \* \_\_\_\_\_.

\*This date to be filled in by OAL

Authority: PC 13510, 13503, 13506  
Reference: PC 832.3, 832.6, 13510

Procedure D-1, subparagraphs 1-1, 1-2, 1-3, 1-4, 1-5, and 1-6 are incorporated by reference into Regulation 1005, and a public hearing is required prior to their revision. See the Historical Note at the conclusion of this Procedure.

## BASIC TRAINING

### Purpose

\*\*1-1. Specifications of Basic Training: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(a) of the Regulations which relate to Basic Training. Basic Training includes the Regular Basic Course, District Attorneys Investigators Basic Course, Marshals Basic Course, and Specialized Basic Investigators Course.

### Training Content and Methodology

\*\*1-2. Requirements for Basic Training Content and Methodology: The minimum content standards for basic training are broadly stated in paragraphs 1-3 to 1-6. Within each functional area, listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval. More detailed specifications are contained in the documents "Performance Objectives for the POST Basic Course" and "POST-Prescribed Training Courses." Supporting documents, although not

\*\*Underlined for Style

~~mandatory, that complete the system are the POST Basic Course Management Guide and Instructional Unit Guides (57).~~

Successful course completion requires attendance of an entire course at a single academy except where POST has approved a contractual agreement between academies. The Law Enforcement Code of Ethics shall be administered to peace officer trainees. Instructional methodology is at the discretion of individual course presenters. Requirements and exceptions for specific basic courses are as follows:

- a. For the Regular Basic Course specified in paragraph 1-3, performance objectives must be taught and tested as specified in the document "Performance Objectives for the POST Basic Course". Successful course completion is based upon objectives meeting the established success criteria specified in this document. Tracking performance objectives by to document student achievement is mandatory; however, the tracking system to be used is optional.

For the Regular Basic Course, tThe POST-developed physical conditioning program must be followed within Functional Area 12.0 and students must pass a POST-developed physical abilities test as described in the POST Basic Academy Physical Conditioning Manual at the conclusion of the conditioning program as a condition for

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Request for a Public Hearing - Training Standards on Investigation of Sudden Death of Infants and Sudden Infant Death Syndrome		Meeting Date April 19, 1990
Bureau Training Program Services	Reviewed By Hal Snow	Researched By James E. Newman
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 4-5-90	Date of Report March 27, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" type="checkbox"/> No

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

ISSUE

This is a request for a public hearing to consider training standards pursuant to Senate Bill 1067, (1989) for patrol and investigative personnel on Sudden Infant Death Syndrome and the handling of cases involving the sudden death of infants.

BACKGROUND

Senate Bill 1067 of 1989 (Attachment A) enacted Section 13519.3 of the Penal Code which directs the Commission to establish, for those peace officers specified in subdivision (a) of Section 13510 who are assigned to patrol or investigations, a course on the handling of cases involving the sudden death of infants and the nature of Sudden Infant Death Syndrome. The course shall include instruction on the standard procedures developed as guidelines which may be followed by law enforcement agencies in the investigation of cases involving sudden deaths of infants, information on the nature of SIDS, and information on community resources available to assist families and child care providers who have lost a child to SIDS.

The Commission is also required to prepare guidelines establishing standard procedures which may be followed by law enforcement agencies in the investigation of cases involving sudden death of infants.

The legislation requires that officers who are employed after January 1, 1990 complete a course on SIDS prior to issuance of the POST Basic Certificate, and that this training be completed on or before July 1, 1992. The legislation further directs the Commission to review and modify the Regular Basic Course curriculum to include SIDS awareness as part of death investigation training.

The incidents of sudden death of an infant occur in California at a rate of 9.5 incidents per 1,000 live births. There are approximately 500,000 live births in California resulting in nearly 5,000 infant deaths yearly. The causes of infant deaths range from acts of criminal violence, accidents, illness, and other causes. Death investigation, whether involving criminal behavior or not, is a critical function of law enforcement.

Sudden Infant Death Syndrome (SIDS) is the leading cause of death among infants. A SIDS death is defined as the sudden, unexplained death of an infant under one year of age which remains unexplained after a complete post mortem examination, including an investigation of the death scene, and review of the case history. Yearly in California there is one SIDS death per 500 live births or approximately 800 deaths. Familiarity with Sudden Infant Death Syndrome will enable peace officers to handle these situation in an acceptable and standardized manner consistent with legal requirements.

### ANALYSIS

An advisory committee of subject matter instructors, investigators, and individuals having expertise in Sudden Infant Death Syndrome (SIDS) and in death investigation tasks was formed to review current death investigation training standards and to provide consultation on the courses of instruction and investigative guidelines relating to SB 1067 (Attachment B).

Research and advisory committee's input has suggested the need for a two-hour course on investigation of sudden death of infants for those peace officers assigned to patrol or investigation that would include the following topics:

- A. Standard Procedure on Investigating Sudden Death of Infants
  1. Determination of the need for emergency medical treatment.
  2. Implementation of death scene procedures.
  3. Identification and interviewing of family, care providers, and witnesses.
  4. Notification to other investigative, medical and coroner staff.
  5. Documentation and reporting of incident.

B. Sudden Infant Death Syndrome (SIDS) Awareness

1. Identification and nature of SIDS.
2. Information to provide family and /or child care providers.
3. Community resources available.

It is proposed that this course be adopted and presented for in-service officers, and that the topics identified in the training course also be included in the Regular Basic Course. It is proposed that an existing performance objective concerning death scene investigation be revised to assure that investigation topics described in the proposed course will be addressed. (Attachment C).

Attachment D sets forth the proposed new learning goal and performance objectives for the Regular Basic Course on SIDS awareness. The proposed performance objectives provide the student with information concerning the indicators of SIDS and community referral resources which are available to the parent/child care provider. Supporting Regular Basic Course unit guide material for these existing and new objectives provides detailed information on these subjects. It is anticipated that the new performance objectives on SIDS awareness will require one hour for instruction and testing. The performance objective on death scene investigation practices is currently being addressed within existing course hours.

PC 13519.3 also requires the Commission to develop and distribute guidelines for the use of law enforcement agencies in the investigation of sudden infant death. The guidelines will be for voluntary use and therefore need not be formally adopted pursuant to the Administrative Procedures Act. The guidelines are currently in the final stage of development and will be presented to the Commission for approval at the July 1990 meeting.

The law does require, however, that the training course include instruction based upon the investigative guidelines. The proposed course described above includes such instruction.

Because this is a legislative training mandate that is required to be incorporated into Commission Regulation 1081 (Minimum Standards for Approved Courses) and because modifications are proposed for the POST document Performance Objectives for the POST Basic Course which is incorporated by reference into Commission Regulation 1005, a public hearing is necessary for the Commission to adopt this standard. Should the Commission decide to set this for a public hearing, Attachment E provides a draft of the Notice of Public Hearing, Statement of Reasons, and proposed language for regulation changes.

Recommendation

Schedule a public hearing for the July 1990 Commission meeting to consider proposed training standards for the Regular Basic Course and adoption of the proposed Investigation of Sudden Death of Infants training standard for patrol and investigative personnel listed in subdivision (a) of 13510 P.C. pursuant to Penal Code Section 13519.3.

Senate Bill No. 1067

CHAPTER 1111

An act to amend Sections 1797.170, 1797.171, 1797.172, and 1797.213 of, and to add Section 1797.192 to, the Health and Safety Code, and to add Section 13519.3 to the Penal Code, relating to sudden infant death syndrome.

[Approved by Governor September 29, 1989. Filed with Secretary of State September 30, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, Boatwright. Sudden infant death syndrome: training: peace officers and emergency response personnel.

(1) Under existing law, there is in the Department of Justice, the Commission on Peace Officer Standards and Training which is responsible for administering numerous law enforcement training and certification programs.

This bill would require the commission, effective July 1, 1990, to establish a course for certain specified peace officers on sudden infant death syndrome and require the completion of the course as a condition of certification of completion of the basic training course. This bill also would require officers who are employed after January 1, 1990, to complete a course in sudden infant death syndrome and complete training on this topic, on or before July 1, 1992. This bill further would require the commission to prepare guidelines establishing standard procedures which may be followed by law enforcement agencies on the investigation of cases involving sudden deaths of infants. It would require the commission to review the basic course curriculum to include sudden infant death syndrome awareness as part of death investigation training.

(2) Existing law requires the Emergency Medical Services Authority to establish minimum standards and promulgate regulations for the training and scope of practice of EMT-I's, EMT-II's, and EMT-P's, and provides for the certification of EMT-I's by the authority and local EMS agencies and for the certification of EMT-II's, EMT-P's, and authorized registered nurses by local EMS agencies. Existing law also requires firefighters, except those whose duties are primarily clerical or administrative, to receive training in first aid and cardiopulmonary resuscitation, and requires the authority to prescribe standards regarding the training of firefighters in first aid and cardiopulmonary resuscitation.

This bill would require EMT-I's, EMT-II's, and EMT-P's to complete a course on the nature of sudden infant death syndrome, and, effective July 1, 1990, would require any person certified as an EMT-I by the authority or certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse by a local EMS agency to complete the



course as a condition of certification thereby imposing a state-mandated local program by adding a requirement to existing local programs. Persons who are certified prior to January 1, 1990, would be required to complete supplementary training on this topic on or before January 1, 1992. This bill also would require all firefighters in this state to complete a course on sudden infant death syndrome, thereby imposing a state-mandated local program by creating additional duties for local fire agencies.

This bill would incorporate additional changes in Section 1797.213 of the Health and Safety Code, proposed by AB 2159, to be operative only if AB 2159 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

(3) The bill would require local agencies to charge a fee to defray the entire costs incurred due to the instruction and training provided by the local agencies pursuant to the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

**SECTION 1.** The Legislature hereby finds and declares as follows:

(a) Sudden infant death syndrome is the leading cause of death for children under the age of one, striking one out of every 500 children.

(b) Existing law generally requires an investigation to determine the cause of all unexplained deaths, and law enforcement agencies often interview parents, day care providers, and surviving children shortly after an infant death has occurred to determine if a criminal act may have taken place.

(c) Law enforcement officers and many other first responders in emergency situations are not adequately informed on the nature of sudden infant death syndrome, its signs and typical history, and as a result, may compound the family grief and child care provider grief through conveyed suspicions of a criminal act.

**SEC. 2.** Section 1797.170 of the Health and Safety Code is amended to read:

**1797.170.** (a) The authority shall establish minimum standards and promulgate regulations for the training and scope of practice for EMT-I.

(b) Any individual certified as an EMT-I pursuant to this act shall be recognized as an EMT-I on a statewide basis, and recertification shall be based on statewide standards. Effective July 1, 1990, any individual certified as an EMT-I pursuant to this act shall complete

a course of training on the nature of sudden infant death syndrome which is developed by the California SIDS program in the State Department of Health Services in consultation with experts in the field of sudden infant death syndrome.

SEC. 3. Section 1797.171 of the Health and Safety Code is amended to read:

1797.171. (a) The authority shall develop, and after approval of the commission pursuant to Section 1799.50 shall adopt, minimum standards for the training and scope of practice for EMT-II.

(b) An EMT-II shall complete a course of training on the nature of sudden infant death syndrome in accordance with subdivision (b) of Section 1797.170.

SEC. 4. Section 1797.172 of the Health and Safety Code is amended to read:

1797.172. (a) The authority shall develop, and after the approval of the commission pursuant to Section 1799.50, shall adopt, minimum standards for the training and scope of practice for EMT-P.

(b) An EMT-P shall complete a course of training on the nature of sudden infant death syndrome in accordance with subdivision (b) of Section 1797.170.

SEC. 5. Section 1797.192 is added to the Health and Safety Code, to read:

1797.192. (a) By July 1, 1992, existing firefighters in this state shall complete a course on the nature of sudden infant death syndrome taught by experts in the field of sudden infant death syndrome. All persons who become firefighters after January 1, 1990, shall complete a course on this topic as part of their basic training as firefighters. The course shall include information on the community resources available to assist families who have lost children to sudden infant death syndrome.

(b) For purposes of this section, the term "firefighter" has the same meaning as that specified in Section 1797.182.

(c) When the instruction and training are provided by a local agency, a fee shall be charged sufficient to defray the entire cost of the instruction and training.

SEC. 6. Section 1797.213 of the Health and Safety Code is amended to read:

1797.213. (a) Any local EMS agency conducting a program pursuant to this article may provide courses of instruction and training leading to certification as an EMT-I, EMT-II, EMT-P, or authorized registered nurse. When such instruction and training are provided, a fee may be charged sufficient to defray the cost of such instruction and training.

(b) Effective July 1, 1990, any courses of instruction and training leading to certification as an EMT-I, EMT-II, EMT-P, or authorized registered nurse shall include a course of training on the nature of sudden infant death syndrome which is developed by the California SIDS program in the State Department of Health Services in

consultation with experts in the field of sudden infant death syndrome, and effective January 1, 1990, any individual certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse shall complete that course of training. The course shall include information on the community resources available to assist families who have lost a child to sudden infant death syndrome. An individual who was certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse prior to January 1, 1990, shall complete supplementary training on this topic on or before January 1, 1992.

SEC. 6.5. Section 1797.213 of the Health and Safety Code is amended to read:

1797.213. (a) Any local EMS agency conducting a program pursuant to this article may provide courses of instruction and training leading to certification as an EMT-I, EMT-II, EMT-P, or authorized registered nurse if the courses are consistent with Sections 1797.7, 1797.170, 1797.171, and 1797.172. When the instruction and training are provided, a fee shall be charged sufficient to defray the entire cost of the instruction and training.

(b) Effective July 1, 1990, any courses of instruction and training leading to certification as an EMT-I, EMT-II, EMT-P, or authorized registered nurse shall include a course of training on the nature of sudden infant death syndrome which is developed by the California SIDS program in the State Department of Health Services in consultation with experts in the field of sudden infant death syndrome, and effective January 1, 1990, any individual certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse shall complete that course of training. The course shall include information on the community resources available to assist families who have lost a child to sudden infant death syndrome. An individual who was certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse prior to January 1, 1990, shall complete supplementary training on this topic on or before January 1, 1992.

SEC. 7. Section 13519.3 is added to the Penal Code, to read:

13519.3. (a) Effective July 1, 1990, the commission shall establish, for those peace officers specified in subdivision (a) of Section 13510 who are assigned to patrol or investigations, a course on the nature of sudden infant death syndrome and the handling of cases involving the sudden deaths of infants. The course shall include information on the community resources available to assist families and child care providers who have lost a child to sudden infant death syndrome. - Officers who are employed after January 1, 1990, shall complete a course in sudden infant death syndrome prior to the issuance of the Peace Officer Standards and Training basic certificate, and shall complete training on this topic on or before July 1, 1992. -

(b) The commission, in consultation with experts in the field of sudden infant death syndrome, shall prepare guidelines establishing standard procedures which may be followed by law enforcement agencies in the investigation of cases involving sudden deaths of

**infants.**

(c) The course relating to sudden infant death syndrome and the handling of cases of sudden infant deaths shall be developed by the commission in consultation with experts in the field of sudden infant death syndrome. The course shall include instruction in the standard procedures developed pursuant to subdivision (b). In addition, the course shall include information on the nature of sudden infant death syndrome which shall be taught by experts in the field of sudden infant death syndrome.

(d) The commission shall review and modify the basic course curriculum to include sudden infant death syndrome awareness as part of death investigation training.

(e) When the instruction and training are provided by a local agency, a fee shall be charged sufficient to defray the entire cost of instruction and training.

SEC. 8. Section 6.5 of this bill incorporates amendments to Section 1797.213 of the Health and Safety Code proposed by both this bill and AB 2159. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 1797.213 of the Health and Safety Code, and (3) this bill is enacted after AB 2159, in which case Section 6 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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## Commission on Peace Officer Standards and Training

SUDDEN INFANT DEATH SYNDROME  
ADVISORY COMMITTEE

Ms. Debbie Dresser (Family Support Member)	Mrs. Penny Strastny Orange County Health Care Agency - SIDS Program (Senior Public Health Nurse - SIDS Program)
Don Justice, Senior Criminalist Fresno County Sheriff's Department (Academy Instructor)	Mr. Frank Rackley (CAPHND/California SIDS Program)
James Tarver, Criminalist Fresno County Sheriff's Department (Academy Instructor)	Mr. Barry Brokaw Chief of Staff Office of The Honorable Senator Boatwright (SIDS Parent Support Member)
Mrs. Linda Jones (Foster Parent Support Member)	Mrs. Gayla Reiter-Scott (SIDS Parent Support Member)
Ms. Sarah Stewart (Family Support Member)	Dr. Larry Cogan Los Angeles County Coroner's Office (Child Pathologist)
Ms. Kim Norman (Twins Parent Support Member)	Ms. Chis Elliot (Orange County SIDS Parent Support Group)
Lt. Gerald McCarthy San Francisco Police Department (Homicide Unit Supervisor)	Ms. Jackie Slade (SIDS Parent Support Group)
Ms. Holly Stone (Pres. Northern Cal. SIDS Chapter)	Dr. Henry Krause Pathology Department Children's Hospital San Diego
Ms. Treasa Redcloud (Native American Support Group)	Ms. Sharon Dunn (SIDS Parent Support Group)
Det. Jeff Jouanicot San Leandro Police Department (Police Officer Family Support)	Ms. Sally Jacober CAPHND/California SIDS Program (SIDS Program Specialist)
Det. Alan Caddel (Police Child Abuse Investigator)	
Dr. Eva Houser Los Angeles County Medical Examiner's Office (Child Pathologist)	

Det. Mike Feher  
Garden Grove Police Department  
(Child Abuse Investigator)

POST STAFF

Russ Kindermann, Senior Consultant

James E. Newman, Special Consultant

Jim Norborg, Phd. POST Staff

Death Scene Investigation

Performance Objective

8.33.1 The student will identify the most common ~~law~~  
(Modify) ~~enforcement~~ tasks and practices delegated to the  
responding officer for the handling of ~~dead body~~ calls  
involving the death of a person, including the death of  
infants. These minimally include:

- A. Determination of need for emergency medical treatment.
- B. Implementation of death scene procedure.
- C. Identification and interviewing of family, care providers, and witnesses.
- D. Notification to other investigative, medical and coroner staff.
- E. Documentation and reporting of incident.

## SUDDEN INFANT DEATH SYNDROME

10.23

NewSUDDEN INFANT DEATH SYNDROME AWARENESS

Learning Goal: The student will be aware of the nature of Sudden Infant Death Syndrome (SIDS) and will understand what community resources are available to assist families and child care providers who have lost a child to SIDS.

10.23.01

Level IINew

Given word-pictures or audio-visual presentations depicting a child's death, the student will identify whether Sudden Infant Death Syndrome is the most likely cause of death based on the following SIDS indicators:

- A. A SIDS death generally occurs within one year of birth
- B. A SIDS death generally occurs during a sleep period
- C. SIDS infants appear to be healthy
- D. Generally there are no visible signs of trauma/injuries
- E. Frothy or blood-tinged mucous or vomit may be present in or around nose and/or mouth

10.23.02

Level II

The student will identify types of information and community resources that may assist parents and/or child care providers involved in a possible SIDS death. These include:

- A. Explanation of SIDS facts to involved parties, as appropriate.
- B. Explanation of required investigative tasks and need for complete investigation.
- C. Availability of local and regional SIDS peer parent/care provider support groups.
- D. Referral to county public health nurse.
- E. State agencies responsible for SIDS education, parent/care provider counseling and support.
- F. County coroner's office.



Commission on Peace Officer Standards and Training

**NOTICE OF PUBLIC HEARING**

**TRAINING STANDARDS ON  
SUDDEN DEATH OF INFANTS**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Section 13503 and 13506 of the Penal Code to interpret, implement, and make specific Sections 13519.3, 13510, and 13510.5 of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter of Title 11 of the California Code of Regulations. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: July 19, 1990  
Time: 10:00 a.m.  
Place: Mission Valley Marriott Hotel  
San Diego, CA.

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

**INFORMATIVE DIGEST**

From time to time, POST approves training standards pursuant to legislative mandate and they are incorporated into Regulation 1081 (Minimum Standards for Approved Courses). Pursuant to Assembly Bill 1067 (1989), Section 13519.3 was added to the Penal Code. This section requires the Commission, on or before July 1, 1990, to establish a training course on the nature of Sudden Infant Death Syndrome (SIDS) and the handling of cases involving the sudden death of infants for officers specified in subdivision (a) of Section 13510 who are assigned to investigation or patrol. The course shall include instruction on the standard procedures developed as guidelines which may be followed by law enforcement agencies in the investigation of cases involving the sudden death of infants, information on the nature of SIDS, and information on community resources available to assist families and child care providers who have lost a child to SIDS.

It is proposed that Commission Regulation 1081 be amended to include Section 18, Investigation of Sudden Death of Infants (Penal Code 13519.3), which would specify minimum training topics including:

- A. Standard Procedures on Investigating Sudden Death of Infants
  - 1. Determination of the need for emergency medical treatment.
  - 2. Implementation of death scene procedures.
  - 3. Identification and interviewing of family, care providers, and witnesses.
  - 4. Notification to other investigative, medical and coroner staff.
  - 5. Documentation and reporting of incident.
  
- B. Sudden Infant Death Syndrome (SIDS) Awareness
  - 1. Identification and nature of SIDS.
  - 2. Information to provide family and/or child care providers.
  - 3. Community resources available.

The proposed Investigation of Sudden Death of Infants training standard is proposed to have two hours minimum to complete. The anticipated audience will be those in-service officers who are assigned to patrol and investigation.

Commission Regulation 1005(a) specifies the basic training requirements for all peace officer members of law enforcement agencies participating in the POST Program. Requirements for the regular Basic Course are set forth in the POST Administrative Manual, Section D-1, paragraphs 1-3.

It is also proposed that the document Performance Objectives for the POST Basic Course be modified to add one new learning goal and two new performance objectives, and modify one existing performance objective. The proposed performance objectives provide the student with information concerning the indicators of SIDS, appropriate procedures to be followed, and community referral resources which are available to the parent/care provider. It is anticipated this proposed change will have a negligible impact in instruction hours because basic academy presenters have sufficient flexibility to conduct this instruction within the existing minimum 560 hours.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on \_\_\_\_\_, 1990. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA, 95816-7083.

Commission on Peace Officer Standards and Training

REGULATORY ACTION: TRAINING STANDARDS ON  
SUDDEN INFANT DEATH SYNDROME

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) proposes to take regulatory action on July 19, 1990 to amend Commission Regulation 1081 pursuant to Penal Code Section 13519.3. These changes pertain to law enforcement response to cases involving the sudden deaths of infants.

Sudden Infant Death Syndrome (SIDS) is the leading cause of death among infants. Yearly in California there is one SIDS death per five hundred live births or approximately eight hundred deaths. Familiarity with Sudden Infant Death Syndrome will enable the law enforcement officer to handle these situations in an acceptable and standardized manner consistent with legal requirements. As an agent of emergency response to situations involving infant deaths, the law enforcement officer needs to know how to identify Sudden Infant Death Syndrome, preliminary tasks to perform, and community resources available to parent/care providers involved.

In response to the provisions of Penal Code Section 13519.3, an advisory committee composed of subject matter experts, law enforcement experts, and individuals having expertise in Sudden Infant Syndrome death was formed to recommend relevant training topics. The following proposed topics were selected for inclusion in the curriculum because they address specific training needs of law enforcement and comply with the provisions of PC 13519.3.

Proposed Topics

Justification

- |   |   |
|---|---|
| A. Standard Procedures on Investigating Sudden Death of Infants | In any possible death incident, peace officers must obtain or render emergency medical treatment to the victim, implement proper scene control procedures, identify and interview all involved parties, make proper notifications, and document the incident.   |
| B. Sudden Infant Death Syndrome (SIDS) Awareness                | Officers must have the knowledge to distinguish the primary characteristics of a SIDS death in order to conduct a thorough investigation, and be able to advise parents and child care providers of community resources available to assist such parties; the course must contain instruction on these resources. |

The attached Notice of Public Hearing required by the Administrative Procedures Act provides details concerning the proposed regulation changes and provides information regarding the hearing process. Inquiries concerning the proposed action may be directed to Kathy Delle at (916) 739-5400.

NORMAN C. BOEHM  
Executive Director

THIS LANGUAGE IS PREDICATED UPON APPROVAL BY THE OFFICE OF  
ADMINISTRATIVE LAW OF THE PUBLIC HEARING HELD JULY 19, 1990

1081. Minimum Standards for Approved Courses

(1) - (17) \*\*\*\*

(18) Investigation of Sudden Death of Infants -2 hours

A. Standard Procedures on Investigating Sudden  
Death of Infants.

B. Sudden Infant Death Syndrome (SIDS) Awareness

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Curriculum Revisions to Investigation and Trial Preparation Course		Meeting Date April 19, 1990
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval <i>Monica C. Boehm</i>	Date of Approval 3-27-90	Date of Report March 21, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input checked="" type="checkbox"/> No

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

ISSUE

Should the Commission approve curriculum revisions to the Investigation and Trial Preparation Course?

BACKGROUND

The Commission in 1983 established the 422-hour District Attorney Investigators Basic Course as the basic training requirement for district attorney investigators. Because district attorney offices generally prefer to employ investigators who have completed the Regular Basic Course, the District Attorney Investigators Basic Course is not presented. Therefore, the Commission established an alternative basic training requirement of the 80-hour Investigation and Trial Preparation Course for those DA investigators who previously completed the Regular Basic Course.

From time to time curriculum of required courses is reviewed for the purpose of updating. The existing course curriculum has not been updated since its adoption effective January 1, 1984.

The Investigation and Trial Preparation Course is certified to Los Medanos College and is presented two to three times per year with an average annual total of 70 trainees. Considerable experience in terms of curriculum and hourly needs has been gained from these presentations.

ANALYSIS

An advisory committee composed of district attorney investigators, instructors, and the course coordinator (Attachment A) provided input for this curriculum review. The existing 80-hour course curriculum (Attachment B) contains 53 performance objectives within 13 functional areas.

Consistent with the purpose of updating, refreshing, and orienting the peace officer who has been, or is about to be, employed as an investigator of a district attorney's office, the course purpose was modified to indicate that it is a transitional course for persons with an investigative background and is not intended to teach basic investigative skills or develop advanced expertise in specialized investigative areas. Based upon this review, the following are recommended changes:

- o Reduce from 13 to 8 functional areas by combining 1) Legal Obligations and Role of the District Attorney Investigator and 2) Sources of Information, Witness Management, Investigative Techniques, Investigative Aids, Interviewing and Warrants under Investigative Techniques. With broader functional areas, more latitude is given to the course presenter to adjust hours as needed. The subject would continue to be taught.
- o Revising the hours for each functional area as shown on Attachment C which is the proposed course outline. The total hours remain at 80.
- o Deleting the following performance objectives from current curriculum. (Attachment B).
  - 6.1.2 How to prepare a prosecution summary (no longer routinely performed)
  - 9.1.3 Identifying elements of Proposition 8 (courts have overturned most of this)
  - 2.1.4 Ethical requirements of peace officers, DA's office, and legal profession (to be covered under new P.O. 1.1.6)
  - 10.1.2 How to write search warrants (not routinely performed by investigators)
  - 10.1.3 How to serve and return search warrants (not routinely performed by investigators)
  - 5.1.7 Use of testimony by affidavit (not needed)
  - 7.1.2 Legal and practical aspects in identifying objects (considered too elementary for trainees)
  - 8.1.1 Provisions and exceptions to Miranda Rule (to be covered under 3.1.20)
- o Adding the following performance objectives to proposed revised curriculum (Attachment C).
  - 1.1.5 Identify distinctions between role of DA investigator and other law enforcement officers
  - 1.1.6 Identification of common ethical considerations encountered by DA investigators
  - 4.1.4 Requirements of "Discovery"

- 7.1.10 Legal aspects and investigation of gang related incidents
- 7.1.11 Legal requirements and techniques involved in asset seizures and forfeitures
- 7.1.12 Legal aspects and techniques involved in environmental and hazardous materials investigations
- 8.1.1 Investigator safety

These curriculum changes are a reduction in performance objectives from 53 to 52. However, some of the deletions were actually merged into other existing or added objectives. Proposed changes in effect amount to increased and more current course content.

It is recommended the Commission approve these proposed curriculum changes effective July 1, 1990. No public hearing is required to adopt these changes.

RECOMMENDATION

Approve proposed curriculum changes to the Investigation and Trial Preparation Course effective July 1, 1990.



**CURRICULUM REVISION SEMINAR**  
Investigation and Trial Preparation Course

**Committee Roster**

Ronald Maus  
Supervising Investigator  
Los Angeles County  
District Attorney's Office

Loren Duchesne  
Chief Investigator  
San Bernardino District  
Attorney's Office

Tim Martin  
Chief Investigator  
San Bernardino District  
Attorney's Office

Roger Robinson  
Chief Investigator  
Sacramento County District  
Attorney's Office

Larry Tankersley  
Chief Investigator  
San Joaquin County District  
Attorney's Office

Braden McKinley  
Chief Investigator  
Ventura County District  
Attorney's Office

Al Lynch  
Chief Investigator  
Riverside County District  
Attorney's Office

Barry Brown  
Chief Investigator  
Humboldt County District  
Attorney's Office

James Sepelveda  
Deputy District Attorney  
Contra Costa County District  
Attorney's Office

Bob Hole  
Deputy District Attorney  
Contra Costa County District  
Attorney's Office

Hal Franklin  
Chief Investigator  
Contra Costa County District  
Attorney's Office

Joe McKeown, Director  
Contra Costa Criminal Justice  
Training Center

Jack Christian, Coordinator  
Contra Costa Criminal Justice  
Training Center

## Commission on Peace Officer Standards and Training

POST Prescribed  
Training Courses

January 1, 1984

INVESTIGATION AND TRIAL PREPARATION  
Course Outline

POST ADMINISTRATIVE MANUAL REFERENCE

Regulations Section 1005(a)(2)  
Commission Procedure D-1-4

LEGAL REFERENCE

The Commission Regulations Section 1005(a)(2) require every regularly employed and paid as such inspector or investigator of a district attorney's office as defined in Section 830.1 P.C. shall be required to satisfactorily meet the training requirements of the District Attorney Investigator's Basic Course. The standard may be satisfactorily met by successful completion of the training requirements of the Basic Course. The satisfactory completion of a certified. Investigation and Trial Preparation Course is also required within 12 months from the date of appointment.

BACKGROUND

The Investigation and Trial Preparation Course was developed in 1983.

CERTIFICATION INFORMATION

The 80-hour course is certified to community colleges.

PREREQUISITE

Successful completion of the regular Basic Course

PURPOSE

This course is designed to update, refresh, and orient the peace officer who has been, or is about to be, transferred to the investigative staff of a District Attorney's Office. It will also be of interest to law enforcement officers who wish to improve their proficiency in the subject.

The course must be completed within one year of the student's employment as a District Attorney Investigator.

TOPICAL OUTLINE

1.0	Legal Obligations	1 Hour
2.0	Role of the District Attorney Investigator	1 Hour
3.0	Court Processes, Motions, Grand Jury	7 Hours
4.0	Sources of Information	3 Hours
5.0	Witness Management	6 Hours
6.0	Investigative Techniques	6 Hours
7.0	Investigative Aids (Legal Principles)	2 Hours
8.0	Interviewing	6 Hours
9.0	Concepts of Evidence, Search and Seizure	8 Hours
10.0	Warrants	14 Hours
11.0	Civil Process	2 Hours
12.0	Case Preparation	3 Hours
13.0	Specialized Investigations	18 Hours
	Introduction and Orientation	1 Hour
	Testing	<u>2 Hours</u>
	Total	80 Hours

LEARNING GOALS

- 1.0 The student will understand statutory and legal mandates that pertain to the office of the District Attorney.
  - 1.1.1 The student will identify those sections that pertain to the office of the District Attorney to include the following:
    - A. State Constitution
    - B. Government Code
    - C. Penal Code
    - D. Business and Professional Code
    - E. Case Law
  
- 2.0 The student will understand the distinctions between the role of the police and role of prosecutor.
  - 2.1.1 The student will identify the role of investigator in:
    - A. Pre Complaint Investigation
    - B. Post Complaint Investigation
  - 2.1.2 The student will identify the typical duties and functions of the District Attorney.

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2.1.3 The student will identify the relationship of the District Attorney Investigator with the following:

- A. District Attorney
- B. District Attorney Legal Staff
- C. Law Enforcement Community
- D. Legal Community
- E. News Media

2.1.4 The student will identify the ethical requirements of:

- A. Peace Officer
- B. District Attorney's Office
- C. Legal Profession

3.0 The student will understand and have a working knowledge of court process and procedures and will understand the role and authority of the grand jury.

3.1.1 The student will identify how court procedures apply to:

- A. Case Analysis, etc.
- B. Defendant(s) Appearance
- C. Preliminary Exam
- D. Superior Court Arraignment
- E. Pre Trial Motions
- F. Disposition Without Trial
- G. Trial
- H. Post Trial
- I. Post Sentence
- J. Post Sentence Procedure
- K. Lifer Hearings

3.1.2 The student will identify the role and authority of the grand jury. This will include:

- A. Tactical Consideration of Its Use
- B. Selection and Composition

4.0 The student will have a working knowledge of sources of information.

4.1.1 The student will identify how to obtain records information from:

- A. Public Agencies
- B. Private Agencies

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- 4.1.2 The student will identify the type of information gathered by the following Criminal Intelligence units:
    - A. WSIN
    - B. LEIU
    - C. BOCCI
  - 4.1.3 The student will identify methods of obtaining and managing informants including jail snitches.
  - 4.1.4 The student will identify the elements of Right to Financial Privacy Act (Government Code).
  - 4.1.5 The student will identify the District Attorney's right to access to public records.
  - 4.1.6 The student will identify the provisions of the Education Code referring to access of students records.
  - 4.1.7 The student will identify the limitations of access to welfare information and files.
- 5.0 The student will understand and have a working knowledge of witness management techniques.
- 5.1.1 The student will identify the following considerations in dealing with witnesses:
    - A. Identify and Locate Witness(es) (With Due Diligence)
    - B. Background Check
    - C. Dealing with Reluctant/Uncooperative Witness(es)
  - 5.1.2 The student will identify the legal and practical aspects relating to the arrangements for the appearance and transportation of the witnesses. This will include:
    - A. Victim/Witness Liaison
    - B. Uniform Witness Act
    - C. Out of Local Area Witness
    - D. Witness From Foreign Countries (Formal and Informal)
    - E. Witness Expenses and Fees
    - F. In Custody
    - G. F.A.A. Airline Rules
  - 5.1.3 The student will identify the considerations of dealing with reluctant and uncooperative witnesses including use of bond and warrant (878 et seq P.C., 1332 P.C.)

- 5.1.4 The student will identify the legal and practical considerations in protecting witnesses. This will include:
  - A. Witness Protection Program
    - 1. State
    - 2. Federal
  - B. Intimidation
- 5.1.5 The student will identify methods for obtaining expert witnesses.
- 5.1.6 The student will identify the elements of a conditional examination of a witness (1335 - 1346 P.C.).
- 5.1.7 The student will identify how testimony by affidavit is used in court.
- 6.0 The student will have a basic understanding of investigative techniques.
  - 6.1.1 The student will demonstrate how to use the following surveillance equipment:
    - A. Optical
    - B. Photo
    - C. Electronic Equipment
  - 6.1.2 The student will identify various investigative undercover techniques.
  - 6.1.3 The student will identify various investigative analytical techniques including:
    - A. Visual Investigation Analysis
    - B. Link Analysis
    - C. Computer Assistance
  - 6.1.4 The student will identify the legality and use of hypnosis, polygraph, and voice print.
  - 6.1.5 The student will identify recent and innovative physical evidence collection techniques.
- 7.0 The student will understand the legal and practical principles in identification of suspects and objects.
  - 7.1.1 The student will identify how to conduct a line-up. This will include:
    - A. Live and Video Line Up
    - B. Photo Line Up
    - C. Field Show Up

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7.1.2 The student will identify the legal and practical aspects in identification of objects. This will include:

- A. Weapons
- B. Vehicles
- C. Clothing
- D. Jewelry

8.0 The student will understand and have a working knowledge of admissions, confessions, and interview techniques.

8.1.1 The student will identify the provisions of and exceptions to the Miranda rule.

8.1.2 The student will identify interview techniques which include:

- A. Recording Interviews
- B. Preservation of Notes

9.0 The student will understand and have a working knowledge of concepts and application of evidence, search and seizure.

9.1.1 The student will identify the application of the Evidence Code in the following:

- A. Corroboration
- B. Impeachment
- C. Rebuttal
- D. Transcripts
- E. Privilege
- F. Hearsay and Exceptions
- G. Best Evidence
- H. Prior I.D. Witness
- I. 350 Evidence Code

9.1.2 The student will identify elements of search and seizure in the following:

- A. Consent
- B. Car
- C. Persons
- D. Buildings
- E. Containers
- F. 630 plus P.C.

9.1.3 The student will identify how the elements of Prop. 8 apply to:

- A. Evidence
- B. Search and Seizure

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- 9.1.4 The student will identify the various aspects of physical evidence including:
  - A. Handling
  - B. Lab Capabilities
  - C. Body Evidence
  - D. Handwriting Exemplar
  - E. Storage and Release Procedure
  
- 10.0 The student will understand the various aspects of warrants, their service and construction.
  - 10.1.1 The student will identify the information that is needed for a search warrant affidavit.
  - 10.1.2 The student will write a search warrant and support affidavit.
  - 10.1.3 The student will identify how to serve and return a search warrant.
  - 10.1.4 The student will identify various warrants which will minimally include:
    - A. Ramey/Steagald
    - B. Rendition
    - C. Extradition
    - D. Unlawful Flight to Avoid Prosecution
  - 10.1. The student will identify how to properly dispose of evidence.
  
- 11.0 The student will understand the civil process and remedies available to District Attorney's Office.
  - 11.1.1 The student will identify the civil process available to the District Attorney. This will include:
    - A. Code of Civil Procedure
    - B. Service of Summons
    - C. Service of Subpoena Duces Tecum
  - 11.1.2 The student will identify types of civil prosecutions including:
    - A. Red Light Abatement
    - B. Public Nuisance
    - C. Health Violations



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- 12.0 The student will understand and have a working knowledge of the techniques of case preparation.
  - 12.1.1 The student will identify distinguishing features of an exemplary report and common deficiencies of report writing.
  - 12.1.2 The student will demonstrate how to prepare a prosecution summary.
  - 12.1.3 The student will identify procedures for obtaining and/or for preparing exhibits/demonstration of evidence including:
    - A. Models
    - B. Photos, Including Aerial Photos
    - C. Video/Audio Including Editing, Filtering, Transparencies
    - D. Diagrams and Maps
- 13.0 The student will understand the techniques and legal aspects of specialized investigations.
  - 13.1.1 The student will identify the legal aspects of family law and techniques of investigating the following:
    - A. Determination of Paternity
    - B. Failure to Provide
    - C. Welfare Fraud
  - 13.1.2 The student will identify the legal aspects and techniques of investigating child stealing.
  - 13.1.3 The student will identify legal aspects and investigative techniques of fraud including:
    - A. Theories of Theft
    - B. Investment Law
    - C. Insurance Fraud
  - 13.1.4 The student will identify legal aspects and investigative techniques of consumer fraud and antitrust including:
    - A. Civil
    - B. Criminal
    - C. Regulatory
    - D. Administration
  - 13.1.5 The student will identify the elements and defenses for crimes against the person including:
    - A. Homicide
    - B. Child Abuse
    - C. Sexual Assault

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1. Adult
2. Child
3. Custodial
4. Institutional

- 13.1.6 The student will identify the role of the investigator with the post mortem exam.
- 13.1.7 The student will identify the legal aspects and methods of investigation of crimes against the Administration of Justice including:
- A. Perjury
  - B. Subordination of Perjury
  - C. Falsification of Evidence
  - D. Conspiracy to Obstruct Justice
  - E. Jury Tampering
  - F. Contempt
- 13.1.8 The student will identify the legal aspects and methods of investigation of misconduct of public employees, candidates, and campaign workers including:
- A. Election Code violations
  - B. Theft of Public Funds
  - C. Bribery
  - D. Conflict of Interest
  - E. Brown Act Violations
- 13.1.9 The student will identify the legal aspects and investigative methods used in the investigation of officer involved incidents including:
- A. Officer Involved Fatal Incidents
  - B. Allegations of Excessive Force
  - C. Other Allegations Concerning Injury or Death

POST Prescribed  
Training Courses

July 1, 1990

INVESTIGATION AND TRIAL PREPARATION  
Course Outline

POST ADMINISTRATIVE MANUAL REFERENCE

Regulation Section 1005(a)(2)  
Commission Procedure D-1-4

LEGAL REFERENCE

The Commission Regulations Section 1004(a) (2) require every regularly employed and paid as such inspector or investigator of a district attorney's office as defined in Section 830.1 P.C. shall be required to satisfactorily meet the training requirements of the District Attorney Investigator's Basic Course. The standard may be satisfactorily met by successful completion of the training requirements of the Basic Course. The satisfactory completion of a certified Investigation and Trial Preparation Course is also required within 12 months from the date of appointment.

BACKGROUND

The Investigation and Trial Preparation Course was developed in 1983. The course was updated July 1, 1990.

CERTIFICATION INFORMATION

The 80-hour course is certified to community colleges.

PREREQUISITE

Successful completion of the Regular Basic Course.

PURPOSE

This course is designed to update, refresh, and orient the peace officer who has been, or is about to be, transferred to the investigative staff of a District Attorney's Office.

This is a transitional course for persons with an investigative background and is not intended to teach basic investigative skills or develop expertise in specialized investigative areas.

The course must be completed within one year of the student's employment as a District Attorney Investigator.

## TOPICAL OUTLINE

1.0 Role of the District Attorney Investigator	4 Hours
2.0 Court Processes, Motions, Grand Jury	4 Hours
3.0 Investigative Techniques	29 Hours
4.0 Concepts of Evidence, Search and Seizure	4 Hours
5.0 Civil Process	2 Hours
6.0 Case Preparation	4 Hours
7.0 Specialized Investigations	26 Hours
8.0 Investigator Safety	4 Hours
Administration and Testing	<u>3 Hours</u>
Total	80 Hours

## LEARNING GOALS

### Role of the District Attorney Investigator

- 1.0 The student will understand the role of the District Attorney Investigator.
  - 1.1.1 The student will identify those legal mandates that pertain to the office of the District Attorney to include the following:
    - A. State Constitution
    - B. Government Code
    - C. Penal Code
    - D. Business and Professions Code
    - E. Case Law
    - F. Civil Code
    - G. Election Code
  - 1.1.2 The student will identify the role of the investigator in:
    - A. Pre Complaint Investigation
    - B. Post Complaint Investigation
  - 1.1.3 The student will identify the typical duties and functions of the District Attorney.
  - 1.1.4 The student will identify the relationship of the District Attorney Investigator with the following:
    - A. District Attorney
    - B. District Attorney Legal Staff
    - C. Law Enforcement Community
    - D. Legal Community
    - E. News Media

- 1.1.5 The student will identify the distinctions between the role of the District Attorney Investigator and other law enforcement officers.
- 1.1.6 The student will identify the common ethical considerations encountered by District Attorney Investigators including:
  - A. Discovery
  - B. Conflicts of Interest
  - C. Jailhouse Informants
  - D. Contact With Defendants Represented by Counsel
  - E. Confidentiality
  - F. Political Activities
  - G. Jury Relationships

### Court Processes, Motions, Grand Jury

2.0 The student will understand and have a working knowledge of the court process and procedures and will understand the role and authority of the grand jury.

2.1.1 The student will identify how the following court procedures impact the investigator's responsibilities:

- A. Defendant(s) Court Attendance
- B. Preliminary Hearing
- C. Superior Court Arraignment
- D. Pre-Trial Motions
- E. Disposition Without Trial
- F. Trial
- G. Post Trial
- H. Post Sentence
- I. Certificates of Rehabilitation
- J. Lifer Hearings

2.1.2 The student will identify the role and authority of the grand jury. This will include:

- A. Tactical Consideration of Its Use
- B. Selection (Including Background Investigations) and Composition
- C. Confidentiality

### Investigative Techniques

3.0 The student will receive an overview of investigative techniques including: A) Sources of Information; B) Witness Management; C) Investigative Tools; D) Interviewing; and E) Warrants.

- 3.1.1 The student will identify the legal limitations and how to obtain records information from:
- A. Public Agencies
  - B. Private Agencies
- 3.1.2 The student will identify the type of information and services available from the following criminal intelligence sources:
- A. WSIN
  - B. LEIU
  - C. BOCCI
- 3.1.3 The student will identify methods of obtaining and managing informants, including jailhouse informants.
- 3.1.4 The student will identify the elements of Right to Financial Privacy Act (Government Code).
- 3.1.5 The student will identify the District Attorney's right of access to records maintained by governmental agencies.
- 3.1.6 The student will identify the provisions of the Education Code referring to access to pupils and school records.
- 3.1.7 The student will identify the limitations of access to social service information and files.
- 3.1.8 The student will identify the following considerations in dealing with witnesses:
- A. Identification, Location and Subpoenaing of Witnesses (with due diligence)
  - B. Background Check
  - C. Dealing with Reluctant/Uncooperative Witnesses
- 3.1.9 The student will identify the legal and practical aspects relating to the arrangements for the appearance and transportation of the witnesses, including:
- A. Victim/Witness Liaison
  - B. Uniform Witness Act
  - C. Out of Local Area Witnesses
  - D. Witnesses From Foreign Countries (Formal and Informal)

- E. Witness Expenses and Fees
- F. In Custody
- G. F.A.A. and Airline Rules

3.1.10 The student will identify the considerations of dealing with reluctant and uncooperative witnesses including use of bond and warrant (878 et seq and 1332 P.C.).

3.1.11 The student will identify the legal and practical considerations in protecting witnesses. This will include:

A. Witness Protection Program

- 1. Local
- 2. State
- 3. Federal

B. Intimidation Issues

3.1.12 The student will identify methods for obtaining expert witnesses.

3.1.13 The student will identify the elements of a conditional examination of a witness (1335-1362 P.C.).

3.1.14 The student will identify the use and purpose of the following surveillance equipment:

- A. Optical
- B. Photo
- C. Electronic Equipment
- D. Chemical Sampler

3.1.15 The student will identify various investigative undercover techniques.

3.1.16 The student will identify various investigative analytical techniques including:

- A. Visual Investigation Analysis
- B. Link Analysis
- C. Computer Assistance

3.1.17 The student will identify the legality and use of hypnosis, polygraph, electronic surveillance and voice print.

- 3.1.18 The student will identify recent and innovative physical evidence techniques including:
  - A. Genetic Fingerprinting
  - B. Cal ID
  - C. Cal Photo
  - D. Computerized Audio and Video Enhancement
  - E. Public and Private Developments
  
- 3.1.19 The student will identify how to conduct a line-up. This will include:
  - A. Live and Video Line-Up
  - B. Photo Line-Up
  - C. Object Identification
  
- 3.1.20 The student will identify interview techniques which include:
  - A. Recording Interviews
  - B. Preservation of Notes
  - C. Miranda Update
  
- 3.1.21 The student will identify the types, composition and appropriate uses of search and arrest warrants including legal aspects of service and return.
  
- 3.1.22 The student will identify other warrants which will minimally include:
  - A. Rendition
  - B. Extradition
  - C. Unlawful Flight to Avoid Prosecution
  
- 3.1.23 The student will identify how to legally release and dispose of evidence.

Concepts of Evidence, Search and Seizure

- 4.0 The student will understand and have a working knowledge of concepts and application of evidence, search and seizure.
  - 4.1.1 The student will identify the application of the Evidence Code in the following:
    - A. Corroboration
    - B. Impeachment
    - C. Admissibility of Rebuttal Evidence
    - D. Prior Statements/Testimony
    - E. Privileges
    - F. Hearsay and Exceptions



- G. Best Evidence
- H. Prior I.D. Witness
- I. 352 Evidence Code

- 4.1.2 The student will identify recent changes in search and seizure law in the following:
  - A. Consent
  - B. Car
  - C. Persons
  - D. Buildings
  - E. Containers
- 4.1.3 The student will identify the legal aspects of physical evidence including:
  - A. Chain of Custody
  - B. Body Evidence
  - C. Handwriting Exemplar
- 4.1.4 The student will identify the requirements of "Discovery" and methods of compliance.

#### Civil Process

- 5.0 The student will understand the civil process and remedies available to District Attorney's Office.
  - 5.1.1 The student will identify the civil process available to the District Attorney. This will include:
    - A. Code of Civil Procedure
    - B. Service of Summons
    - C. Service of Subpoena Duces Tecum
    - D. Penalties and Remedies
  - 5.1.2 The student will identify types of civil prosecutions.

#### Case Preparation

- 6.0 The student will understand and have a working knowledge of the techniques of case preparation.
  - 6.1.1 The student will identify distinguishing features of an exemplary report and common deficiencies of report writing.

- 6.1.2 The student will identify procedures for obtaining and/or for preparing exhibits/demonstrations of evidence including:
- A. Models
  - B. Photos, Including Aerial Photos
  - C. Video/Audio Including Editing, Filtering, Transparencies
  - D. Diagrams and Maps
  - E. Computer Generated Exhibits

### Specialized Investigations

7.0 The student will understand the techniques and legal aspects of specialized investigations.

7.1.1 The student will identify the legal aspects of family law and techniques of investigating the following:

- A. Determination of Paternity
- B. Failure to Provide
- C. Welfare Fraud

7.1.2 The student will identify the legal aspects and techniques of investigating child stealing. (such as 17561 Gov. Code, 4604 Civil Code and 278-279 Penal Code)

7.1.3 The student will identify the legal aspects and investigative techniques of white collar crime including:

- A. Theories of Theft
- B. Corporate Securities Law
- C. Insurance Law
- D. Computer Fraud

7.1.4 The student will identify legal aspects and investigative techniques of consumer fraud including:

- A. Civil
- B. Criminal
- C. Regulatory
- D. Administration

7.1.5 The student will identify the common problems encountered in prosecuting the following crimes:

- A. Murder (including special circumstances)
- B. Child Abuse

C. Sexual Assault

1. Adult
2. Child
3. Custodial
4. Institutional

- 7.1.6 The student will identify the role of the investigator at autopsies.
- 7.1.7 The student will identify the legal and practical aspects of crimes against the Administration of Justice including:
- A. Perjury
  - B. Subornation of Perjury
  - C. Falsification of Evidence
  - D. Conspiracy to Obstruct Justice
  - E. Jury Tampering
  - F. Contempt
- 7.1.8 The student will identify the legal and practical aspects of misconduct of elected officials, public employees, candidates, and campaign workers including:
- A. Election Code Violations
  - B. Theft of Public Funds
  - C. Bribery
  - D. Conflict of Interest
  - E. Brown Act Violations
- 7.1.9 The student will identify the legal aspects and investigative methods used in the investigation of officer involved incidents such as fatalities, use of excessive force and custodial deaths.
- 7.1.10 The student will identify the legal aspects and techniques of investigating gang related incidents including:
- A. Drugs/Narcotics
  - B. Conspiracy
  - C. Money Laundering
  - D. Working With Local/Regional Task Forces
- 7.1.11 The student will identify the legal requirements and techniques involved in asset seizures and forfeitures.

- 7.1.12 The student will identify the legal aspects and techniques involved in environmental and hazardous materials investigations.

Investigator Safety

8.0 The student will understand the safety considerations for plainclothes investigators.

8.1.1 The student will identify and demonstrate safety techniques for plainclothes investigators to include:

- A. Arrest Situations
- B. Serving Warrants
- C. Building/Area Searches
- D. Covering Uniformed Officers
- E. High Risk Crime Responses
- F. Personal and Family Safety Considerations



It would also cover the cognitive aspects of Vehicle Inspection, Vehicle Control Techniques, and Stress Exposure and Hazard Awareness. Emergency Driving. In all these areas, where appropriate, the IVD training would provide decision-making exercises and ample opportunities to exercise judgement in realistic situations, thus providing a solid basis for law enforcement driver training and allowing more time to be devoted productively to behind-the-wheel field instruction.

To accomplish development of the interactive videodisc course, the vendor will: (1) design the instructional system; (2) use suitable video, graphics, animation and sound; (3) develop software to run the course; (4) develop study booklets for trainees; devise a method for determining and recording student achievement, test results, and training management information; and (5) present to POST complete workable courseware for interactive videodisc training in law enforcement vehicle operations for both new recruits and in-service officers.

#### Cost information

The RFP to develop the interactive Driver Training course proposes that primary responsibility for development and development costs be assumed by the vendor rather than POST. POST's role would be limited to providing some staff, other expertise and filming support. The vendor would acquire rights to market the course upon its successful development and would agree to sell POST a number of copies of the courseware at a price reduced from the regular market rate. The proposed cost to POST for the first 50 copies of courseware was the single financial figure used as a factor in evaluating the proposals.

Proposals in response to the RFP have yet to be opened and evaluated. Proposals will be evaluated by a committee representing California law enforcement agencies and training institutions, using a formula that weighs key factors such as the instructional design, technical approach, available experience and expertise, and ability to deliver all products on schedule. All valid competitors will be ranked by this formula and the four highest-ranking competitors further evaluated on the basis of oral presentations. The cost for 50 initial copies will then be entered for final adjustment of rankings, which will result in the selection of the highest scoring vendor to develop the interactive videodisc Law Enforcement Driver Training course. ← (initial)

It is planned that the recommended bidder will be identified for Commission consideration of a contract award at the Commission meeting.

Commission approval will enable the contract to begin on June 1, 1990, for project completion no later than January 1, 1992.

RECOMMENDATION

Approve the award of contract to develop a computer-based, interactive videodisc Law Enforcement Driver Training Course.

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title		Meeting Date
BASIC COURSE GRADUATION REQUIREMENTS		April 19, 1990
Bureau	Reviewed By	Researched By
Standards & Evaluation		John Berner <i>YJB</i>
Executive Director Approval	Date of Approval	Date of Report
<i>Maurice C. Boehm</i>	4.2.90	March 30, 1990
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<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 POST adopt an alternate system for defining and evaluating student mastery of the Basic Course?

BACKGROUND

The POST Basic Course is defined in terms of instructional outcomes, i.e., things that the trainee is expected to be able to do following instruction. These instructional outcomes are referred to as performance objectives (POs).

There are nearly 600 POs in the Basic Course. Approximately 80% of the POs require the student to demonstrate a knowledge. Mastery of these POs is typically evaluated with paper-and-pencil tests. The remaining POs require the student to demonstrate a skill. Mastery of these POs is evaluated by direct demonstration of the skill, often in the context of simulations or scenarios. Each PO is assigned to one of twelve general categories called functional areas (Patrol Procedures, Law, etc.).

Under the current system, each PO is assigned a "success criterion" of 70%, 80%, 90%, or 100% (must pass), which reflects the criticality of the PO as determined by subject matter experts. The minimum acceptable level of student performance is defined as student mastery of 70% of the 70% POs, 80% of the 80% POs, and 90% of the 90% POs in each functional area. All POs classified as 100% POs must be mastered. Skill and knowledge POs are combined for purposes of determining acceptable performance levels. Each academy is responsible for developing its own testing procedures and for determining what constitutes mastery of a given PO.

The current system is characterized by a number of shortcomings, including the fact that it is very complex and difficult to administer. In addition, because the POs are combined into very broad categories (functional areas) for purposes of determining student success, a student can compensate for deficiencies in certain



important areas (e.g., domestic violence) by being particularly knowledgeable in other equally important but unrelated areas (e.g., Miranda rights). Also, because the skill POs are grouped along with the knowledge POs into the twelve functional areas, it is possible to fail important skill POs and still successfully complete the course.

In recognition of these shortcomings, staff requested and received approval from the Commission in October 1985 to pilot test an alternate system for defining and evaluating student mastery of the POST Basic Course. Under the new system, called the "Knowledge Domain System", skill and knowledge POs are treated separately. The trainee is required to demonstrate mastery of each of the approximately 100 skill POs. The knowledge POs are grouped into categories referred to as "knowledge domains". Each knowledge domain represents a relatively specific subject matter area. The trainee is required to pass a separate test for each knowledge domain. There are currently 38 knowledge domains. Shown in Attachment A are the titles of the 38 knowledge domains and the number of POs which define each.

At the same October 1985 meeting, staff also received Commission approval to contract for the development of computer software to automate a test item bank for use by the 34 Basic Course presenters. The automated system, called POSTRAC, was designed to allow for automated storage, retrieval and scoring of knowledge domain tests (the system also performs numerous other functions). The test items which go into the item bank are the product of an ongoing collaborative effort between POST staff and Basic Course instructors.

In November 1988 staff reported to the Commission on the results of the pilot test. The report included a demonstration of the POSTRAC software. Results for the three academies that participated in the pilot test were favorable in terms of ease and practicality of administering the knowledge domain system. Moreover, scores on the POST Proficiency Test (a paper-and-pencil test of student knowledge that is administered to all academy graduates) increased at each of the three academies. However, because only three academies participated in the pilot study, staff requested and was granted authority to permit other interested academies to participate in a further evaluation of the knowledge domain system. The purpose of this agenda item is to report on the results of this follow-up evaluation.

#### ANALYSIS

Currently 26 of the 34 basic academies are using the knowledge domain system and the POSTRAC program, and several others are in the process of evaluating the system. The status of each individual academy with reference to the system is shown in Attachment B.

Based on considerable first-hand experience gained from working with the academies that have implemented the system, staff is confident in

reporting that there is widespread enthusiastic support for both the knowledge domain system and the POSTRAC software that makes automation of the knowledge domain system possible. Further, a major potential hardship expressed by a number of academies prior to implementing the system--that of rescheduling instruction and instructors to "match" the content of the knowledge domains--has proven to be far less of a hardship than anticipated.

With respect to changes in student performance associated with conversion to the knowledge domain system, results have also been favorable. Figure 1 (Attachment C) shows the average Proficiency Test scores for classes at academies which switched to the knowledge domain system between June 1, 1985 and February 1, 1990. Test scores are standardized within academy to a mean of 50 and a standard deviation of 10. Test scores are plotted on the vertical axis and test dates are plotted on the horizontal axis. Test scores for classes which graduated before the knowledge domain system was adopted are plotted with a "B", and test scores for classes which graduated after adoption of the knowledge domain system are plotted with an "A". The average Proficiency Test score of academy classes before switching to knowledge domains was 48.2 while the average score of academy classes after switching to knowledge domains was 54.7. This is a large difference (0.7 standard deviations) and is statistically significant ( $t=4.67$ ,  $p<0.0001$ ).

Figure 2 (Attachment D) shows average Proficiency Test scores for academy classes which graduated between April 1, 1987 and February 1, 1990. Test scores are plotted on the vertical axis, and test dates are plotted on the horizontal axis. Test scores for classes using the currently mandated success criterion system are plotted with an "O", and test scores for classes using the knowledge domain system are plotted with an "N". The average Proficiency Test score for academy classes using the success criterion system was 50.6 compared with 55.6 for academies using the knowledge domain system. This difference is also large (0.9 standard deviations) and is statistically significant ( $t=9.44$ ,  $p<0.0001$ ).

In total, these results strongly suggest that the Commission should replace the current system for defining student success in the Basic Course with the knowledge domain system. With respect to the manner in which the knowledge domain system is mandated, however, a number of options exist. These options are described and discussed below.

Whose Tests? This issue centers around the specific requirements that would be instituted with regard to the tests used to evaluate student mastery of the knowledge domains. Two main alternatives exist. One would be to require that all academies use the same tests (namely, the tests generated by POSTRAC). The other would be to require the use of the POSTRAC tests or equivalent tests. Presumably, if equivalent tests were permitted they would have to measure each of the knowledge domains as defined under the knowledge domain system (different combinations of the POs for testing purposes would not be

permitted). In addition, those academies choosing to use equivalent tests could be required to submit documentation concerning the statistical properties of the tests (item statistics, test reliabilities, etc.) to ensure that the alternate tests are acceptable from a psychometric standpoint.

An obvious advantage of the first alternative is that it would assure standardization in testing throughout the state. Another advantage is that it would make possible the generation of program evaluation information (academies could learn how their students are doing relative to students in other academies). The principal advantage of the second alternative is that it would provide each academy with some latitude concerning the use of locally developed tests.<sup>1</sup>

Based on discussions held at the last Basic Course Consortium meeting, the majority of academy directors and coordinators would prefer that all academies be required to use the POSTRAC tests.

Who Sets The Minimum Passing Scores on the Tests? The major options with regard to this issue are:

- (1) Let each academy set its own minimum cutoff scores.
- (2) Establish a POST recommended cutoff score (e.g., 70) for all tests.
- (3) Establish a POST recommended cutoff score range (e.g., 70 - 85) for all tests.
- (4) Establish a POST mandated cutoff score for all tests.
- (5) Establish a POST mandated cutoff score range for all tests.

Currently, all users of the knowledge domain system are using cutoff scores that fall within a range considered appropriate by POST (e.g., no academy is using a cutoff score below 70). Thus, based on current experience, whether POST were to mandate or make recommendations concerning minimum cutoff scores would likely have little impact on local academy practices.

An advantage of setting a minimum cutoff score range is that a minimum standard is established and yet some allowance is made to accommodate local academy needs (the minimum cutoff does not become the maximum cutoff score). Further, providing local academies with this type of latitude would seem to have merit. It would seem:

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<sup>1</sup>The POSTRAC program makes it possible for academies to construct, administer, and score locally developed tests. This feature is currently being used by many academies to supplement the knowledge domain tests generated from the statewide test item bank, or to construct tests of agency-specific curriculum.

reasonable, for example, for sheriffs' departments to be permitted to set a higher standard on knowledge domains related to custody, or for the California Highway Patrol to be able to set a higher standard on knowledge domains related to traffic.

Again, based on discussions held at the last Basic Course Consortium meeting, the majority of the academy directors and academy coordinators favor a POST mandate with respect to minimum passing scores. No clear cut preference was expressed with respect to POST mandated minimum passing scores versus POST mandated minimum passing score ranges.

In conclusion, results of the follow-up evaluation strongly suggest that POST should adopt the knowledge domain system for defining and evaluating student mastery of the Basic Course. Further, staff believes, and the majority of basic academy administrators concur, that all academies should be required to use the POSTRAC tests to determine student mastery of the knowledge domains. Such a mandate will have the much desired effect of creating a uniform, statewide procedure for determining student mastery of the knowledge domains. Finally, with regard to establishing minimum passing scores on the POSTRAC tests, staff believes that the most prudent action would be for POST to mandate minimum cutoff score ranges within which local academies would be required to establish their own minimum passing scores. As mentioned previously, this approach will have the desired effect of assuring that all academy graduates have met the same absolute minimum standards, while at the same time providing academies with some latitude to require higher than the absolute minimums as local conditions warrant.

Commission action to implement these changes will have a major impact on the current basic academy training delivery system. A public hearing will also be required. For these reasons, the Commission may wish to refer the staff proposal to the Long Range Planning Committee for review and discussion, with a follow-up report presented to the Commission at its July meeting.

**Attachment A**

**Knowledge Domains and Number of POs**

<b>Domain</b>	<b>Description</b>	<b>Number of POs</b>
KD#01:	History & Professionalism	13
KD#02:	Criminal Justice System	8
KD#03:	Community Service	10
KD#04:	Handling Emotional Situations	9
KD#05:	Introduction to Criminal Law	20
KD#06:	Crimes Against Property	16
KD#07:	Crimes Against Persons	14
KD#08:	General Criminal Statutes	19
KD#09:	Child Abuse	8
KD#10:	Sexual Assault	10
KD#11:	Juvenile Law and Procedure	8
KD#12:	Controlled Substances	17
KD#13:	ABC Law	11
KD#14:	Constitutional Law	4
KD#15:	Laws of Arrest	17
KD#16:	Search and Seizure	11
KD#17:	Laws of Evidence	12
KD#18:	Report Writing	7
KD#19:	Vehicle Operations	18
KD#20:	Legal Aspects of Deadly Force	10
KD#21:	Patrol Techniques	17
KD#22:	Vehicle Pullovers	24
KD#23:	Crimes-In-Progress	21
KD#24:	Handling Disputes/Crowd Control	12
KD#25:	Domestic Violence	10
KD#26:	Hazardous Occurrences	9
KD#27:	Missing Persons	8
KD#28:	Introduction to Traffic	24
KD#29:	Traffic/Auto Theft Investigation	5
KD#30:	Investigation	22
KD#31:	Custody	16
KD#32:	Physical Fitness	19
KD#33:	Person Searches, Baton, Etc.	16
KD#34:	First Aid/CPR	1
KD#35:	Firearms/Chemical Agents	9
KD#36:	Information Systems	3
KD#37:	Mentally & Physically Disabled	11
KD#38:	Gangs	7

N = 38

**ATTACHMENT B  
(March 30, 1990)**

**Knowledge Domain/POSTRAC Users (26)**

Alameda County Sheriff's Department  
Allan Hancock College  
Butte Center, NCCJTES  
College of the Redwoods/NCCJTES  
Department of Forestry  
Fresno City College  
Golden West College/RJCTC  
Long Beach Police Department  
Los Medanos College/CCCJTC  
Modesto Criminal Justice Training Center  
Napa Valley College  
Oakland Police Department  
Orange County Sheriff's Department  
Rio Hondo Regional Training Center  
Sacramento County Sheriff's Department  
Sacramento Criminal Justice Training Center  
Sacramento Police Department  
San Bernardino County Sheriff's Department  
San Diego Sheriff's Department  
San Diego Police Department  
San Francisco Police Department  
San Jose/Evergreen Community College District  
San Joaquin Delta College/PSTC  
Santa Rosa Center/NCCJTES  
Southwestern Police Academy  
Ventura County Police & Sheriff's Academy

**NOT USING POSTRAC (8)**

Bakersfield College  
\*California Highway Patrol  
\*Department of Parks and Recreation  
Gavilan College/Central Coast Counties  
\*Los Angeles Police Department  
\*Los Angeles Sheriff Department  
Riverside College  
Tulare-Kings County

\*Currently evaluating the system

### ATTACHMENT C

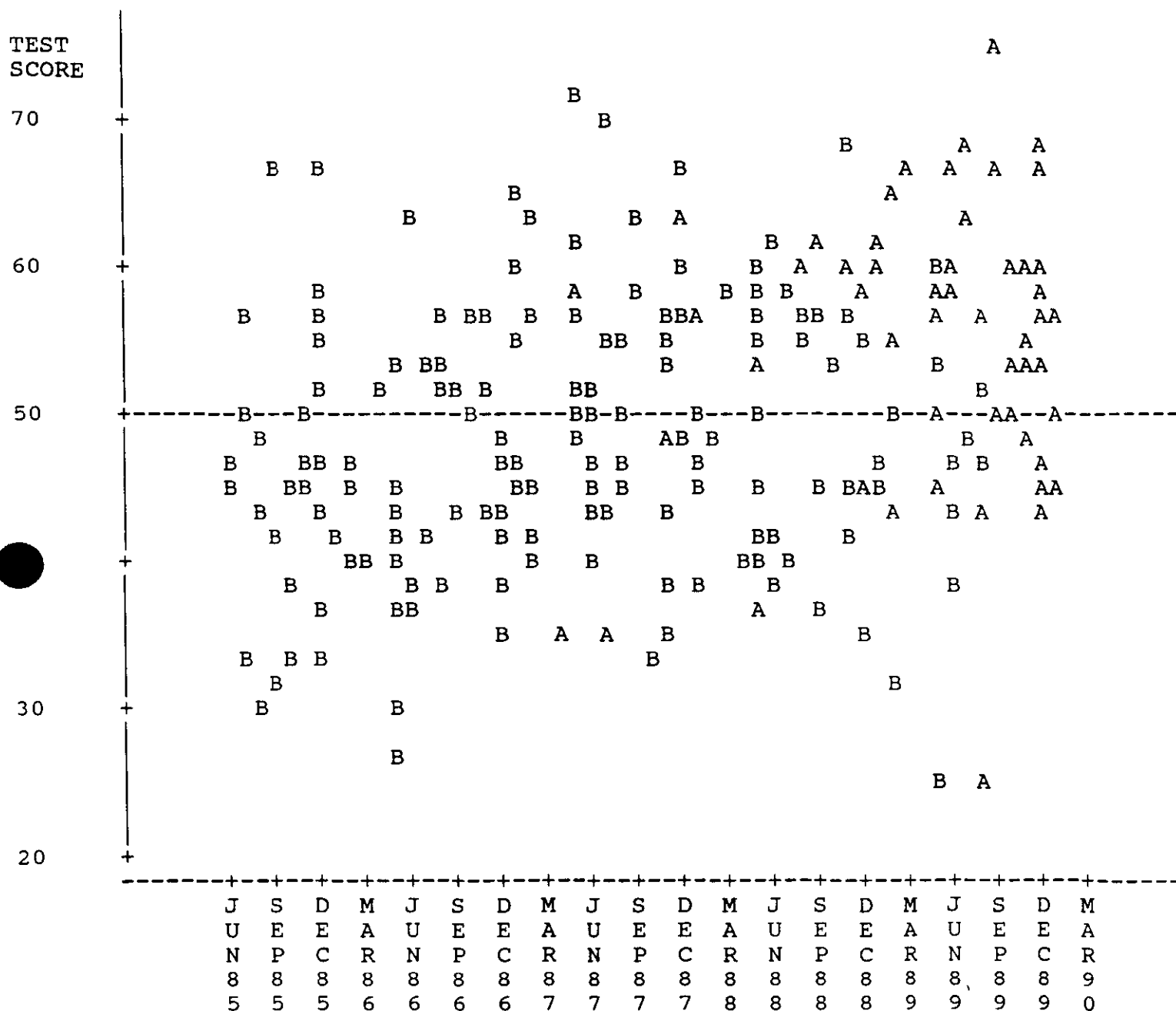


Figure 1. A comparison of academy scores on the proficiency test before (B) switching to knowledge domains and after (A) switching to knowledge domains. Only 41% of the "BEFORE" scores are above 50 compared with 71% of the "AFTER" scores. Note: Twenty-five observations are hidden.

ATTACHMENT D

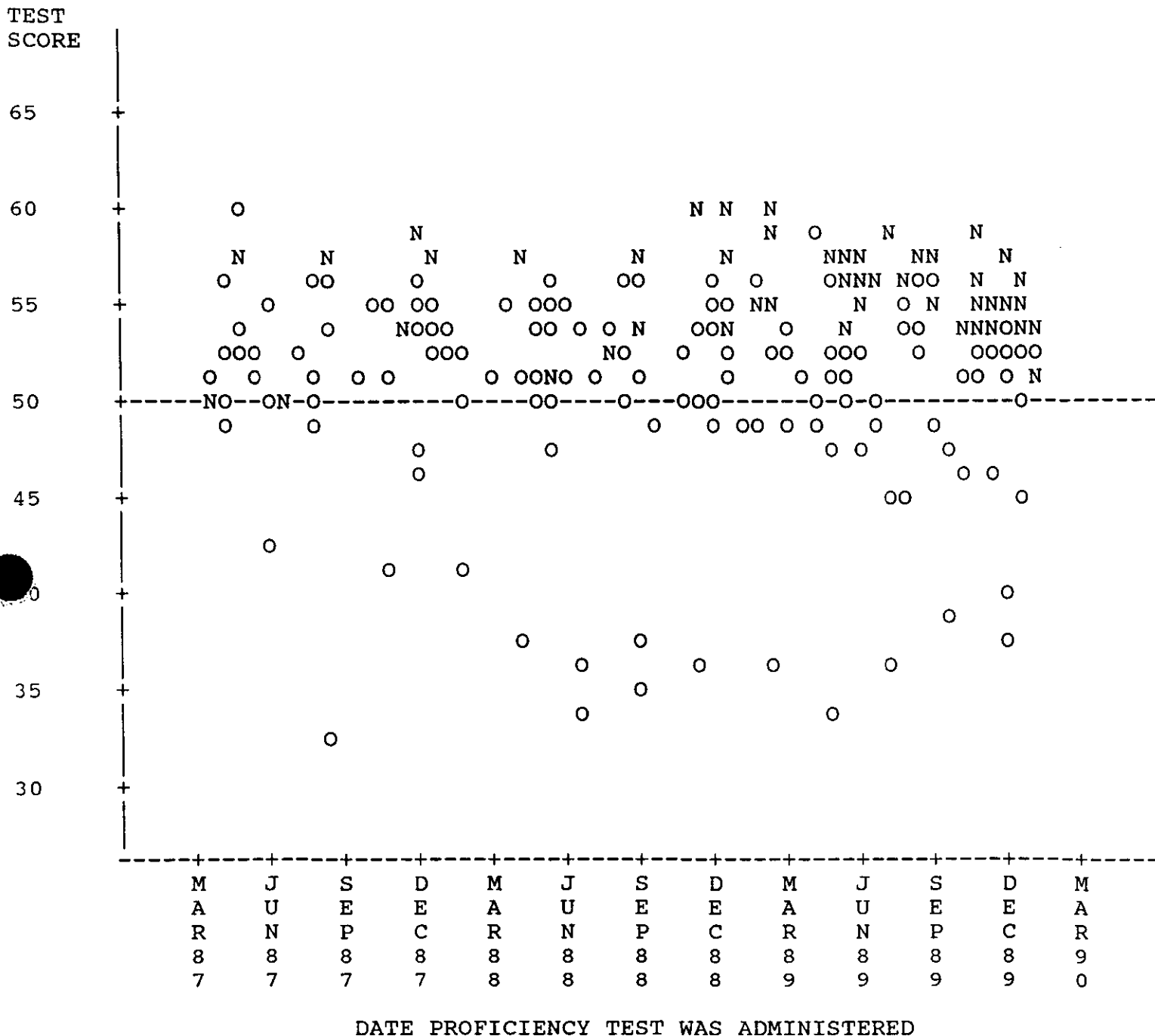


Figure 2. A comparison of academy scores on the proficiency test between academies using the old (O), success criterion, system and the new (N), knowledge domain, system. Only 70% of the "OLD" scores are above 50 compared with 100% of the "NEW" scores. Note: Thirty-five observations are hidden.



**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title Consulting Services for Replacement of Database Management Software		Meeting Date April 19, 1990
Bureau Information Services	Reviewed By	Researched By Holly Mitchum
Executive Director Approval <i>Mouvan C. Boehm</i>	Date of Approval 4-2-90	Date of Report March 26, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Should the Commission authorize the Executive Director to enter into a contract with Systemhouse, Inc., in an amount not to exceed \$62,100, for consulting services associated with replacement of POST's database management system software?

BACKGROUND

In June 1987, POST entered into a purchase contract with Systemhouse, Inc., in an amount not to exceed \$436,416, for purchase of hardware and software for a new minicomputer system. Systemhouse, a systems integrator, was awarded the contract based upon its response to a Request for Proposal (RFP) prepared for POST by Arthur Young, International.

The hardware and software selected by Systemhouse were installed in April 1988. Since that time, staff has experienced significant, on-going problems with the database management software, INFO DB+ (purchase cost \$30,000), distributed by Henco. Initially, POST programmers discovered that INFO contained numerous "bugs" and that several advertised product features were inoperable. Staff continued to use the product based upon repeated assurances from Henco that these deficiencies would be eliminated in a future release. Programming of critical (but not all) applications was completed last spring. In June 1989, POST transitioned from the former Four Phase computer system to the new DEC minicomputer. Shortly thereafter, staff noted very significant deficiencies in system response time associated with the Henco product. Systemhouse verified these deficiencies and, given the number of problems with INFO DB+, has agreed to replace the Henco software with a new product at no cost to POST. Systemhouse has tentatively identified "INGRES", distributed by INGRES Corporation (\$89,000 cost to Systemhouse), as the most likely replacement for INFO DB+.

## ANALYSIS

Several tasks will need to be completed in transitioning from INFO DB+ to a replacement database management system.

### Software Performance Testing

To determine whether INGRES is the most suitable replacement for INFO, it will be necessary to design and conduct a comprehensive software performance test of INGRES. The objective of the test would be to assess the performance of INGRES against specifications defined in POST's RFP and under conditions that parallel, to the greatest extent possible, POST's typical computing workload.

### Development of Conversion Plan

Additionally, a detailed plan needs to be developed for converting from INFO DB+ to INGRES or alternate replacement software. In developing the plan, the following factors will need to be analyzed:

- a. Changes which have occurred in POST's applications requirements during the past 22 months;
- b. Outstanding programs in need of development; and
- c. Needed modifications, if any, to the current database structure

Analysis of these factors will determine, to a large degree, the extent of effort associated with the conversion process.

### Conduct Conversion Process

It is anticipated that converting from INFO DB+ to the new software will minimally require:

1. Revising the database design.
2. Designing and developing required user aids for the new database management software (user instructions & procedures).
3. Designing a systems acceptance test to be conducted once all programming is completed.
4. Reprogramming current applications (with any required revisions) and developing outstanding/new applications.
5. Conducting the systems acceptance test.
6. Training users on the new system.

The analysis of systems requirements, conducted as part of the development of the conversion plan (items a - d), may identify additional tasks to be completed as part of the conversion process. Functionality of the replacement software will also influence the amount of time that will be required to accomplish tasks 1 - 6.

By the time the Commission meets, it is anticipated that a contract will have been finalized with Systemhouse, and work commenced, for design of the software performance test and development of the database conversion plan. Systemhouse has proposed to provide POST up to 126 hours of consulting services, at a cost not to exceed \$9,850, in order to complete this work.

To ensure a smooth transition to the replacement software and minimize the time associated with the conversion process, it is recommended that the Executive Director be authorized to amend the Systemhouse contract for the purpose of:

- conducting & analyzing the results of the software performance test to verify the acceptability of INGRES as a replacement for INFO DB+, and
- completing the conversion work described in items 1 - 6 above.

To complete these tasks, Systemhouse has proposed to provide POST up to 660 hours of professional services, at a cost not to exceed \$52,250, to be distributed as follows:

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Fee</u>
Project Manager	110	\$100	\$11,000
Technical Architect			
Systems Analyst	550	\$ 75	<u>\$41,250</u>
		Total	\$52,250

These hourly rates appear to be significantly less than those rates typically charged by other consulting firms. It is anticipated the conversion from INFO DB+ to a replacement system can be completed in 6 - 8 months, with costs distributed over FY 89/90 and 90/91.

Staff believes Systemhouse is best qualified to assist with the database replacement project because Systemhouse managed installation of the computer system, already has an awareness of POST's operating environment, and has extensive experience managing the selection and implementation of database management systems.

Total proposed expenditures are \$62,100 (\$9,850 plus \$52,250).

RECOMMENDATION

Authorize the Executive Director to contract with Systemhouse, Inc., for up to 786 hours of professional services associated with replacement of POST's database management system software, at a cost not to exceed \$62,100.

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title <b>Public Hearing - Adoption of Regulation on Disbursement of Asset Forfeiture Funds</b>		Meeting Date <b>April 19, 1990</b>
Bureau <b>Executive Office</b>	Reviewed By	Researched By <b>Darrell Stewart</b>
Executive Director Approval <i>Monica C. Beckman</i>	Date of Approval <b>4-4-90</b>	Date of Report <b>April 3, 1990</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

**ISSUE**

Should the Commission approve the setting of a public hearing for the July 1990 meeting to consider adopting regulations for the disbursement of drug asset forfeiture funds?

**BACKGROUND**

In 1988 the Legislature passed Assembly Bill 4162 (Chapter 1492/88) which modified a number of sections of the Health and Safety Code regarding the forfeiture of certain property involved in controlled substance offenses.

Included in AB 4162 were several new subsections to Health & Safety Code Section 11489. The section now requires that money balances in excess of expenditures incurred in the sale of seized property may be divided between the local and state enforcement agencies which seized the property, as follows: Ninety percent of the monies can go to the enforcement and prosecution agencies, while the remaining ten percent must be deposited in the Asset Forfeiture Distribution Fund administered by the Office of Criminal Justice Planning. The monies in the fund must then be distributed as required in the statute, which currently is a commitment between 2 1/2 and 3 million dollars for specific projects. Then if there is any balance, the Peace Officer Training Fund (POTF) gets eighty-five percent, and local prosecutors receive fifteen percent (See Attachment A).

In addition to the current language of H & S Code Section 11489, the code provides for an amended Section 11489 which becomes effective on January 1, 1994. The new language after that date totally changes the asset forfeiture money distribution pattern. The new language deletes the provisions for transferring funds to POST (See Attachment B).

## ANALYSIS

Health & Safety Code Section 11489 provides that monies from drug asset forfeiture can be placed in the Peace Officer Training Fund. The monies so placed must be used toward drug related training. State agencies are entitled to distribution of the asset forfeiture monies in the same manner as local law enforcement agencies.

Legal counsel advises that since H & S 11489 provides that State agencies are to receive funds from the monies generated through asset forfeiture in the same manner as provided by Penal Code Section 13523, then State agencies shall be entitled to allocation out of those funds along with local law enforcement entities. Counsel also advises, because State agencies have previously not been permitted to receive funds from the POTF, that regulations should be promulgated to specify procedures for State agency participation.

Funding from the Asset Forfeiture Distribution Fund could vary considerably each year. This suggests a process based on a distribution of funds only after close of the fiscal year and an actual transfer of funds into the POTF. Monies received should be placed in a separate Asset Forfeiture Account within the POTF. It is proposed that funds will be disbursed using a formula to participating local reimbursable departments and any state agencies that apply and employ full-time peace officers. The distribution formula proposed is reimbursement to the jurisdiction based on the number of hours of drug related training completed by their personnel. Actual funds available would be divided by total hours of qualifying drug training completed statewide. The resulting dollars per hour figure would be used to calculate reimbursement for each agency.

Recently, POST was advised that there may be up to \$400,000 that may be forwarded to the POTF after July 1, 1990. However, there is still some uncertainty as other state agencies in the distribution process are appealing for more of the funds. There may be no funds this year. Regardless, POST must develop regulations and procedures to process asset forfeiture funds that may be placed in the POTF in the future.

During the Fiscal Year 1988/89, 382 local agencies sent officers to 71,815 hours, and ten State agencies sent officers to 3270 hours of qualifying drug related training. Included in this calculation are all certified drug/narcotic courses. Not included are drug related subjects when part of other courses or modular programs, because this information cannot be easily separated in the current computer files.

The total hours of qualifying training during FY 88/89 equals 75,085 hours. Using the proposed distribution formula and assuming \$400,000 may be available, funds would be allocated to each qualifying department and agency at \$5.32 per hour of

training. An agency with only 24 hours (the least in 88/89) of qualifying training would receive a total of \$128, and an agency with 3,344 hours (the most in 88/89) of training would receive \$17,790.00.

It is proposed that a new regulation be adopted to address this issue as follows:

Regulation 1015 (j)

A Drug Asset Forfeiture Account is established for all money accruing to the Peace Officer Training Fund from drug asset forfeitures as set forth in Health and Safety Code Section 11489. Funds within the Drug Asset Forfeiture Account will be distributed to cities, counties, and districts participating in the POST program under Penal Code Section 13522, and to state agencies, as partial reimbursement of costs incurred by full-time peace officers who complete drug training courses. Reimbursement from this account will be made for completion of any POST certified narcotics and dangerous drug course. Excluded are courses not specifically certified as drug courses and for which POST is unable to track attendance by course content.

RECOMMENDATION

Approve the setting of a public hearing for the July 1990 meeting to consider adopting proposed Regulation 1020 regarding reimbursement of local and State law enforcement agencies for drug related training courses using asset forfeiture funds.

between the legal owner and the governmental entity involved, or if they cannot agree, then by the inheritance tax appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest in accordance with the provisions of Section 11489.

(b) If the amount due to a person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract is less than the value of the property and the person elects not to make payment to the governmental entity, the property, excluding vehicles identified in Section 11473.2 which a law enforcement agency may place in its own name for use in its law enforcement program, shall be sold at public auction by the Department of General Services or by the local governmental entity which shall provide notice of such sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

(c) The proceeds of sale pursuant to subdivision (b) shall be first distributed in accordance with the provisions of Section 11489.

SEC. 14. Section 11489 of the Health and Safety Code is amended to read:

11489. Notwithstanding Section 11502 and except as otherwise provided in Sections 11473 and 11473.2, in all cases where the property is seized pursuant to this chapter and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser or encumbrancer, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person.

(b) The balance, if any, to accumulate, and to be distributed and transferred quarterly in the following manner:

(1) To the state agency or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary repairs, storage, or transportation of any property seized under this chapter.

(3) Ninety percent of the balance shall be distributed as follows:

(A) Eighty-five percent to the state or local or to the state and local law enforcement agencies that participated in the seizure, allocated between them to reflect the proportionate contribution of each agency.

(B) Fifteen percent to the prosecutorial agency which processes the forfeiture action.

(4) Ten percent of the balance for deposit in the Asset Forfeiture Distribution Fund, which is hereby created, and which shall be administered by the Office of Criminal Justice Planning.



(A) Notwithstanding Section 11340 of the Government Code, one million five hundred thousand dollars (\$1,500,000) is hereby continuously appropriated each fiscal year, as adjusted annually by the state and local implicit price deflator, to the State Department of Mental Health for the purposes of Chapter 6 (commencing with Section 5475) of Part 1 of Division 5 of the Welfare and Institutions Code. This subparagraph shall be funded prior to funding subparagraph (B).

(B) After the obligation specified in subparagraph (A) is satisfied, moneys in the Asset Forfeiture Distribution Fund are available for appropriation in the annual Budget Act for the following purposes:

(i) One million dollars (\$1,000,000), in 1989 and 1990 only, to the Los Angeles County Office of Education to fund grants and administer the Gang Risk Intervention Pilot Program as established pursuant to Assembly Bill 3723 of the 1987-88 Regular Session of the Legislature. This clause (i) shall be funded prior to funding clauses (ii) and (iii). This clause (i) shall remain operative only until January 1, 1991, and as of that date is inoperative.

(ii) An amount not to exceed 5 percent of the Asset Forfeiture Distribution Fund to cover administrative costs incurred by the Office of Criminal Justice Planning. Notwithstanding Section 16305.7 of the Government Code, any interest earned or other increment derived from investments made from moneys in the Assets Forfeiture Distribution Fund shall be deposited in the Asset Forfeiture Distribution Fund. This clause (ii) shall be funded prior to funding clause (iii).

(iii) The balance, if any, remaining shall be distributed, as follows:

(I) Eighty-five percent for deposit in the Peace Officers' Training Fund as set forth in Section 13520 of the Penal Code. State agencies shall be entitled to allocations out of the funds generated by this section, in the same manner as provided in Section 13523 of the Penal Code, for drug related training provided to full-time regularly-paid peace officers employed by the state, to the extent that there are funds in the Peace Officers' Training Fund generated by this section.

(II) Fifteen percent for financial assistance to provide for a statewide program of education, training, and research for local public prosecutors, which shall be administered by a private nonprofit organization composed of local prosecutors and which provides statewide education, training, and research.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (3) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund—State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11493.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized

## HEALTH AND SAFETY CODE

## § 11489

(i) One million dollars (\$1,000,000), in 1989 and 1990 only, to the Los Angeles County Office of Education to fund grants and administer the Gang Risk Intervention Pilot Program as established pursuant to Assembly Bill 3723 of the 1987-88 Regular Session of the Legislature. This clause (i) shall be funded prior to funding clauses (ii) and (iii). This clause (i) shall remain operative only until January 1, 1991, and as of that date is inoperative.

(ii) An amount not to exceed 5 percent of the Asset Forfeiture Distribution Fund to cover administrative costs incurred by the Office of Criminal Justice Planning. Notwithstanding Section 16305.7 of the Government Code, any interest earned or other increment derived from investments made from moneys in the Assets Forfeiture Distribution Fund shall be deposited in the Asset Forfeiture Distribution Fund. This clause (ii) shall be funded prior to funding clause (iii).

(iii) The balance, if any, remaining shall be distributed, as follows:

(I) Eighty-five percent for deposit in the Peace Officers' Training Fund as set forth in Section 13520 of the Penal Code. State agencies shall be entitled to allocations out of the funds generated by this section, in the same manner as provided in Section 13523 of the Penal Code, for drug related training provided to full-time regularly-paid peace officers employed by the state, to the extent that there are funds in the Peace Officers' Training Fund generated by this section.

(II) Fifteen percent for financial assistance to provide for a statewide program of education, training, and research for local public prosecutors, which shall be administered by a private nonprofit organization composed of local prosecutors and which provides statewide education, training, and research.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (3) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund—State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11493.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized by the Comprehensive Crime Control Act of 1984 may be deposited directly into the Narcotics Assistance and Relinquishment by Criminal Offenders Fund and used for state and local law enforcement efforts pursuant to Section 11493.

Funds which are not deposited pursuant to the above paragraph shall be deposited into the Department of Justice Special Deposit Fund—Federal Asset Forfeiture Account.

(d) All the funds distributed pursuant to paragraph (3) of subdivision (b) shall not supplant any state or local funds that would, in the absence of this subdivision, be made available to support the law enforcement and prosecutorial efforts of these agencies. Funds so distributed shall be used by the law enforcement and prosecutorial agencies exclusively to support law enforcement and prosecutorial efforts of those agencies.

The court shall order the forfeiture proceeds distributed to the state, local, or state and local \* \* \* agencies as provided in this section.

All proceeds from forfeiture proceedings completed after January 1, 1989, shall be distributed in accordance with this section.

(Added by Stats.1983, c. 948, § 11. Amended by Stats.1985, c. 1551, § 1; Stats.1985, c. 1595, § 1, eff. Oct. 2, 1985; Stats.1985, c. 1595, § 1.5, eff. Oct. 2, 1985, operative Jan. 1, 1986; Stats.1986, c. 1032, § 10; Stats.1986, c. 1472, § 1; Stats.1987, c. 924, § 8, eff. Sept. 22, 1987; Stats.1988, c. 1492, § 14; Stats.1989, c. 1360, § 8; Stats.1989, c. 1195, § 5.)

*For text of section operative Jan. 1, 1994, see § 11489, post.*

§ 11489. Distribution of funds from forfeitures and seizures

*Text of section operative Jan. 1, 1994.*

Notwithstanding Section 11502 and except as otherwise provided in Sections 11473 and 11473.2, in all cases where the property is seized pursuant to this chapter and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person.

*Additions in text are indicated by underline; deletions by asterisks \* \* \**

(b) The balance, if any, to accumulate, and to be distributed and transferred quarterly in the following manner:

(1) To the state agency or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary repairs, storage, or transportation of any property seized under this chapter.

(2) The remaining funds shall be distributed as follows:

(A) Sixty-five percent to the state, local, or state and local law enforcement entities that participated in the seizure distributed so as to reflect the proportionate contribution of each agency.

(B) Ten percent to the prosecutorial agency which processes the forfeiture action.

(C) Twenty percent to the State Department of Mental Health for deposit in the Mental Health Primary Prevention Fund for primary prevention programs in accordance with Chapter 1083 of the Statutes of 1981. There is hereby created in the State Treasury the Mental Health Primary Prevention Fund. Notwithstanding Section 13340 of the Government Code, the moneys in the Mental Health Primary Prevention Fund are hereby continuously appropriated to the State Department of Mental Health to expend for primary prevention programs in accordance with Chapter 6 (commencing with Section 5475) of Part 1 of Division 5 of the Welfare and Institutions Code. Expenditures may include administrative costs incurred by the department. These administrative costs are not to exceed 5 percent of the fund. Notwithstanding the provisions of Section 16306.7 of the Government Code, any interest earned or other increment derived from investments made from moneys in the fund shall be deposited in the Mental Health Primary Prevention Fund.

(D) Five percent to eligible nonprofit organizations established for the purposes of aiding those seizures and forfeitures. Moneys shall be used to fund the operations of those organizations where it has been determined that information provided by the organization resulted in the seizure of these funds. In all other instances these moneys shall be deposited into the Narcotics Assistance and Relinquishment by Criminal Offenders Fund. The eligibility criteria and amount of funds to be allocated under this subparagraph shall be determined by each county pursuant to county ordinance.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (2) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund—State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11498.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized by the Comprehensive Crime Control Act of 1984 may be deposited directly into the Narcotics Assistance and Relinquishment by Criminal Offender Fund and used for state and local law enforcement efforts pursuant to Section 11498.

Funds which are not deposited pursuant to the above paragraph shall be deposited into the Department of Justice Special Deposit Fund—Federal Asset Forfeiture Account.

(d) All the funds distributed to the state or local governmental entity pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (b) shall not supplant any state or local funds that would, in the absence of this subdivision, be made available to support the law enforcement and prosecutorial efforts of these agencies.

The court shall order the forfeiture proceeds distributed to the state, local, or state and local governmental entities as provided in this section.

For the purposes of this section, "local governmental entity" means any city, county, or city and county in this state.

All property seized and all proceeds from the sale of property seized pursuant to this chapter prior to October 2, 1985, shall be distributed in accordance with the provisions of this section.

(Added by Stats.1983, c. 948, § 11. Amended by Stats.1985, c. 1551, § 1; Stats.1985, c. 1595, § 1, eff. Oct. 2, 1985; Stats.1985, c. 1595, § 1.6, eff. Oct. 2, 1985, operative Jan. 1, 1986; Stats.1986, c. 1032, § 10; Stats.1986, c. 1472, § 1; Stats.1987, c. 924, § 8, eff. Sept. 22, 1987; Stats.1988, c. 1492, § 14; Stats.1989, c. 1360, § 89; Stats.1989, c. 1195, § 5; Stats.1987, c. 924, § 8, eff. Sept. 22, 1987, operative Jan. 1, 1994.)

*For text of section operative until Jan. 1, 1994, see § 11489, ante.*

Additions in text are indicated by underline; deletions by asterisks \* \* \*

## COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Management Course Contracts		April 19, 1990
Bureau	Reviewed By	Researched By
Center for Leadership Development	Leo Moreton, Bureau Chief	Bob Fuller, Senior Consultant
Executive Director Approval	Date of Approval	Date of Report
<i>Murray C. Bellin</i>	3-29-90	
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input checked="" type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

ISSUE

Commission review and final approval of the Management Course contracts for Fiscal Year 1990/91 with a total maximum cost of \$323,771 for 22 presentations.

BACKGROUND

Staff has met with each coordinator representing the five contract presenters for the Management Course. Staff has identified a need for 22 contract course presentations during Fiscal Year 1990/91.

ANALYSIS

Course costs are consistent with POST tuition guidelines. Required learning goals are being satisfactorily presented by each contractor. The Fiscal Year 1990/91 contract costs for 22 presentations will not exceed a total of \$323,771. The following costs have been agreed to by the presenters:

California State University - Long Beach Foundation 5 presentations	\$76,825
San Jose State University Foundation 4 presentations	50,804
Humboldt State University 4 presentations	59,524
San Diego Regional Training Center 5 presentations	80,230
California State University - Northridge Foundation 4 presentations	56,388

Total cost of contract for Fiscal Year 1989/90 was \$319,132 for 22 presentations. The 1 1/2 percent increase in contract costs over 1989/90 cover modest increase costs for instructors, site, travel, and materials. A minimum number of 440 law enforcement middle managers will attend the 22 presentations during the Fiscal Year.

RECOMMENDATION

If approved, the action of the Commission will be to authorize the Executive Director to enter into contract agreements with the current five contractors to present 22 presentations of the Management Course during Fiscal Year 1990/91 not to exceed total contract costs of \$323,771.

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title		Meeting Date
Contract for Command College and Executive Training		April 19, 1990
Bureau	Reviewed By	Researched By
Center for Leadership Development	<i>Ted Morton</i>	Ted Morton
Executive Director Approval	Date of Approval	Date of Report
<i>Norman C. Boehm</i>		March 26, 1990
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		<input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><u>ISSUE</u></p> <p>This is presented for Commission review and final approval of the Command College and Executive Training Contract for Fiscal Year 1990/91. Total maximum cost is \$395,046.</p> <p><u>BACKGROUND</u></p> <p>Nine classes have now graduated from the Command College. Four classes are continuously in session. Class 14 will begin June 11, 1990. During the 1990/91 fiscal year, a total of twenty 4- and 5-day workshops will be presented.</p> <p>The contract will provide funds to present the twenty Command College workshops, including site, materials, facilitator, continuous development, and faculty costs. In addition, funds will be used for Independent Study Project Committee meetings and project grading; faculty graders for evaluating students; intersession (homework) projects; training for academic advisors; funds for continuous redesign of workshops upgrading instruction (case studies, writing special study briefs, etc.); selecting and orientation for new instructors; and funds for two assessment centers for student selection.</p> <p>The contract also includes funds for development and presentation of training seminars for sheriffs, chiefs of police, and senior managers.</p> <p><u>ANALYSIS</u></p> <p>The two-year Command College program is continuing to receive national recognition as one of the foremost law enforcement training programs in the country. Command College graduates continue to provide testimony to the positive impact the program has had and is having on their law enforcement careers. Chiefs and sheriffs continually request that the executive programs provided by POST continue.</p> <p>The total contract for 1990/91 is \$395,046. This is a 10 percent increase from the 1989/90 contract of \$359,093. This includes increased costs for conference sites and increased indirect costs to the contractor.</p> <p><u>RECOMMENDATION</u></p> <p>Authorize the Executive Director to enter into a contract agreement with the San Diego Regional Training Center to provide expert management consultants, educators and faculty for Command College programs and special seminars for law enforcement executives and senior managers at a maximum cost of \$395,046 for fiscal year 1990/91.</p>		

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Contract for Supervisory Leadership Institute		April 19, 1990
Bureau	Reviewed By	Researched By
Center for Leadership Development		Ted Morton
Executive Director Approval	Date of Approval	Date of Report
<i>Mouman C. Boehm</i>	3-28-90	March 26, 1990
Purpose:		Financial Impact:
<input checked="" type="checkbox"/> Decision Requested	<input type="checkbox"/> Information Only	<input type="checkbox"/> Yes (See Analysis for details)
<input type="checkbox"/> Status Report		<input type="checkbox"/> No

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

Issue

This is presented for Commission review and final approval of the Supervisory Leadership Institute contract for fiscal year 1990/91. Total maximum cost is \$195,934.

Background

Classes two and three will graduate April 4 and April 18, 1990. The program is now ready for expansion to four classes starting in May (two) and June (two). The program is ready to expand at a limited rate as staff continues to locate and train faculty (facilitators). The contract will provide funds for four workshops that will end in December, 1990, and January, 1991. As staff and facilitator time is available, it also provides funds for workshops which will start in February or March, 1991.

In total, the contract provides for instruction services and logistical support for six presentations of the 192 hour institute. The institute is presented at the rate of one 24 hour (three days) seminar a month for eight consecutive months, with work assignments in between sessions.

Analysis

There is a long standing need to develop appropriate leadership skills and attributes in first line supervisors. This program is unique in that it provides the forum in which attendees can discover and incorporate the qualities and principles of leadership. The SLI has been a pilot program to date. In a sense, it must always be a pilot program so that it will be fresh and contemporary in three or five years or more, as it is today.

The program is receiving wide spread support from law enforcement agencies. The graduates continue to provide testimony as to the value of the program for sergeants. POST receives daily phone calls requesting dates for additional classes.

Recommendation

Authorize the executive director to enter into a contract agreement with the CSU, Long Beach foundation to provide administrative assistance for the Supervisory Leadership Institute. This includes instructors, sites, coordination, instructor development, supplies, and equipment at a maximum cost of \$195,934 for fiscal year 1990/91.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title <b>Contract for Administration of POST Proficiency Examination</b>		Meeting Date <b>April 19, 1990</b>
Bureau <b>Standards &amp; Evaluation</b>	Reviewed By	Researched By <b>Diane Hrepich</b>
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval <b>3.27.90</b>	Date of Report <b>March 26, 1990</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Continuation of the POST contract with Cooperative Personnel Services (CPS) to administer the POST Basic Course Proficiency Examination.

BACKGROUND

Penal Code Section 832(b) requires POST to develop and administer a basic training proficiency test to all academy graduates. POST has contracted with Cooperative Personnel Services (CPS) for administration of the examination since 1981.

ANALYSIS

CPS has done a very acceptable job of administering the POST Basic Course Proficiency Examination. Moreover, CPS can administer the examination for less than it would cost if POST staff were to assume this function.

The amount of the fiscal year 1989/90 contract is \$28,837. The proposed contract for fiscal year 1990/91 is not expected to exceed \$31,266. The increase is due to modest labor and shipping cost increases, and an anticipated 5% increase in the number of Basic Course presentations.

RECOMMENDATION

Authorize the Executive Director to enter into a contract with CPS for Administration of the POST Proficiency Examination during fiscal year 1990/91 for an amount not to exceed \$31,266.







COMMISSION AGENDA ITEM REPORT		
Agenda Item Title 1989-90 Interagency Agreement for Auditing Services - State Controller's Office		Meeting Date April 19, 1990
Bureau Administrative Services Bureau	Reviewed By <i>Otto H. Saltenberger</i> Otto H. Saltenberger	Researched By Staff
Executive Director Approval <i>Morgan C. Bohun</i>	Date of Approval 3-23-90	Date of Report March 15, 1990
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><b>ISSUE</b> Commission review and final approval of Interagency Agreement for Auditing Services - State Controller's Office for Fiscal Year 1990-91.</p> <p><b>BACKGROUND</b> There is a need to selectively audit the training claims made by local agencies against the Peace Officer Training Fund. These audits have been conducted by the State Controller on a yearly basis.</p> <p><b>ANALYSIS</b> Each year for the past several years POST has negotiated an interagency agreement with the State Controller's Office to conduct audits of selected local agencies which receive POST reimbursement funds. The Controller's Office continues to do an acceptable job in auditing selected jurisdictions to assure that reimbursement funds are being appropriately expended.</p> <p><b>RECOMMENDATION</b> It is recommended that the Commission authorize the Executive Director to enter into an interagency agreement with the State Controller in an amount not to exceed \$85,000 to audit local agency reimbursement claims for Fiscal Year 1990-91.</p>		



COMMISSION AGENDA ITEM REPORT		
Agenda Item Title <b>Health and Welfare Data Center - CALSTARS Support</b>		Meeting Date <b>April 19, 1990</b>
Bureau <b>Administrative Services Bureau</b>	Reviewed By <i>[Signature]</i> <b>Otto H. Saltenberger</b>	Researched By <b>Staff</b>
Executive Director Approval <i>[Signature]</i> <b>Mouman C. Bohun</b>	Date of Approval <b>3-29-90</b>	Date of Report <b>March 15, 1990</b>
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><b><u>ISSUE</u></b> Commission review and approval of an Interagency agreement with Health and Welfare Agency Data Center for computer linkage in support of the State Accounting System (CALSTARS).</p> <p><b><u>BACKGROUND</u></b> The mandated California Accounting and Reporting System (CALSTARS), which was implemented in 1986, requires that POST enter into a yearly contract with the Health and Welfare Data Center to provide data processing services during the year. The Commission approved an agreement not to exceed \$25,000 for Fiscal year 1989-90.</p> <p><b><u>ANALYST</u></b> Without the continuation of an agreement with the Health and Welfare Data Center, POST will not be able to perform necessary state accounting functions and will be out of compliance with accounting requirements.</p> <p><b><u>RECOMMENDATION</u></b> It is recommended that the Commission authorize the Executive Director to enter into an interagency agreement with the Health and Welfare Agency Data Center in an amount not to exceed \$25,000 for computer services during Fiscal Year 1990-91.</p>		

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title Request for Contract Authority to Broadcast Video Training Tapes		Meeting Date April 19, 1990
Bureau Training Program Services Bureau	Reviewed By Hal Snow	Researched By Bill Masters
Executive Director Approval <i>Morgan C. Behm</i>	Date of Approval 3.23.90	Date of Report March 14, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Should the Commission authorize the Executive Director to enter into an interagency agreement with San Diego State University, for an amount not to exceed \$24,000, to assemble and broadcast four videotape training programs during fiscal year 1990/91.

BACKGROUND

At its April 1989 meeting, the Commission approved a \$16,000 contract with San Diego State University for four satellite broadcasts of videotape training programs during 1989/90. Three of the broadcasts have been completed with the fourth scheduled for April 19, 1990. The programs are being recorded and used by law enforcement agencies for training of their personnel. Feedback from the field has been highly commendatory, and the Commission has been encouraged to continue this program.

ANALYSIS

In the next fiscal year we hope to add to the quality and usefulness of these tape broadcasts. To do this, an increase in contract amount is needed to cover increased SDSU production costs and provide more flexibility in the method of presentation. Greater use will be made of an on-camera narrator and character generator to highlight key instructional points in each videotape and to allow for POST updates.

Broadcasting of training programs via satellite has proven to be an effective method of delivery. Each 2-hour program contains at least eight recently produced videotapes directed at the training needs of officers of varying assignments. Agencies having access to C-band satellite receive equipment can view and record these programs at little or no cost. This method of distribution has greatly expanded the use of existing videotaped material and helped to improve the effectiveness of training programs overall.

RECOMMENDATION

It is recommended that the Executive Director be authorized to contract with San Diego State University for an amount not to exceed \$24,000 for four satellite broadcasts.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Department of Justice Contract 1990/91		Meeting Date April 19, 1990
Bureau Training Delivery Services	Reviewed By RONALD T. ALLEN <i>RA</i>	Researched By <i>Lou Madeira</i> Lou Madeira
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 3-27-90	Date of Report March 23, 1990
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Approval of an Interagency Agreement (IAA) between POST and the Department of Justice Advanced Training Center in the amount of \$870,933 to cover the cost of training delivery services for Fiscal Year 90/91.

BACKGROUND

POST has contracted with the Department of Justice to present certified courses to law enforcement since 1974. The amount of the agreement each year has been based upon the actual presentation costs to DOJ for instruction, coordination, clerical support, supplies and travel. Courses included in the contract are based on training needs assessments and agency feedback. Individual course budgets are developed in accordance with existing certification requirements.

ANALYSIS

The amount proposed this year, \$870,933, represents an increase of \$110,807, or 14.6% over the current contract amount of \$760,126. This amount reflects direct costs to train 3671 students in 21 different technical courses (as detailed in attachments A and B).

The cost increase is due to normal adjustments in instructional, coordination and clerical costs, coupled with additional offerings and increased student numbers in several technical courses, particularly those which are narcotics-related. A summary of the proposed changes from last year are:

1. Increase authorized enrollment in Clandestine Laboratory Investigation, Drug ID and Influence, Investigation of Homicide and Violent Crime, and Investigation of Officer Involved Shootings to reduce existing backlogs. (These are all lecture-based programs where recommended student increases are not expected to adversely impact instructional effect.

2. Increase the number of offerings of Computer Crime Investigation and the Criminal Intelligence Institute Course to meet projected demands.
3. Increase the number of certified Skills and Knowledge Modular courses to meet special training needs, including training associated with the Violent Crime Information Center.
4. Add two new courses; Drug Influence Training-for-Trainers and Applied Statistics in Crime Analysis and Management Research.
5. Remove the Latent Fingerprint Techniques Course and the Fingerprint Pattern Identification Course from the contract, as these courses will be presented in cooperation with the California Community College System in the future.

RECOMMENDATION

Authorize the Executive Director to enter into an interagency agreement with the Department of Justice to present the described training courses for an amount not to exceed \$870,933.

POST CONTRACT - FISCAL YEAR 1990/91

COURSE	AVE # STU.	TOTL STU.	TUI	TOTAL INST	TOTAL GENER	TOTAL PRESE	TOTAL CLERI	TOTAL PRINT	TOTAL SUPPL	TOTAL EQUIP	TOTAL COOR.	TOTAL INSTR	TOTAL MISC.	TOTAL SUB	TOTAL 11%	TOTAL COST
Adv. Financial Inv	24	72	315	5013	600	1920	1500	750	720	900	1686	3738	3600	20427	2247	22674
Analyst (C.I. Data	20	40	292	3600	500	1440	1000	200	520	0	850	1410	1000	10520	1157	11677
Applied Stat. Ana.	24	48	273	4000	500	1440	1000	200	240	1200	200	2240	800	11820	1300	13120
Basic Elements	24	96	314	6752	1000	2880	2000	560	1084	1200	1820	3892	6000	27188	2991	30179
CAMP Supervision	24	48	308	2000	800	2120	2000	168	556	0	3660	0	2000	13304	1463	14767
Clandestine Drug L	48	288	95	9420	900	2880	2400	2736	2268	0	1710	2310	0	24624	2709	27333
Commander	24	96	357	7832	1000	2880	2000	400	520	1200	2300	6728	6000	30860	3395	34255
Crime Ana.-Ex.App.	20	80	476	10512	1000	2880	2000	424	504	1200	2360	7460	6000	34340	3777	38117
Criminal Intellige	24	48	424	5116	800	2880	2000	400	520	0	100	2920	3600	18336	2017	20353
Drug Ident. & DI	50	400	195	25792	1600	5120	4000	5720	13400	0	0	14592	0	70224	7725	77949
Economic Crime Inv	24	96	365	7776	1000	2880	2000	1600	1300	1200	1800	6040	6000	31596	3476	35072
Electronic Surv.	25	100	220	3352	600	1280	1600	480	3960	1384	1192	3604	2400	19852	2184	22036
Financial Invest./D	30	150	302	9805	1250	3600	2500	1500	1080	1500	2660	9420	7500	40815	4490	45305
Informant Dev. & M	24	192	319	14720	1600	5120	4000	1472	1360	2400	5288	9568	9600	55128	6064	61192
Inv. of Computer C	24	96	216	5792	1000	2880	2000	800	1412	2400	160	636	1600	18680	2055	20735
Inv. of Homicide	30	120	278	7688	1000	2880	2000	1600	1080	1200	1800	4772	6000	30020	3302	33322
Inv. of Officer In	30	300	302	20720	2500	7200	5000	4000	6700	3000	5300	12120	15000	81540	8969	90509
Modular Training	25	1000	42	14400	2000	0	4800	2800	3200	0	0	10400	0	37600	4136	41736
Narcotic Invest.	20	200	833	96250	4000	10600	10000	7020	2500	0	0	16500	3280	150150	16516	166666
Narc. Training-T 4	24	96	427	12904	600	3840	2000	4800	6400	0	80	6220	120	36964	4066	41030
Spec. Surv. Equipm	15	105	420	9093	1750	5040	3500	3325	3507	0	0	2576	10955	39746	4372	44118

SUBTOTALS	3671			282537	26000	71760	59300	40955	52831	18784	32966	127146	91455	803734	88411	892145
Minus ADA Offset																-18432
Minus Stu.Purch.Supp																-2780

TOTAL POST CONTRACT

870933



POST CONTRACT - FISCAL YEAR 1990/91

COURSE	NBR PRE	INSTRU	GENERA	PRESEN	CLERIC	PRINTG	SUPPLI	EQUIP	COOR.	INST.	MISC	SUB	11Z	PER
									TRAVEL	TRAVEL		TOTAL	IND	PRES
Adv. Financial Inv	3	1671	200	640	500	250	240	300	562	1246	1200	6809	749	7558
Analyst (C.I. Data	2	1800	250	720	500	100	260		425	705	500	5260	579	5839
Applied Stat. Ana.	2	2000	250	720	500	100	120	600	100	1120	400	5910	650	6560
Basic Elements	4	1688	250	720	500	140	271	300	455	973	1500	6797	748	7545
CAMP Supervision	2	1000	400	1060	1000	84	278		1830		1000	6652	732	7384
Clandestine Drug L	6	1570	150	480	400	456	378		285	385		4104	451	4555
Commander	4	1958	250	720	500	100	130	300	575	1682	1500	7715	849	8564
Crime Ana.-Ex.App.	4	2628	250	720	500	106	126	300	590	1865	1500	8585	944	9529
Criminal Intellige	2	2558	400	1440	1000	200	260		50	1460	1800	9168	1008	10176
Drug Ident. & DI	8	3224	200	640	500	715	1675			1824		8778	966	9744
Economic Crime Inv	4	1944	250	720	500	400	325	300	450	1510	1500	7899	869	8768
Electronic Surv.	4	838	150	320	400	120	990	346	298	901	600	4963	546	5509
Financial Invest./D	5	1961	250	720	500	300	216	300	532	1884	1500	8163	898	9061
Informant Dev. & M	8	1840	200	640	500	184	170	300	661	1196	1200	6891	758	7649
Inv. of Computer C	4	1448	250	720	500	200	353	600	40	159	400	4670	514	5184
Inv. of Homicide	4	1922	250	720	500	400	270	300	450	1193	1500	7505	826	8331
Inv. of Officer In	10	2072	250	720	500	400	670	300	530	1212	1500	8154	897	9051
Modular Training	40	360	50		120	70	80			260		940	103	1043
Narcotic Invest.	10	9625	400	1060	1000	702	250			1650	328	15015	1652	16667
Narc. Training-T 4	4	3226	150	960	500	1200	1600		20	1555	30	9241	1017	10258
Spec. Surv. Equipm	7	1299	250	720	500	475	501			368	1565	5678	625	6303

SUBTOTALS  
 Minus ADA Offset  
 Minus Stu.Purch.Supp

TOTAL POST CONTRACT

Commission on Peace Officer Standards and Training

Legislative Review Committee Meeting  
April 19, 1990, 9:00 a.m.  
Marriott Hotel, San Diego  
Room: Santa Fe 4

A G E N D A

1. Review of Active Legislation

- o SB 655 Original language deleted from 1989 version. Amended to make cleanup changes to last year's SB 353 on reclassification of peace officers and requiring feasibility studies for persons desiring peace officer status.

Recommended Position: From Oppose to Neutral

2. New Legislation

- o AB 2673 Requires POST to cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a misdemeanor involving moral turpitude, as determined by the Commission.
- o AB 3816 Deletes existing requirement that a permanent resident alien applying for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application to be a peace officer.

Recommended Position: Support

Recommended Position: Neutral

- o AB 3902 Requires POST to prepare a course of instruction and guidelines for law enforcement officers in instructional methods for crime watch and neighborhood watch groups and programs, and include earthquake preparedness instruction.

Recommended Position: Neutral

- o SB 2457 Authorizes POST to establish minimum standards for joint powers agencies which provide law enforcement and dispatch services.

Recommended Position: Support

- o SB 2680 Requires POST to develop and disseminate instruction to all peace officers on understanding the racial and cultural differences of people in the State.

Recommended Position: Neutral

3. Open Discussion

4. Adjournment

# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT PEACE OFFICERS: CLASSIFICATIONS/ FEASIBILITY STUDIES	AUTHOR Senator Presley	BILL NUMBER SB 655
	RELATED BILLS	DATE LAST AMENDED 3/22/90

SPONSORED BY

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

Note: The entire contents of Senate Bill 655, which would have made harbor districts eligible for POST reimbursement (see analysis below), were deleted and new amendments added on 3-22-90. SB 655 now contains clean-up language for SB 353 which became effective 1-1-90. This analysis addresses only that portion of SB 655 relating to the Commission on Peace Officer Standards and Training.

### General

Senate Bill 655 would:

1. Add the Director of the Youthful Offender Parole Board to those agencies that are exempt from feasibility studies for persons desiring peace officer status.
2. Require the Commission to issue a copy of requests for peace officer status feasibility studies and recommendations to the requesting person or agency.

### Analysis

The original language of Senate Bill 655 would have added "a harbor district" to the definition of "district as defined in Section 13507 of the Penal Code. Thus, harbor districts would have become eligible to receive reimbursement for training from the Peace Officer Training Fund (POTF). The Commission took an oppose position on this bill at the July 20, 1989 Commission meeting.

This legislation was amended on March 22, 1990. The contents of the 1989 version of Senate Bill 655 were deleted and amendments were added to clean-up language for Senate Bill 353 which became law effective January 1, 1990.

SB 655 would now amend Penal Code Sections 13540 and 13542 pertaining to feasibility study requests by persons desiring peace officer designation. Section 13540 would add the Director of the Youthful Offender Parole Board to the list of state agencies authorized to designate peace officers as provided in Section 830.5.

OFFICIAL POSITION

ANALYSIS BY <i>Hal Snow</i>	DATE 4-2-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Thomas C. Bellum</i>	DATE 4-3-90	COMMENT	DATE

Penal Code Section 13542 would be amended to require the Commission to issue feasibility studies and recommendations to the requesting person in addition to the agency.

Comment

Adding the Director of the Youthful Offender Parole Board to the list of State Correctional Agencies is consistent with the other agencies included in Penal Code Section 13540 as provided for in Penal Code Section 830.5.

The amendment to Penal Code Section 135642 clarifies that feasibility studies and recommendations are to be issued to the person requesting the study or the agency. Current language does not provide for a copy of the study or recommendations to be provided to the person requesting the study although, the person requesting is responsible for paying the costs of the study.

For these reasons, it is recommended that the Commission take a neutral position on this legislation.

Recommendation

"Neutral"

AMENDED IN ASSEMBLY MARCH 22, 1990

AMENDED IN ASSEMBLY AUGUST 29, 1989

AMENDED IN ASSEMBLY JULY 10, 1989

AMENDED IN SENATE MAY 22, 1989

**SENATE BILL**

**No. 655**

**Introduced by Senator Presley**

**February 27, 1989**

An act to amend Section 25755 of the Business and Professions Code, to add Article 4.5 (commencing with Section 94346) to Chapter 3 of Part 59 of Division 10 of the Education Code, to amend Sections 3301 and 20017.77 of the 14613 of the Government Code, to amend Section 12020 of the Health and Safety Code, to amend Sections 488.5, 557.5, 557.6, and 669.5 and 557.6 of the Insurance Code, to amend Sections 409.5, 830.1, 830.21, 830.22, 830.23, 830.6, 830.2, 830.3, 830.33, 830.36, 830.7, 830.8, 830.9, 13507.5, and 13507.13540, and 13542 of the Penal Code, to amend Section 10334 of the Public Contract Code, to amend Sections 8226 and 8227 of the Public Utilities Code, and to amend Sections 165 and Section 25258 of the Vehicle Code, relating to peace officers, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**LEGISLATIVE COUNSEL'S DIGEST**

**SB 655, as amended, Presley. Peace officers.**

Under existing law, various code sections assign specific duties, privileges, and powers to specified peace officers.

This bill would include certain reserve or auxiliary sheriff or city police officers, deputy sheriffs, reserve police officers of certain districts, and deputies designated officers and employees of the Department of Fish and Game, within

certain of those provisions.

(2) Existing law does not authorize the governing boards of private postsecondary educational institutions to appoint persons in order to create a private postsecondary educational institution police department.

This bill would authorize those appointments, and would provide that persons so appointed and sworn shall be deemed peace officers, as specified.

(3) The Public Employees' Retirement Law defines, for the Public Employees' Retirement System, "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state safety members, than for state miscellaneous members.

This bill would include commissioners and deputy commissioners of the Board of Prison Terms within the state safety membership category, thereby increasing the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

(4) Under existing law, several code sections in the Penal Code classify various officers and employees of state and local agencies as peace officers. These and related provisions would be amended by SB 353 of the 1989/90 Regular Session, if enacted.

This bill would further revise certain of those provisions to include references to additional categories of peace officers in insurance related provisions, and to make other changes, contingent upon the prior enactment of SB 353.

This bill would also revise certain provisions of law relating to railroad police contingent upon the prior enactment of SB 353.

(5) Existing law enumerates specified persons who are peace officers whose authority extends to any place in the state for purposes of performing their primary duty or when making an arrest under specified provisions of law. The authority of these peace officers to carry firearms is subject to prior authorization and terms and conditions specified by the

employing agency. Included within this category of peace officers are persons employed as port wardens and special officers of the Harbor Department of the City of Los Angeles. *However, existing law also includes these port wardens and special officers of the Harbor Department of the City of Los Angeles within a second category of peace officers whose authority extends to any place in the state without restriction as to arrest powers and authority to carry firearms.*

This bill would delete those peace officers from the above-described first-described category of peace officers, and, instead, would include thereby limiting that category of peace officers to inclusion within another the second-described category of peace officers whose authority extends to any place in the state without restrictions as to arrest powers and authority to carry specified firearms; contingent upon the prior enactment of SB 353.

(6) Existing law provides that reserve, and auxiliary officers described under paragraph (1) are peace officers, when they qualify as such, as specified.

This bill would provide that these officers may carry firearms while not on duty when authorized by, and under those terms and conditions as are specified by, the employing agency.

(4) Existing law enumerates certain persons who are peace officers and whose authority extends to any place in the state including members of the California National Guard under specified conditions.

Under a second provision of existing law, enumerated persons are classified as peace officers whose authority extends to any place in the state for purposes of performing their duties under the conditions specified by statute and provided that this category of peace officers may carry firearms only if authorized and under terms and conditions specified by the employing agency. Included within this second category of peace officers are members of the California National Guard under the same specified conditions as the above.

Under a separate third provision of existing law, marshals and police appointed by the Board of Directors of the California Exposition and State Fair are designated as peace



officers whose authority extends to any place in the state for purposes of performing their primary duty and when making certain arrests.

This bill would delete members of the California National Guard from the first-described category of peace officers, thereby limiting those members to inclusion within the second-described category of peace officers.

The bill would delete the described marshals and police of the California Exposition and State Fair from the third-described category of peace officers, and would include those officers in the first-described category of peace officers.

(5) Under existing law, court service officers in a county of the third class are designated as peace officers with specified powers and duties, including the authority to carry firearms if authorized by the employing agency.

This bill would include court service officers in a county of the second class within the described category of peace officers. Because a county of the second class would be required to comply with requirements concerning peace office employees, the bill would impose a state-mandated local program.

(7)

(6) Existing law provides that federal criminal investigators are not California peace officers but may exercise the powers of arrest, as specified.

This bill would include federal law enforcement officers within the above-described category of federal officials.

(8)

(7) Existing law grants certain persons the power of arrest provided that these persons have received a specified course of training, but specifically provides that they are not peace officers.

This bill would require those persons to have successfully completed a course, rather than receive that course of training.

(9) Under existing law, the Commission on Peace Officer Standards and Training may establish and maintain minimum standards relating to peace officer members of, among other entities, districts. These entities are entitled to apply for state aid from the Peace Officers' Training Fund. For those

purposes; the definition of "district" does not include a harbor district.

This bill would add harbor districts to that definition for those purposes. Because this bill would make additional entities eligible to receive state funds payable from the Peace Officers' Training Fund, which is a continuously appropriated fund, it would make an appropriation.

(10) Existing law specifies, for purposes of the Vehicle Code, vehicles which are deemed to be authorized emergency vehicles.

This bill would include in that specified listing, any vehicle when operated by a member of a private university or college police department when it is being operated by that member in the performance of his or her duties.

(11)

(8) Existing law requires any person or persons desiring peace officer status under the law who, on January 1, 1990, were not entitled to be designated as peace officers to request the Commission on Peace Officer Standards and Training to undertake a feasibility study, as specified, regarding designating the person or persons as peace officers. Existing law, however, provides that this procedure does not apply to or otherwise affect the authority of certain listed public officials and agencies to designate certain persons as peace officers as authorized by statute.

This bill would make a clarifying change in the described procedure and would include the Director of the Youthful Offender Parole Board in the listed officials and agencies in which the procedure does not apply or otherwise affect with respect to designating persons as peace officers, as provided by statute.

(9) Existing law specifies when an authorized emergency vehicle may display a flashing blue warning light.

This bill would include authorized emergency vehicles used by local agency park rangers peace officers of the California State University and College Police Departments and marshals and police appointed by the Board of Directors of the California Exposition and State Fair; housing authority patrol officers; and reserve or auxiliary officers, in the performance of their duties.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

(11) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes no. Fiscal committee: yes. State-mandated local program: no yes.

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

1 SECTION 1. Section 25755 of the Business and  
 2 SECTION 1. Section 14613 of the Government Code  
 3 is amended to read:  
 4 14613. There is in the Department of General  
 5 Services the California State Police Division.  
 6 The Governor, upon the recommendation of the  
 7 Director of General Services, and with the advice and  
 8 consent of the Senate, shall appoint the chief of the  
 9 division. The Director of General Services shall appoint  
 10 members and employees of the division as may be  
 11 necessary to protect and provide police services for state  
 12 property and buildings and occupants thereof. Members  
 13 and security officers of the division have the powers of  
 14 peace officers as defined in the Penal Code.  
 15 Members of the division consist of the following: the  
 16 chief, deputy chiefs, assistant chiefs, commanders,  
 17 captains, lieutenants, sergeants, and officers, and  
 18 security officers. All other persons in the division are  
 19 considered employees.

1 The division may provide for the physical security of  
2 any current or former constitutional officer of the state  
3 and any current or former legislator of the state.

4 Upon the request of the Chief Justice, the director,  
5 through the division, may provide appropriate protective  
6 services to any current or former member of the state  
7 courts of appeal and the California Supreme Court.

8 *SEC. 2. Section 12020 of the Health and Safety Code*  
9 *is amended to read:*

10 12020. The chief and the issuing authority, as defined  
11 in Sections 12003 and 12007, respectively, shall in their  
12 areas of jurisdiction enforce the provisions of this part and  
13 the regulations adopted by the State Fire Marshal  
14 pursuant to this part.

15 Any peace officer, as defined in Sections 830.1, 830.2,  
16 and subdivisions (a), ~~(b)~~, (e), ~~(j)~~, and (k), and (l) of  
17 Section 830.3 of the Penal Code, may enforce the  
18 provisions of this part.

19 *SEC. 3. Section 488.5 of the Insurance Code is*  
20 *amended to read:*

21 488.5. No insurer shall, in issuing or renewing a  
22 private automobile insurance policy to a peace officer,  
23 member of the California Highway Patrol, or firefighter,  
24 with respect to his or her operation of a private motor  
25 vehicle, increase the premium on that policy for the  
26 reason that the insured or applicant for insurance has  
27 been involved in an accident while operating an  
28 authorized emergency vehicle, as defined in subdivision  
29 (a) of Section 165 of the Vehicle Code or, in paragraph  
30 (1) or (2) of subdivision (b) of Section 165 of the Vehicle  
31 Code, or in subdivision (f) of Section 165 of the Vehicle  
32 Code, in the performance of his or her duty during the  
33 hours of his or her employment.

34 As used in this section:

35 (a) "Peace officer" means every person defined in  
36 Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and  
37 (h) of Section 830.2, subdivisions (a), (b), and (d) of  
38 Section 830.31, subdivisions (a) and (b) of Section 830.32,  
39 subdivisions (a), (b), (c), and (d), and (e) of Section  
40 830.33, ~~subdivision subdivisions~~ (a) and (b) of Section

1 830.5, and Section 830.6, of the Penal Code.

2 (b) "Policy" shall have the same meaning as defined  
3 in subdivision (a) of Section 660.

4 *SEC. 4. Section 557.5 of the Insurance Code is*  
5 *amended to read:*

6 557.5. No peace officer, member of the California  
7 Highway Patrol, or firefighter shall be required to report  
8 any accident in which he or she is involved while  
9 operating an authorized emergency vehicle, as defined in  
10 subdivision (a) of Section 165 of the Vehicle Code ~~or~~, in  
11 paragraph (1) or (2) of subdivision (b) of Section 165 of  
12 the Vehicle Code, *or in subdivision (f) of Section 165 of*  
13 *the Vehicle Code* in performance of his or her duty  
14 during the hours of his or her employment, to any person  
15 who has issued that peace officer, member of the  
16 California Highway Patrol, or firefighter a private  
17 automobile insurance policy.

18 As used in this section:

19 (a) "Peace officer" means every person defined in  
20 Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and  
21 (h) of Section 830.2, subdivisions (a), (b), and (d) of  
22 Section 830.31, subdivisions (a) and (b) of Section 830.32,  
23 subdivisions (a), (b), (c), ~~and (d)~~, and (e) of Section  
24 830.33, ~~subdivision subdivisions (a) and (b)~~ of Section  
25 830.5, and Section 830.6, of the Penal Code.

26 (b) "Policy" shall have the same meaning as defined  
27 in subdivision (a) of Section 660.

28 *SEC. 5. Section 557.6 of the Insurance Code is*  
29 *amended to read:*

30 557.6. Any peace officer as defined pursuant to this  
31 section who has been involved in an accident shall submit  
32 to his or her private automobile insurer within 30 days of  
33 the accident his or her written declaration under penalty  
34 of perjury stating whether or not at the time of the  
35 accident he or she was operating an authorized  
36 emergency vehicle, as defined in subdivision (a) of  
37 Section 165 of the Vehicle Code ~~or~~, in paragraph (1) or  
38 (2) of subdivision (b) of Section 165 of the Vehicle Code,  
39 *or in subdivision (f) of Section 165 of the Vehicle Code*  
40 *in the performance of his or her duty during the hours of*

1 his or her employment. In lieu of a written declaration,  
2 the peace officer may submit to the private automobile  
3 insurer a copy of the incident report filed by the peace  
4 officer with his or her employer.

5 As used in this section, "peace officer" means every  
6 person defined in Section 830.1, subdivisions (a), (b), (e),  
7 (d), (e), (g), and (h) of Section 830.2, subdivisions (a),  
8 (b), and (d) of Section 830.31, subdivisions (a) and (b) of  
9 Section 830.32, subdivisions (a), (b), (c), ~~and~~ (d), and  
10 (e) of Section 830.33, ~~subdivision subdivisions~~ subdivisions (a) and (b)  
11 of Section 830.5, and Section 830.6, of the Penal Code.

12 *SEC. 6. Section 409.5 of the Penal Code is amended to*  
13 *read:*

14 409.5. (a) Whenever a menace to the public health  
15 or safety is created by a calamity such as flood, storm, fire,  
16 earthquake, explosion, accident, or other disaster, officers  
17 of the California Highway Patrol, California State Police,  
18 police departments, marshal's office or sheriff's office,  
19 any officer or employee of the Department of Forestry  
20 and Fire Protection designated a peace officer by  
21 subdivision ~~(i)~~ (h) of Section 830.2, any officer or  
22 employee of the Department of Parks and Recreation  
23 designated a peace officer by subdivision (g) of Section  
24 830.2, any officer or employee of the Department of Fish  
25 and Game designated a peace officer under subdivision  
26 (f) of Section 830.2, and any publicly employed full-time  
27 lifeguard or publicly employed full-time marine safety  
28 officer while acting in a supervisory position in the  
29 performance of his or her official duties, may close the  
30 area where the menace exists for the duration thereof by  
31 means of ropes, markers or guards to any and all persons  
32 not authorized by the lifeguard or officer to enter or  
33 remain within the enclosed area. If such a calamity  
34 creates an immediate menace to the public health, the  
35 local health officer may close the area where the menace  
36 exists pursuant to the conditions which are set forth  
37 above in this section.

38 (b) Officers of the California Highway Patrol,  
39 California State Police, police departments, marshal's  
40 office or sheriff's office or officers of the Department of

1 Forestry and Fire Protection designated as peace officers  
2 by subdivision (h) of Section 830.2 may close the  
3 immediate area surrounding any emergency field  
4 command post or any other command post activated for  
5 the purpose of abating any calamity enumerated in this  
6 section or any riot or other civil disturbance to any and  
7 all unauthorized persons pursuant to the conditions  
8 which are set forth in this section whether or not the field  
9 command post or other command post is located near to  
10 the actual calamity or riot or other civil disturbance.

11 (c) Any unauthorized person who willfully and  
12 knowingly enters an area closed pursuant to subdivision  
13 (a) or (b) and who willfully remains within the area after  
14 receiving notice to evacuate or leave shall be guilty of a  
15 misdemeanor.

16 (d) Nothing in this section shall prevent a duly  
17 authorized representative of any news service,  
18 newspaper, or radio or television station or network from  
19 entering the areas closed pursuant to this section.

20 *SEC. 7. Section 830.2 of the Penal Code is amended to*  
21 *read:*

22 830.2. The following persons are peace officers whose  
23 authority extends to any place in the state:

24 (a) Any member of the California Highway Patrol,  
25 provided that the primary duty of the peace officer shall  
26 be the enforcement of the provisions of the Vehicle Code  
27 or of any other law relating to the use or operation of  
28 vehicles upon the highways, as that duty is set forth in the  
29 Vehicle Code.

30 (b) Any member of the California State Police  
31 Division, provided that the primary duty of the peace  
32 officer shall be to provide police services for the  
33 protection of state officers, and the protection of state  
34 properties and occupants thereof, as set forth in the  
35 Government Code.

36 (c) Members of the California National Guard have  
37 the powers of peace officers when they are (1) called or  
38 ordered into active state service by the Governor  
39 pursuant to the provisions of Section 143 or 146 of the  
40 Military and Veterans Code; (2) serving within the area

1 wherein military assistance is required, and ~~(b)~~ directly  
2 assisting civil authorities in any of the situations specified  
3 in Section 143 or 146. The authority of the peace officer  
4 extends to the area wherein military assistance is  
5 required as to a public offense committed or which there  
6 is reasonable cause to believe has been committed within  
7 that area. The requirements of Section 1031 of the  
8 Government Code are not applicable under those  
9 circumstances.

10 ~~(d)~~

11 (c) A member of the University of California Police  
12 Department appointed pursuant to Section 92600 of the  
13 Education Code, provided that the primary duty of the  
14 peace officer shall be the enforcement of the law within  
15 the area specified in Section 92600 of the Education Code.

16 ~~(e)~~

17 (d) A member of the California State University and  
18 College Police Departments appointed pursuant to  
19 Section 89560 of the Education Code, provided that the  
20 primary duty of the peace officer shall be the  
21 enforcement of the law within the area specified in  
22 Section 89560 of the Education Code.

23 ~~(f)~~

24 (e) Any member of the Law Enforcement Liaison  
25 Unit of the Department of Corrections, provided that the  
26 primary duty of the peace officer shall be the  
27 investigation or apprehension of parolees, parole  
28 violators, or escapees from state institutions, the  
29 transportation of those persons, and the coordination of  
30 those activities with other criminal justice agencies.

31 ~~(g)~~

32 (f) Members of the Wildlife Protection Branch of the  
33 Department of Fish and Game, provided that the  
34 primary duty of those deputies shall be the enforcement  
35 of the law as set forth in Section 856 of the Fish and Game  
36 Code.

37 ~~(h)~~

38 (g) Employees of the Department of Parks and  
39 Recreation designated by the director pursuant to  
40 Section 5008 of the Public Resources Code, provided that



1 the primary duty of the peace officer shall be the  
2 enforcement of the law as set forth in Section 5008 of the  
3 Public Resources Code.

4 ~~(i)~~

5 *(h)* The Director of Forestry and employees or classes  
6 of employees of the Department of Forestry designated  
7 by the director pursuant to Section 4156 of the Public  
8 Resources Code, provided that the primary duty of the  
9 peace officer shall be the enforcement of the law as that  
10 duty is set forth in Section 4156 of the Public Resources  
11 Code.

12 ~~(i)~~

13 *(i)* Persons employed by the Department of Alcoholic  
14 Beverage Control for the enforcement of Division 9  
15 (commencing with Section 23000) of the Business and  
16 Professions Code and designated by the Director of  
17 Alcoholic Beverage Control, provided that the primary  
18 duty of any of these peace officers shall be the  
19 enforcement of the laws relating to alcoholic beverages,  
20 as that duty is set forth in Section 25755 of the Business  
21 and Professions Code.

22 *(j)* Marshals and police appointed by the Board of  
23 Directors of the California Exposition and State Fair  
24 pursuant to Section 3332 of the Food and Agricultural  
25 Code, provided that the primary duty of the peace  
26 officers shall be the enforcement of the law as prescribed  
27 in that section.

28 **SEC. 8.** Section 830.3 of the Penal Code is amended to  
29 read:

30 830.3. The following persons are peace officers whose  
31 authority extends to any place in the state for the purpose  
32 of performing their primary duty or when making an  
33 arrest pursuant to Section 836 of the Penal Code as to any  
34 public offense with respect to which there is immediate  
35 danger to person or property, or of the escape of the  
36 perpetrator of that offense, or pursuant to Section 8597 or  
37 8598 of the Government Code. These peace officers may  
38 carry firearms only if authorized and under those terms  
39 and conditions as are specified by their employing  
40 agencies:

- 1 (a) Persons employed by the Division of Investigation  
2 of the Department of Consumer Affairs and investigators  
3 of the *Medical Board of Medical Quality Assurance*  
4 *California* and the Board of Dental Examiners, who are  
5 designated by the Director of Consumer Affairs,  
6 provided that the primary duty of these peace officers  
7 shall be the enforcement of the law as that duty is set  
8 forth in Section 160 of the Business and Professions Code.
- 9 (b) Voluntary fire wardens as are designated by the  
10 Director of Forestry pursuant to Section 4156 of the  
11 Public Resources Code, provided that the primary duty  
12 of these peace officers shall be the enforcement of the law  
13 as that duty is set forth in Section 4156 of that code.
- 14 (c) Employees of the Department of Motor Vehicles  
15 designated in Section 1655 of the Vehicle Code, provided  
16 that the primary duty of these peace officers shall be the  
17 enforcement of the law as that duty is set forth in Section  
18 1655 of that code.
- 19 (d) Investigators of the California Horse Racing Board  
20 designated by the board, provided that the primary duty  
21 of these peace officers shall be the enforcement of  
22 Chapter 4 (commencing with Section 19400) of Division  
23 8 of the Business and Professions Code and Chapter 10  
24 (commencing with Section 330) of Title 9 of Part 1 of the  
25 Penal Code.
- 26 (e) The State Fire Marshal and assistant or deputy  
27 state fire marshals appointed pursuant to Section 13103 of  
28 the Health and Safety Code, provided that the primary  
29 duty of these peace officers shall be the enforcement of  
30 the law as that duty is set forth in Section 13104 of that  
31 code.
- 32 (f) Inspectors of the food and drug section as are  
33 designated by the chief pursuant to subdivision (a) of  
34 Section 216 of the Health and Safety Code, provided that  
35 the primary duty of these peace officers shall be the  
36 enforcement of the law as that duty is set forth in Section  
37 216 of that code.
- 38 (g) All investigators of the Division of Labor Standards  
39 Enforcement, as designated by the Labor Commissioner,  
40 provided that the primary duty of these peace officers

1 shall be enforcement of the law as prescribed in Section  
2 95 of the Labor Code.

3 (h) All investigators of the State Departments of  
4 Health Services, Social Services, Mental Health,  
5 Developmental Services, Alcohol and Drug Programs  
6 and the Office of Statewide Health Planning and  
7 Development, and the Public Employees' Retirement  
8 System, provided that the primary duty of these peace  
9 officers shall be the enforcement of the law relating to the  
10 duties of his or her department, or office.  
11 Notwithstanding any other provision of law, investigators  
12 of the Public Employees' Retirement System shall not  
13 carry firearms.

14 ~~(i)~~ Marshals and police appointed by the Board of  
15 Directors of the California Exposition and State Fair,  
16 pursuant to Section 3332 of the Food and Agricultural  
17 Code, provided that the primary duty of the peace officer  
18 shall be the enforcement of the law as prescribed in that  
19 section.

20 ~~(j)~~  
21 (i) The Chief of the Bureau of Fraudulent Claims of  
22 the Department of Insurance and those investigators as  
23 designated by the chief, provided that the primary duty  
24 of those investigators shall be enforcement of Section 556  
25 of the Insurance Code.

26 ~~(k)~~  
27 (j) Employees of the Department of Housing and  
28 Community Development designated under Section  
29 18023 of the Health and Safety Code, provided that the  
30 primary duty of these peace officers shall be the  
31 enforcement of the law as that duty is set forth in Section  
32 18023 of that code.

33 ~~(l)~~  
34 (k) Investigators of the office of the Controller,  
35 provided that the primary duty of these investigators  
36 shall be the enforcement of the law relating to the duties  
37 of that office. Notwithstanding any other provision of law,  
38 the peace officers designated pursuant to this subdivision  
39 shall not carry firearms.

40 ~~(m)~~

1 (l) Investigators of the Department of Corporations  
2 designated by the Commissioner of Corporations,  
3 provided that the primary duty of these investigators  
4 shall be enforcement of the provisions of law  
5 administered by the Department of Corporations.  
6 Notwithstanding any other provision of law, the peace  
7 officers designated pursuant to this subdivision shall not  
8 carry firearms.

9 ~~(n)~~  
10 (m) Persons employed by the Contractors' State  
11 License Board designated by the Director of Consumer  
12 Affairs pursuant to Section 7011.5 of the Business and  
13 Professions Code, provided that the primary duty of  
14 these persons shall be the enforcement of the law as that  
15 duty is set forth in Section 7011.5, and in Chapter 9  
16 (commencing with Section 7000) of Division 3, of that  
17 code. The Director of Consumer Affairs may designate as  
18 peace officers not more than three persons who shall at  
19 the time of their designation be assigned to the special  
20 investigations unit of the board. Notwithstanding any  
21 other provision of law, the persons designated pursuant  
22 to this subdivision shall not carry firearms.

23 ~~(o)~~  
24 (n) The chief and coordinators of the Law  
25 Enforcement Division of the Office of Emergency  
26 Services.

27 ~~(p)~~  
28 (o) Investigators of the Office of the Secretary of  
29 State, designated by the Secretary of State, provided that  
30 the primary duty of these peace officers shall be the  
31 enforcement of the law as prescribed in Chapter 3  
32 (commencing with Section 8200) of Division 1 of Title 2  
33 of the Government Code and Section 12172.5 of that  
34 code. Notwithstanding any other provision of law, the  
35 peace officers designated pursuant to this subdivision  
36 shall not carry firearms.

37 ~~(q)~~  
38 (p) The Deputy Director for Security, as designated  
39 by Section 8880.38 of the Government Code, and all  
40 lottery security personnel assigned to the California State

1 Lottery and designated by the director, provided that the  
 2 primary duty of any of those peace officers shall be the  
 3 enforcement of the laws related to assuring the integrity,  
 4 honesty, and fairness of the operation and administration  
 5 of the California State Lottery.

6 ~~(p)~~  
 7 (q) Investigators employed by the Investigation  
 8 Division of the Employment Development Department,  
 9 designated by the director of the department, provided  
 10 that the primary duty of those peace officers shall be the  
 11 enforcement of the law as that duty is set forth in Section  
 12 317 of the Unemployment Insurance Code.

13 Notwithstanding any other provision of law, the peace  
 14 officers designated pursuant to this subdivision shall not  
 15 carry firearms.

16 *SEC. 9. Section 830.33 of the Penal Code is amended*  
 17 *to read:*

18 830.33. The following persons are peace officers  
 19 whose authority extends to any place in the state for the  
 20 purpose of performing their primary duty or when  
 21 making an arrest pursuant to Section 836 as to any public  
 22 offense with respect to which there is immediate danger  
 23 to person or property, or of the escape of the perpetrator  
 24 of that offense, or pursuant to Section 8597 or 8598 of the  
 25 Government Code. Those peace officers may carry  
 26 firearms only if authorized and under terms and  
 27 conditions specified by their employing agency.

28 (a) A member of the San Francisco Bay Area Rapid  
 29 Transit District Police Department appointed pursuant  
 30 to Section 28767.5 of the Public Utilities Code, if the  
 31 primary duty of the peace officer is the enforcement of  
 32 the law in or about properties owned, operated, or  
 33 administered by the district or when performing  
 34 necessary duties with respect to patrons, employees, and  
 35 properties of the district.

36 (b) Harbor or port police regularly employed and paid  
 37 as such by a county, city, or district other than peace  
 38 officers authorized under Section 830.1, and the port  
 39 warden and special officers of the Harbor Department of  
 40 the City of Los Angeles, if the primary duty of the peace

1 officer is the enforcement of the law in or about the  
2 properties owned, operated, or administered by the  
3 harbor or port or when performing necessary duties with  
4 respect to patrons, employees, and properties of the  
5 harbor or port.

6 (c) Transit police officers of a county, city, or district,  
7 if the primary duty of the peace officer is the  
8 enforcement of the law in or about properties owned,  
9 operated, or administered by the employing agency or  
10 when performing necessary duties with respect to  
11 patrons, employees, and properties of the employing  
12 agency.

13 (d) Any person regularly employed as an airport law  
14 enforcement officer by a city, county, or district  
15 operating the airport or by a joint powers agency, created  
16 pursuant to Article 1 (commencing with Section 6500) of  
17 Chapter 5 of Division 7 of Title 1 of the Government  
18 Code, operating the airport, if the primary duty of the  
19 peace officer is the enforcement of the law in or about  
20 properties owned, operated, and administered by the  
21 employing agency or when performing necessary duties  
22 with respect to patrons, employees, and properties of the  
23 employing agency.

24 (e) Any railroad policeman commissioned by the  
25 Governor pursuant to Section 8226 of the Public Utilities  
26 Code, if the primary duty of the peace officer is the  
27 enforcement of the law in or about properties owned,  
28 operated, or administered by the employing agency or  
29 when performing necessary duties with respect to  
30 patrons, employees, and properties of the employing  
31 agency.

32 *SEC. 10. Section 830.36 of the Penal Code is amended*  
33 *to read:*

34 *830.36. The following persons are peace officers*  
35 *whose authority extends to any place in the state for the*  
36 *purpose of performing their primary duty or when*  
37 *making an arrest pursuant to Section 836 as to any public*  
38 *offense with respect to which there is immediate danger*  
39 *to person or property; or of the escape of the perpetrator*  
40 *of that offense, or pursuant to Section 8597 or 8598 of the*

1 Government Code. Those peace officers may carry  
2 firearms only if authorized and under terms and  
3 conditions specified by their employing agency.

4 (a) The Sergeant-at-Arms of each house of the  
5 Legislature, if the primary duty of the peace officer is the  
6 enforcement of the law in or about properties owned,  
7 operated, or administered by the employing agency or  
8 when performing necessary duties with respect to  
9 patrons, employees, and properties of the employing  
10 agency.

11 (b) **Baliffs Bailiffs** of the Supreme Court and of the  
12 courts of appeal, if the primary duty of the peace officer  
13 is the enforcement of the law in or about properties  
14 owned, operated, or administered by the employing  
15 agency or when performing necessary duties with  
16 respect to patrons, employees, and properties of the  
17 employing agency.

18 (c) Court service officer in a county of the second class  
19 and third class, if the primary duty of the peace officer is  
20 the enforcement of the law in or about properties owned,  
21 operated, or administered by the employing agency or  
22 when performing necessary duties with respect to  
23 patrons, employees, and properties of the employing  
24 agency.

25 **SEC. 11. Section 830.7 of the Penal Code is amended**  
26 **to read:**

27 **830.7. The following persons are not peace officers**  
28 **but may exercise the powers of arrest of a peace officer**  
29 **as specified in Section 836 during the course and within**  
30 **the scope of their employment, if they receive**  
31 **successfully complete a course in the exercise of those**  
32 **powers pursuant to Section 832.**

33 (a) Persons designated by a cemetery authority  
34 pursuant to Section 8325 of the Health and Safety Code.

35 (b) Persons regularly employed as security officers for  
36 institutions of higher education, recognized under  
37 subdivision (a) of Section 94310.1 of the Education Code,  
38 if the institution has concluded a memorandum of  
39 understanding, permitting the exercise of that authority,  
40 with the sheriff or chief of police within whose

1 jurisdiction the institution lies.

2 (c) Persons regularly employed as security officers for  
3 health facilities, as defined in Section 1250 of the Health  
4 and Safety Code, which are owned and operated by cities,  
5 counties, and cities and counties, if the facility has  
6 concluded a memorandum of understanding permitting  
7 the exercise of that authority with the sheriff or chief of  
8 police within whose jurisdictions the facility lies.

9 (d) Employees of the California Department of  
10 Forestry and Fire Protection designated by the Director  
11 of Forestry and approved by the Secretary of the  
12 Resources Agency.

13 (e) Employees of the Public Utilities Commission  
14 assigned to the Transportation Division, designated by  
15 the division director and approved by the commission, to  
16 the extent necessary to enforce the provisions of the  
17 Public Utilities Code.

18 *SEC. 12. Section 830.8 of the Penal Code is amended*  
19 *to read:*

20 830.8. (a) Federal criminal investigators and law  
21 enforcement officers are not California peace officers but  
22 may exercise the powers of arrest of a peace officer as  
23 specified in Section 836 and the powers of a peace officer  
24 specified in Section 5150 of the Welfare and Institutions  
25 Code for violations of state or local laws provided that  
26 these investigators and law enforcement officers are  
27 engaged in the enforcement of federal criminal laws and  
28 exercise the arrest powers only incidental to the  
29 performance of their federal duties. ~~The~~ These  
30 investigators and law enforcement officers, prior to the  
31 exercise of these arrest powers, shall have been certified  
32 by their agency heads as having satisfied the training  
33 requirements of Section 832.

34 (b) Duly authorized federal employees who comply  
35 with the training requirements set forth in Section 832  
36 are peace officers when they are engaged in enforcing  
37 applicable state or local laws on property owned or  
38 possessed by the United States government, or on any  
39 street, sidewalk or property adjacent thereto, and with  
40 the written consent of the sheriff or the chief of police.



1 respectively, in whose jurisdiction the property is  
2 situated.

3 *SEC. 13. Section 830.9 of the Penal Code is amended*  
4 *to read:*

5 830.9. Animal control officers are not peace officers  
6 but may exercise the powers of arrest of a peace officer  
7 as specified in Section 836 and the power to serve  
8 warrants as specified in Sections 1523 and 1530 during the  
9 course and within the scope of their employment, if those  
10 officers receive successfully complete a course in the  
11 exercise of those powers pursuant to Section 832. That  
12 part of the training course specified in Section 832  
13 pertaining to the carrying and use of firearms shall not be  
14 required for any animal control officer whose employing  
15 agency prohibits the use of firearms.

16 For the purposes of this section, "firearms" includes  
17 capture guns, blowguns, carbon dioxide operated rifles  
18 and pistols, air guns, handguns, rifles, and shotguns.

19 *SEC. 14. Section 13540 of the Penal Code is amended*  
20 *to read:*

21 13540. Any person or persons desiring peace officer  
22 status under Chapter 4.5 (commencing with Section 830)  
23 of Title 3 of Part 4 who, on January 1, 1990, were not  
24 entitled to be designated as peace officers under Chapter  
25 4.5 shall request the Commission on Peace Officer  
26 Standards and Training to undertake a feasibility study  
27 regarding designating that person or persons as peace  
28 officers. The request and study shall be undertaken in  
29 accordance with regulations adopted by the commission.  
30 The commission may charge any person requesting a  
31 study, a fee, not to exceed the actual cost of undertaking  
32 the study. Nothing in this article shall apply to or  
33 otherwise affect the authority of the Director of  
34 Corrections, the Director of the Youth Authority, the  
35 Director of the Youthful Offender Parole Board, or the  
36 Secretary of the Youth and Adult Correctional Agency to  
37 designate peace officers as provided for in Section 830.5.

38 *SEC. 14.5. Section 13542 of the Penal Code is*  
39 *amended to read:*

40 13542. In order for the commission to give a favorable

1 recommendation as to a change in designation to peace  
2 officer status, the person or persons desiring the  
3 designation change shall be employed by an agency with  
4 a supervisory structure consisting of a chief law  
5 enforcement officer, the agency shall agree to comply  
6 with the training requirements set forth in Section 832,  
7 and shall be subject to the funding restriction set forth in  
8 Section 13526. The commission shall issue the study and  
9 its recommendations to the requesting person or agency  
10 within 18 months of the request if the request is made in  
11 accordance with the regulations of the commission. A  
12 copy of that study and recommendations shall also be  
13 submitted to the Legislature.

14 *SEC. 15. Section 10334 of the Public Contract Code is*  
15 *amended to read:*

16 10334. (a) No state employee shall purchase any  
17 goods, supplies, equipment, or materials from the state,  
18 unless the goods, supplies, equipment, or materials are  
19 offered to the general public in the regular course of the  
20 state's business on the same terms and conditions as those  
21 applicable to the employee. "State employee," as used in  
22 this section, means any employee of the state included  
23 within Section 82009 of the Government Code, and all  
24 officers and employees included within Section 4 of  
25 Article VII of the California Constitution, except those  
26 persons excluded from the definition of "designated  
27 employee" under the last paragraph of Section 82019 of  
28 the Government Code.

29 (b) Notwithstanding subdivision (a), any peace officer  
30 described in subdivision (a), (b), (f), (g), ~~(h)~~, or ~~(i)~~ (h)  
31 of Section 830.2 of the Penal Code, employed by the State  
32 of California for a period of more than 120 months who  
33 has been duly retired through a service retirement or a  
34 peace officer retiring from a job-incurred disability not  
35 related to a mental or emotional disorder and who has  
36 been granted the legal right to carry a concealed firearm  
37 pursuant to subdivision (a) of Section 12027 of the Penal  
38 Code may be authorized by the person's department  
39 head to purchase his or her state-issued handgun.  
40 Disability retired peace officers need not meet the 120

1 month employment requirement. The cost of the  
2 handgun shall be the fair market value as listed in the  
3 annual Blue Book of Gun Values or replacement cost,  
4 whichever is less, of the handgun issued as determined by  
5 the appointing power, plus a charge for the cost of  
6 handling. The retiring officer shall request to purchase  
7 his or her handgun in writing to the department within  
8 30 calendar days of his or her retirement date.

9 (c) Notwithstanding subdivision (a), any peace officer  
10 described in subdivision (a) of Section 830.2 of the Penal  
11 Code may purchase his or her state-issued service  
12 revolver if the Commissioner of the California Highway  
13 Patrol directs the Department of the California Highway  
14 Patrol to change its state-issued service weapon system.  
15 The cost of the service revolver shall be the fair market  
16 value as listed in the annual Blue Book of Gun Values or  
17 replacement cost, whichever is less, of the revolver issued  
18 as determined by the commissioner, plus a charge for the  
19 cost of handling. The requesting officer shall request to  
20 purchase his or her revolver in writing to the department  
21 within 10 calendar days of receiving the new state-issued  
22 weapon.

23 *SEC. 16. Section 8226 of the Public Utilities Code is*  
24 *amended to read:*

25 8226. The Governor of the state may, upon the  
26 application of any railroad or steamboat company,  
27 appoint and commission during his or her pleasure one or  
28 more persons designated by such the company, to serve  
29 at the expense of the company, as police officers, who  
30 shall have the powers and authority of peace officers  
31 listed in Section 830.33 of the Penal Code and who, after  
32 being duly sworn, may act as police officers upon the  
33 premises, cars, or boats of the company. The company  
34 designating such these persons shall be responsible civilly  
35 for any abuse of their authority.

36 *SEC. 17. Section 8227 of the Public Utilities Code is*  
37 *amended to read:*

38 8227. Every such policeman peace officer designated  
39 under Section 8226 shall, when on duty in uniform, wear  
40 in plain view a shield bearing the words "railroad police,"

1 or "steamboat police," as the case may be, and the name  
2 of the company for which he or she is commissioned.  
3 *When on duty, but not in uniform, the peace officer shall*  
4 *carry the shield upon his or her person and present it*  
5 *upon request.*

6 *SEC. 18. Section 25258 of the Vehicle Code is*  
7 *amended to read:*

8 25258. (a) An authorized emergency vehicle  
9 operating under the conditions specified in Section 21055  
10 may display a flashing white light from a gaseous  
11 discharge lamp designed and used for the purpose of  
12 controlling official traffic control signals.

13 (b) An authorized emergency vehicle used by a peace  
14 officer, as defined in Section 830.1, subdivision (a), (b),  
15 (c), (d), (e), (f), (g), (h), or ~~(i)~~ (j) of Section 830.2,  
16 subdivision (b) of Section 830.31, subdivision (a) or (b)  
17 of Section 830.32, subdivision (a), (b), (c), or (d) of  
18 Section 830.33, and or subdivision (a) of Section 830.4 of  
19 the Penal Code, in the performance of the peace officer's  
20 duties, may, in addition, display a steady or flashing blue  
21 warning light visible from the front, sides, or rear of the  
22 vehicle.

23 *SEC. 19. Notwithstanding Section 17610 of the*  
24 *Government Code, if the Commission on State Mandates*  
25 *determines that this act contains costs mandated by the*  
26 *state, reimbursement to local agencies and school*  
27 *districts for those costs shall be made pursuant to Part 7*  
28 *(commencing with Section 17500) of Division 4 of Title*  
29 *2 of the Government Code. If the statewide cost of the*  
30 *claim for reimbursement does not exceed one million*  
31 *dollars (\$1,000,000), reimbursement shall be made from*  
32 *the State Mandates Claims Fund. Notwithstanding*  
33 *Section 17580 of the Government Code, unless otherwise*  
34 *specified in this act, the provisions of this act shall become*  
35 *operative on the same date that the act takes effect*  
36 *pursuant to the California Constitution.*

37 *SEC. 20. This act is an urgency statute necessary for*  
38 *the immediate preservation of the public peace, health,*  
39 *or safety within the meaning of Article IV of the*  
40 *Constitution and shall go into immediate effect. The facts*

1 *constituting the necessity are:*

2 *Due to numerous changes made in the law in 1989*  
3 *governing the designations, powers, and duties of peace*  
4 *officers, some confusion has occurred regarding the*  
5 *proper interpretation of the statutes. Therefore, it is*  
6 *essential that this act take effect immediately in order to*  
7 *clarify those changes.*

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**All matter omitted in this version of the  
bill appears in the bill as amended in the  
Assembly, August 29, 1989 (J.R. 11).**

# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT STANDARDS: CRIME CONVICTIONS	AUTHOR Assembly Member Eaves	BILL NUMBER AB 2673
	RELATED BILLS	DATE LAST AMENDED 1/24/90

SPONSORED BY  
PORAC

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

### General

Assembly Bill 2673 would:

1. Require the Commission on Peace Officer Standards and Training (POST) to cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a misdemeanor involving moral turpitude, as determined by the Commission.

### Analysis

This legislation is sponsored by the Peace Officers' Research Association of California (PORAC) in response to POST's concern that peace officers are being convicted of, or entering pleas of guilty or nolo contendere to misdemeanors, involving moral turpitude.

At the present time, POST is only authorized by Penal Code Section 13510.1 to cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a crime classified by statute or the Constitution as a felony.

### Comment

POST, at any given time, tracks approximately 180 cases involving arrests of peace officers. Of this number, from 30 to 35 certificates are cancelled each year for felony convictions. Some felony cases take years to adjudicate, counting the various appeals, while some are not successfully prosecuted. The majority of cases, however, are reduced through plea bargaining to misdemeanor convictions. The greatest number of cases reduced to misdemeanor convictions involve child molestation and narcotic violations.

## OFFICIAL POSITION

ANALYSIS BY <i>Doug Thomas</i>	DATE 3-28-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Thomas C. Boehm</i>	DATE 3-28-90	COMMENT	DATE

Thus, persons who are convicted of, or enter guilty or nolo contendere pleas to misdemeanors, involving moral turpitude, are eligible to continue employment as a peace officer in California.

For these reasons, it is recommended that the Commission take a support position on this legislation.

Recommendation

"Support"

**ASSEMBLY BILL**

**No. 2673**

**Introduced by Assembly Member Eaves**

**January 24, 1990**

**An act to amend Section 13510.1 of the Penal Code, relating to peace officers.**

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 2673, as introduced, Eaves. Peace officers.**

Under existing law, the Commission on Peace Officer Standards and Training is required to maintain a certification program for specified peace officers and award certificates based on a combination of prerequisites developed by the commission. Eligible peace officers may apply for the certificates if they are employed by an agency which participates in the Peace Officer Standards and Training (POST) program.

Existing law also requires the commission to cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a felony.

This bill would also require the commission to cancel certificates issued to persons who have been convicted of, or entered a plea of guilty or nolo contendere to, a misdemeanor involving moral turpitude, as determined by the commission.

Vote: majority. 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 13510.1 of the Penal Code is  
2 amended to read:

3 13510.1. (a) The commission shall establish a  
4 certification program for peace officers specified in  
5 Sections 13510 and 13522 and for the California Highway  
6 Patrol.

7 (b) Basic, intermediate, advanced, supervisory,  
8 management, and executive certificates shall be  
9 established for the purpose of fostering  
10 professionalization, education, and experience necessary  
11 to adequately accomplish the general police service  
12 duties performed by peace officer members of city police  
13 departments, county sheriffs' departments, districts,  
14 university and state university and college departments,  
15 or by the California Highway Patrol.

16 (c) Certificates shall be awarded on the basis of a  
17 combination of training, education, experience, and  
18 other prerequisites, as determined by the commission.

19 (d) Persons who are determined by the commission to  
20 be eligible peace officers may make application for such  
21 these certificates, provided they are employed by an  
22 agency which participates in the Peace Officer Standards  
23 and Training (POST) program.

24 (e) Certificates remain the property of the  
25 commission and the commission shall have the power to  
26 cancel any certificate.

27 (f) The commission shall cancel certificates issued to  
28 persons who have been convicted of, or entered a plea of  
29 guilty or nolo contendere to, a crime classified by statute  
30 or the Constitution as a felony or a misdemeanor  
31 involving moral turpitude, as determined by the  
32 commission.

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# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT SELECTION: PEACE OFFICER QUALIFICATIONS	AUTHOR Assembly Member Roos	BILL NUMBER AB 3816
	RELATED BILLS	DATE LAST AMENDED 3/1/90

SPONSORED BY

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

## General

Assembly Bill 3816 would:

1. Delete existing Government Code Section 1031.5 (b) that requires any permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application to be a peace officer.

## Analysis

Government Code Section 1031 (a) establishes minimum standards for peace officers including "Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship." Current federal law requires a five year waiting period for citizenship application. Proposed to be deleted is Government Code Section 1031.5 (b) which requires permanent resident aliens applying for employment as a peace officer to have applied for citizenship at least one year prior to his or her application for employment. In effect, the combination of the five year federal waiting period and Government Code Section 1031.5 (b) is a six year waiting period for aliens to apply to become a peace officer. The effect of Assembly Bill 3816 is to reduce the waiting period to five years.

The purpose of the legislation according to the author's office is to encourage a more diverse and bilingual peace officer applicant pool. The idea for the legislation originated with the Los Angeles Mayor's Office, Korean Town Task Force.

## Comments

The necessity for the present additional one year waiting period is questionable. Deleting this requirement could have some nominal benefit in enhancing recruitment of peace officers because there presumably would be a larger applicant pool. There is no reason to believe that AB 3816 would have any deleterious effect on the quality peace officer applicants.

## Recommendation

"Neutral"

OFFICIAL POSITION			
ANALYSIS BY <i>J. H. Snow</i>	DATE 4-2-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>William C. Becken</i>	DATE 4-3-90	COMMENT	DATE

**ASSEMBLY BILL**

**No. 3816**

**Introduced by Assembly Member Roos**

March 1, 1990

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An act to amend Section 1031.5 of the Government Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 3816, as introduced, Roos. Peace officers: citizenship requirement.

Existing law requires public officers or employees declared by the law to be peace officers to be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

Existing law also provides that a permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application for employment, with specified exceptions.

This bill would delete the requirement that any permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application to be a peace officer.

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 1031.5 of the Government Code
- 2 is amended to read:
- 3 1031.5. (a) Any person employed by a governmental
- 4 agency ~~on the effective date of this section~~ September 13,
- 5 1982, as a peace officer or a peace officer trainee, or who,
- 6 prior to ~~the effective date of this section~~ September 13,

1 1982, had applied to fill a position as a peace officer, as  
2 defined in Chapter 4.5 (commencing with Section 830) of  
3 Title 3 of Part 2 of the Penal Code, is not subject to the  
4 requirement of subdivision (a) of Section 1031 prior to its  
5 amendment at the 1981/82 Regular Session of the  
6 Legislature by Chapter 943 of the Statutes of 1982,  
7 provided that any person qualifying for this exemption  
8 shall, as soon as legally possible, apply for and meet all of  
9 the requirements for United States citizenship specified  
10 in existing law, and shall be subject to subdivisions ~~(e)~~ (b)  
11 and ~~(d)~~ (c).

12 (b) Any permanent resident alien who applies for  
13 employment as a peace officer shall have applied for  
14 citizenship at least one year prior to his or her application  
15 for employment, except that the one-year requirement  
16 shall not be applicable to any person who applies for  
17 employment prior to his or her 19th birthday.

18 ~~(e)~~ Any permanent resident alien who is employed as  
19 a peace officer shall diligently cooperate with the  
20 Immigration and Naturalization Service in the processing  
21 of his or her application for citizenship and shall be  
22 disqualified from holding that position if, three years  
23 after the filing of his or her application for employment,  
24 the person has not obtained citizenship due to his or her  
25 failure to cooperate in the processing of the application  
26 for citizenship.

27 ~~(d)~~

28 (c) Any permanent resident alien who is employed as  
29 a peace officer shall be disqualified from holding that  
30 position if his or her application for citizenship is denied.

# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT TRAINING: EARTHQUAKE PREPAREDNESS	AUTHOR Assembly Member Bates	BILL NUMBER AB 3902
	RELATED BILLS	DATE LAST AMENDED 3/1/90

SPONSORED BY

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

## General

Assembly Bill 3902 would:

1. Require the Commission on Peace Officer Standards and Training (POST) to prepare a course of instruction and guidelines for the training of law enforcement officers in instructional methods for crime watch and neighborhood watch groups and programs.
2. Require this course of instruction and guidelines, by 1-1-92, to include instructions in earthquake preparedness.

## Analysis

The author indicates there is a need, as a result of the October 1989 Bay Area earthquake, to include instructions in earthquake preparedness when training law enforcement officers in instructional methods for crime watch and neighborhood watch groups and programs.

At the present time POST certifies two 80-hour basic crime prevention courses which include various subjects including information on neighborhood watch programs. An Earthquake Preparedness Seminar has recently been developed for Chiefs of Police and Sheriffs and their emergency planning officers to discuss law enforcement's role in events of this nature. In addition, POST prepared and distributed Emergency Planning Guidelines to law enforcement in early 1990.

The Department of Justice and the Office of Criminal Justice Planning also offer training and free literature on crime prevention.

OFFICIAL POSITION

ANALYSIS BY <i>Hal Snow</i>	DATE 4-2-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Norman C. Boehm</i>	DATE	COMMENT	DATE

Comment

This bill would legislate instruction in earthquake preparedness to those officers who complete training in crime prevention. POST has recognized this need for training in preparation for earthquakes. AB 3902 would expand this training so that it could be delivered to the public through department crime prevention programs. Because of the potential for future earthquakes, it is recommended that the Commission support this legislation.

Recommendation

"Support"

**ASSEMBLY BILL**

**No. 3902**

**Introduced by Assembly Member Bates**

**March 1, 1990**

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An act to add Section 13517.2 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 3902, as introduced, Bates. Neighborhood watch: earthquake preparedness.

Existing law imposes various duties and responsibilities on the Commission on Peace Officer Standards and Training regarding the developemnt of specified courses and guidelines.

This bill would require the commission to prepare a course of instruction and guidleines for the training of law enforcement officers in instructional methods for crime watch and neighborhood watch groups and programs. The bill would also require the commission by January 1, 1992, to include in this course and guidelines instruction in earthquake preparedness.

Vote: majority. 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 13517.2 is added to the Penal
- 2 Code, to read:
- 3 13517.2. The commission shall prepare a course of
- 4 instruction and guidelines for the training of law
- 5 enforcement officers in instructional methods for crime
- 6 watch and neighborhood watch groups and programs.
- 7 By January 1, 1992, this course of instruction and

AB 3902

— 2 —

1 guidelines shall include instructions in earthquake  
2 preparedness.

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# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT  Training Eligibility	AUTHOR Senator Boatwright	BILL NUMBER SB 2457
	RELATED BILLS AB 2306	DATE LAST AMENDED 2-28-90

SPONSORED BY  
South Bay Regional Public Communications Authority

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

## General

Senate Bill 2457 would amend Penal Code Section 13510 to:

1. Require the Commission to adopt and amend rules establishing minimum standards relating to physical, mental, and moral fitness which govern the recruitment of police officers of a police department operated by a joint powers agency.
2. Require the Commission to adopt and amend rules establishing minimum standards for training of police officers of a police department operated by a joint powers agency.
3. Require the Commission to adopt and amend rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers of consolidated dispatch centers operated by an independent joint powers agency.

## Analysis

The author has introduced Senate Bill 2457 in response to legal advice to the Commission on Peace Officer Standards and Training (POST) that police departments and public safety dispatch centers operating under joint powers agreements are not covered by Penal Code section 13510. The South Bay Regional Public Communications Authority requested this legislation to authorize participation in the POST program.

## Comment

This bill would correct the omission of police departments and public safety dispatch centers, operating under joint powers agreements, and authorize these agencies to participate in the POST program. Such agencies would be eligible under current law if they were operated independently. In addition, the current law may act as a deterrent to such agencies wishing to consolidate for economical or political reasons.

OFFICIAL POSITION

ANALYSIS BY <i>Hal Snow</i>	DATE 4-2-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Norman C. Boehm</i>	DATE	COMMENT	DATE

The same language is contained in Assembly Bill 2306 which was introduced in 1989 by Assemblyman Calderon. The Commission is supporting AB 2306; however, since AB 2306 became a two-year bill, this additional bill was introduced.

For these reasons, it is recommended that the Commission support this legislation.

Recommendation

"Support"

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**Introduced by Senator Boatwright**

**February 28, 1990**

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An act to amend Section 13510 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 2457, as introduced, Boatwright. Peace officers: training.

Existing law requires the Commission on Peace Officer Standards and Training to establish and enforce minimum standards relating to peace officer members of specified entities and to public safety dispatchers of specified entities.

This bill would extend those provisions to joint powers agencies.

Vote: majority. 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 13510 of the Penal Code is  
2 amended to read:  
3 13510. (a) For the purpose of raising the level of  
4 competence of local law enforcement officers, the  
5 commission shall adopt, and may, from time to time  
6 amend, rules establishing minimum standards relating to  
7 physical, mental, and moral fitness; which shall govern  
8 the recruitment of any city police officers, peace officer  
9 members of a county sheriff's office, marshals or deputy  
10 marshals of a municipal court, reserve officers, as defined  
11 in subdivision (a) of Section 830.6, ~~police~~ *police*  
12 *officers* of a district authorized by statute to maintain a  
13 police department, *peace officer members of a police*  
14 *department operated by a joint powers agency*

1 *established by Article 1 (commencing with Section 6500)*  
2 *of Chapter 5 of Division 7 of Title 1 of the Government*  
3 *Code, regularly employed and paid inspectors and*  
4 *investigators of a district attorney's office, as defined in*  
5 *Section 830.1, who conduct criminal investigations, or*  
6 *peace officer members of a district, in any city, county,*  
7 *city and county, or district receiving state aid pursuant to*  
8 *this chapter, and shall adopt, and may; from time to time*  
9 *amend, rules establishing minimum standards for*  
10 *training of city police officers, peace officer members of*  
11 *county sheriff's offices, marshals or deputy marshals of a*  
12 *municipal court, reserve officers, as defined in*  
13 *subdivision (a) of Section 830.6, ~~police~~ *police officers**  
14 *of a district authorized by statute to maintain a police*  
15 *department, ~~peace officer members of a police~~*  
16 *department operated by a joint powers agency*  
17 *established by Article 1 (commencing with Section 6500)*  
18 *of Chapter 5 of Division 7 of Title 1 of the Government*  
19 *Code, regularly employed and paid inspectors and*  
20 *investigators of a district attorney's office, as defined in*  
21 *Section 830.1, who conduct criminal investigations, and*  
22 *peace officer members of a district which shall apply to*  
23 *those cities, counties, cities and counties, and districts*  
24 *receiving state aid pursuant to this chapter. ~~All such~~*  
25 *Those rules shall be adopted and amended pursuant to*  
26 *Chapter 3.5 (commencing with Section 11340) of Part 1;*  
27 *of Division 3 of Title 2 of the Government Code.*

28 (b) The commission shall conduct research  
29 concerning job-related educational standards and  
30 job-related selection standards; to include vision,  
31 hearing, physical ability, and emotional stability.  
32 Job-related standards which are supported by this  
33 research shall be adopted by the commission prior to  
34 January 1, 1985, and shall apply to those peace officer  
35 classes identified in subdivision (a). The commission shall  
36 consult with local entities during the conducting of  
37 related research into job-related selection standards.

38 (c) For the purpose of raising the level of competence  
39 of local public safety dispatchers, the commission shall  
40 adopt, and may; from time to time amend, rules

1 establishing minimum standards relating to the  
2 recruitment and training of local public safety  
3 dispatchers having a primary responsibility for providing  
4 dispatching services for local law enforcement agencies  
5 described in subdivision (a), which standards shall apply  
6 to those cities, counties, cities and counties, and districts  
7 receiving state aid pursuant to this chapter. *These*  
8 *standards also shall apply to consolidated dispatch centers*  
9 *operated by an independent public joint powers agency*  
10 *established pursuant to Article 1 (commencing with*  
11 *Section 6500) of Chapter 5 of Division 7 of Title 1 of the*  
12 *Government Code when providing dispatch services to*  
13 *the law enforcement personnel listed in subdivision (a).*  
14 ~~All such~~ Those rules shall be adopted and amended  
15 pursuant to Chapter 3.5 (commencing with Section  
16 11340) of Part 1; of Division 3; of Title 2 of the  
17 Government Code. As used in this section, "primary  
18 responsibility" refers to the performance of law  
19 enforcement dispatching duties for a minimum of 50  
20 percent of the time worked within a pay period.  
21 (d) Nothing in this section shall prohibit a local agency  
22 from establishing selection and training standards which  
23 exceed the minimum standards established by the  
24 commission.

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**Introduced by Senators Boatwright, Ayala, and Torres**

March 2, 1990

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An act to add Section 13519.4 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 2680, as introduced, Boatwright. Peace Officers: racial and cultural diversity training.

Existing law establishes the Commission on Peace Officer Standards and Training, which develops and implements programs to increase the effectiveness of law enforcement through training, education, and investigation.

This bill would provide that the Peace Officer Standards and Training Commission shall develop and disseminate instruction to all peace officers in California on understanding the racial and cultural differences of people in the state, so that peace officers can be better prepared to deal with the racial and cultural diversity of the state citizenry.

Vote: majority. 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 13519.4 is added to the Penal  
2 Code, to read:  
3 13519.4. Effective July 1, 1990, the commission shall  
4 develop and disseminate guidelines and training for all  
5 law enforcement officers in California as described in  
6 subdivision (a) of Section 13510 and who adhere to the  
7 standards approved by the commission, on the racial and  
8 cultural differences among the residents of this state. The  
9 course or courses of instruction and the guidelines shall  
10 stress understanding and respect for racial and cultural

Regarding the July 1, 1990 effective date, the author's office has been contacted about the need to advance the date to July 1, 1991. This would provide POST with six months for the development activities needed for implementation.

#### Comments

The idea for this legislation originated from the 1989 hearings of the Senate Select Committee on State Procedures and Expenditure Practices (a legislative oversight committee) on the Long Beach incident involving Sergeant Don Jackson. As the bill's sponsor, the Committee expressed concern with the attitudes and conduct of officers of the Long Beach Police Department.

As background information, the Commission at the January 1990 meeting directed staff to complete a related study on the training needs directed at understanding and communicating with individual cultural groups in California. The study is underway and a report is scheduled to be presented to the Commission at its July meeting. Results of this study should provide direction for the development effort required for Senate Bill 2680. Also, the Peace Officers Research Association of California (PORAC) recently formed a committee to study the same issue.

#### Recommendation

"Neutral"

# BILL ANALYSIS

State of California Department of Justice  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

TITLE OR SUBJECT RACIAL AND CULTURAL DIVERSITY TRAINING	AUTHOR Senators Boatwright, Ayala, Torres	BILL NUMBER SB 2680
	RELATED BILLS	DATE LAST AMENDED 3/2/90

SPONSORED BY

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

### General

Senate Bill 2680 would:

1. Require the Commission on Peace Officer Standards and Training, by July 1, 1990 to develop and disseminate guidelines and training for all law enforcement officers in California described in subdivision (a) of Section 13510 on the racial and cultural differences among residents of this state.
2. Require the course or courses of instruction and the guidelines to stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

### Analysis

Senate Bill 2680 would require POST to develop and disseminate guidelines and training. Considerable flexibility is provided as to content and how the training is to be presented. There is no requirement imposed upon peace officers to complete the training, which should enhance acceptance and receptivity of the training.

The training required to be developed by POST pursuant to Senate Bill 2680 is directed at a specific peace officer audience-- law enforcement officers described in subdivision (a) of Section 13510 (city police, county sheriffs, marshals, reserve officers, districts and district attorney investigators) and who adhere to the standards approved by the Commission. No limitations are placed on the rank or assignment of peace officer to receive the training. "Guidelines" required to be developed are intended to be directed to individual trainees and to their employing agencies.

OFFICIAL POSITION

ANALYSIS BY <i>Hal Snow</i>	DATE 4-2-90	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>Norman C. Becker</i>	DATE 4-3-90	COMMENT	DATE



**SB 2680**

— 2 —

- 1 differences, and development of effective, noncombative
- 2 methods of carrying out law enforcement duties in a
- 3 racially and culturally diverse environment.

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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE - ACTIVE LEG  
 TYPE - ACTIVE LEG  
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AB 1720 POLICE CORPS PROGRAM 09/08/89  
 HAYDEN

SUMMARY: THIS BILL WOULD ESTABLISH THE POLICE CORPS PROGRAM TO BE ADMINISTERED BY A POLICE CORPS PROGRAM ADMINISTRATOR DESIGNATED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, TO PROVIDE OPPORTUNITIES FOR PROGRAM PARTICIPANTS TO BE TRAINED AS LAW ENFORCEMENT OFFICERS AND TO RECEIVE SPECIFIED EDUCATIONAL AND HIRING INCENTIVES WHILE PARTICIPATING IN THE PROGRAM, AS SPECIFIED.

FISCAL

CALENDAR: 04/05/90 IN SENATE--INACTIVE FILE  
 # 35 SENATE CONVENES AT 9:30 A.M.

STATUS: IN SENATE--INACTIVE FILE

TYPE	POSITION	TOPIC
ACTIVE LEG	OPPOSE	POST RELAT

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AB 1821 EMERGENCY SERVICES EMPLOYEES: 05/25/89  
 HANSEN COMMUNICABLE DISEASES

SUMMARY: THIS BILL WOULD REQUIRE THAT ALL PERSONS REQUIRED UNDER THE EMERGENCY MEDICAL SERVICES SYSTEM AND THE PREHOSPITAL EMERGENCY MEDICAL CARE PERSONNEL ACT, OR REGULATIONS ADOPTED PURSUANT TO THE ACT, TO PERFORM CARDIOPULMONARY RESUSCITATION, BE TRAINED IN THE USE OF, AND PROVIDED WITH, A STERILE PORTABLE MANUAL ONE-WAY VALVE MASK BY THEIR EMPLOYING EMERGENCY SERVICES PROVIDER.

FISCAL STATE-MANDATED

STATUS: APPROPRIATIONS SUSPENSE FILE

TYPE	POSITION	TOPIC
ACTIVE LEG	NEUTRAL	TRAINING

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

FISCAL

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	STANDARDS

AB 381A PEACE OFFICERS: CITIZENSHIP  
 ROOS REQUIREMENT

SUMMARY: THIS BILL WOULD DELETE THE REQUIREMENT IN EXISTING LAW THAT ANY PERMANENT RESIDENT ALIEN WHO APPLIES FOR EMPLOYMENT AS A PEACE OFFICER SHALL HAVE APPLIED FOR CITIZENSHIP AT LEAST ONE YEAR PRIOR TO HIS OR HER APPLICATION TO BE A PEACE OFFICER.

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	STANDARDS

AB 3902 NEIGHBORHOOD WATCH: EARTHQUAKE  
 BATES PREPAREDNESS

SUMMARY: THIS BILL WOULD REQUIRE THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING TO PREPARE A COURSE OF INSTRUCTION AND GUIDELINES FOR THE TRAINING OF LAW ENFORCEMENT OFFICERS IN INSTRUCTIONAL METHODS FOR CRIME WATCH AND NEIGHBORHOOD WATCH GROUPS AND PROGRAMS. THE BILL WOULD ALSO REQUIRE THE COMMISSION BY JANUARY 1, 1992, TO INCLUDE IN THIS COURSE AND GUIDELINES INSTRUCTION IN EARTHQUAKE PREPAREDNESS.

FISCAL

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	TRAINING

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\* LEGI-TECH                      04/05/90                      SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE        - ACTIVE LEG  
TYPE        - ACTIVE LEG  
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SB 655            PEACE OFFICERS                      03/22/90  
PRESLEY

SUMMARY:        THIS BILL WOULD INCLUDE CERTAIN DESIGNATED OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF FISH AND GAME, WITHIN CERTAIN PROVISIONS OF EXISTING LAW. THIS BILL WOULD REVISE CERTAIN PROVISIONS OF THE PENAL CODE TO INCLUDE REFERENCES TO ADDITIONAL CATEGORIES OF PEACE OFFICERS IN INSURANCE RELATED PROVISIONS. THIS BILL WOULD ALSO REVISE CERTAIN PROVISIONS OF LAW RELATING TO RAILROAD POLICE. THE BILL WOULD MAKE NUMEROUS OTHER CHANGES RELATING TO THE CLASSIFICATION OF PEACE OFFICERS.

URGENCY        FISCAL                      STATE-MANDATED

CALENDAR:       04/05/90    IN SENATE--UNFINISHED BUSINESS--CONCURRENCE  
                 \* 43 SENATE CONVENES AT 9:30 A.M.

STATUS:        IN SENATE--UNFINISHED BUSINESS--CONCURRENCE

TYPE	POSITION	TOPIC
ACTIVE LEG	OPPOSE	FUNDING

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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE        - ACTIVE LEG  
 TYPE        - ACTIVE LEG  
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SB 2457        PEACE OFFICERS; TRAINING  
 BOATWRIGHT

SUMMARY:        EXISTING LAW REQUIRES THE COMMISSION ON PEACE  
 OFFICER STANDARDS AND TRAINING TO ESTABLISH AND  
 ENFORCE MINIMUM STANDARDS RELATING TO PEACE  
 OFFICER MEMBERS OF SPECIFIED ENTITIES AND TO  
 PUBLIC SAFETY DISPATCHERS OF SPECIFIED ENTITIES.  
 THIS BILL WOULD EXTEND THOSE PROVISIONS TO  
 JOINT POWERS AGENCIES.

FISCAL

CALENDAR:      04/24/90    SENATE COMMITTEE ON JUDICIARY  
                  # 22 1:30 p.m. Room 4203

STATUS:        SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	TRAINING

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SB 2680        PEACE OFFICERS; RACIAL AND  
 BOATWRIGHT    CULTURAL DIVERSITY TRAINING

SUMMARY:        THIS BILL WOULD PROVIDE THAT THE PEACE OFFICER  
 STANDARDS AND TRAINING COMMISSION SHALL DEVELOP  
 AND DISSEMINATE INSTRUCTION TO ALL PEACE OFFICERS  
 IN CALIFORNIA ON UNDERSTANDING THE RACIAL AND  
 CULTURAL DIFFERENCES OF PEOPLE IN THE STATE, SO  
 THAT PEACE OFFICERS CAN BE BETTER PREPARED TO DEAL  
 WITH THE RACIAL AND CULTURAL DIVERSITY OF THE  
 STATE CITIZENRY.

FISCAL

CALENDAR:      04/17/90    SENATE COMMITTEE ON JUDICIARY  
                  # 38 1:30 p.m. Room 4203

STATUS:        SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	TRAINING

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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - ACTIVE LEG  
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AB 2306 PUBLIC SAFETY 01/12/90  
CALDERON

SUMMARY: THIS BILL WOULD AUTHORIZE THE DESIGNATION OF AREAS OF GANG VIOLENCE AS HIGH DENSITY UNEMPLOYMENT AREAS, AS SPECIFIED. THIS BILL WOULD REQUIRE THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING TO IMPLEMENT A COURSE OR COURSES OF INSTRUCTION TO PROVIDE ONGOING TRAINING TO THE APPROPRIATE PEACE OFFICERS ON METHODS OF GANG AND DRUG LAW ENFORCEMENT, PATROL, AND INVESTIGATION, AS WELL AS THE NEED TO INTEGRATE SPECIALIZED OPERATIONS WITH PATROL AND INVESTIGATION.

FISCAL

STATUS: SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
ACTIVE LEG	SUPPORT	TRAINING POST RELAT

AB 2673 PEACE OFFICERS  
EAVES

SUMMARY: UNDER EXISTING LAW, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IS REQUIRED TO MAINTAIN A CERTIFICATION PROGRAM FOR SPECIFIED PEACE OFFICERS AND AWARD CERTIFICATES BASED ON A COMBINATION OF PREREQUISITES DEVELOPED BY THE COMMISSION. ELIGIBLE PEACE OFFICERS MAY APPLY FOR THE CERTIFICATES IF THEY ARE EMPLOYED BY AN AGENCY WHICH PARTICIPATES IN THE PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM. EXISTING LAW REQUIRES THE COMMISSION TO CANCEL CERTIFICATES ISSUED TO PERSONS WHO HAVE BEEN CONVICTED OF, OR ENTERED A PLEA OF GUILTY OR Nolo CONTENDERE TO, A FELONY. THIS BILL WOULD REQUIRE THE COMMISSION TO CANCEL CERTIFICATES ISSUED TO PERSONS WHO HAVE BEEN CONVICTED OF, OR ENTERED A PLEA OF GUILTY OR Nolo CONTENDERE TO, A MISDEMEANOR INVOLVING MORAL TURPITUDE, AS DETERMINED BY THE COMMISSION.

FISCAL



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\* LEGI-TECH 04/05/90 SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - ACTIVE LEG  
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STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE POSITION TOPIC  
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ACTIVE LEG NOT CONSID STANDARDS  
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AB 3816 PEACE OFFICERS: CITIZENSHIP  
ROOS REQUIREMENT

SUMMARY: THIS BILL WOULD DELETE THE REQUIREMENT IN  
EXISTING LAW THAT ANY PERMANENT RESIDENT ALIEN  
WHO APPLIES FOR EMPLOYMENT AS A PEACE OFFICER  
SHALL HAVE APPLIED FOR CITIZENSHIP AT LEAST  
ONE YEAR PRIOR TO HIS OR HER APPLICATION TO  
BE A PEACE OFFICER.

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

E POSITION TOPIC  
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ACTIVE LEG NOT CONSID STANDARDS  
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AB 3902 NEIGHBORHOOD WATCH: EARTHQUAKE  
BATES PREPAREDNESS

SUMMARY: THIS BILL WOULD REQUIRE THE COMMISSION ON PEACE  
OFFICER STANDARDS AND TRAINING TO PREPARE A COURSE  
OF INSTRUCTION AND GUIDELINES FOR THE TRAINING OF  
LAW ENFORCEMENT OFFICERS IN INSTRUCTIONAL METHODS  
FOR CRIME WATCH AND NEIGHBORHOOD WATCH GROUPS AND  
PROGRAMS. THE BILL WOULD ALSO REQUIRE THE  
COMMISSION BY JANUARY 1, 1992, TO INCLUDE IN THIS  
COURSE AND GUIDELINES INSTRUCTION IN EARTHQUAKE  
PREPAREDNESS.

FISCAL

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE POSITION TOPIC  
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ACTIVE LEG NOT CONSID TRAINING  
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\* LEGI-TECH 04/05/90 SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - ACTIVE LEG  
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SB 2680 PEACE OFFICERS: RACIAL AND  
BOATWRIGHT CULTURAL DIVERSITY TRAINING

SUMMARY: THIS BILL WOULD PROVIDE THAT THE PEACE OFFICER  
STANDARDS AND TRAINING COMMISSION SHALL DEVELOP  
AND DISSEMINATE INSTRUCTION TO ALL PEACE OFFICERS  
IN CALIFORNIA ON UNDERSTANDING THE RACIAL AND  
CULTURAL DIFFERENCES OF PEOPLE IN THE STATE, SO  
THAT PEACE OFFICERS CAN BE BETTER PREPARED TO DEAL  
WITH THE RACIAL AND CULTURAL DIVERSITY OF THE  
STATE CITIZENRY.

FISCAL

CALENDAR: 04/17/90 SENATE COMMITTEE ON JUDICIARY  
# 38 1:30 p.m. Room 4203

STATUS: SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
ACTIVE LEG	NOT CONSID	TRAINING

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\* LEGI-TECH 04/05/90 SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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AB 481 YOUTH 01/29/90  
CAMPBELL

SUMMARY: THIS BILL WOULD CREATE A 2-YEAR PILOT PROGRAM  
FOR THE CITY OF RICHMOND POLICE ACTIVITIES LEAGUE  
WITH SPECIFIED RESPONSIBILITIES DIRECTED TOWARD  
YOUTH CRIME PREVENTION.

FISCAL

STATUS: SENATE COMMITTEE ON APPROPRIATIONS

TYPE	POSITION	TOPIC
INFO LEG	NONE	FUNDING

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AB 1644 PRIVATE PATROL OPERATORS 01/10/90  
PEACE

SUMMARY: THIS BILL WOULD AUTHORIZE THE BUREAU OF  
COLLECTION AND INVESTIGATIVE SERVICES TO  
ASCERTAIN FROM GOVERNMENTAL OR OTHER OFFICIAL  
DOCUMENTS WHETHER AN APPLICANT FOR A POSITION  
AS A SECURITY GUARD HAS BEEN CONVICTED OF A  
CRIMINAL OFFENSE OUTSIDE OF THIS STATE, AS  
SPECIFIED.

FISCAL

STATUS: SENATE COMMITTEE ON BUSINESS & PROFESSIONS

TYPE	POSITION	TOPIC
INFO LEG	NONE	TRAINING

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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE        - INFO LEG  
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AB 2029            DRIVING OFFENSES: HIGHWAY PATROL    08/30/89  
 CONDT            PENALTY

SUMMARY:        UNDER EXISTING LAW, A PERSON CONVICTED OF A VIOLATION OF DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, ANY DRUG, OR BOTH, DRIVING WITH AN EXCESSIVE BLOOD-ALCOHOL CONCENTRATION, OR DRIVING WITH AN EXCESSIVE BLOOD-ALCOHOL CONCENTRATION, OR DRIVING WITH AN EXCESSIVE BLOOD-ALCOHOL CONCENTRATION, OR DRIVING WHEN ADDICTED TO ANY DRUG IS PUNISHED BY A SPECIFIED FINE OR IMPRISONMENT OR BOTH. IF THE PERSON IS GRANTED PROBATION, MINIMUM TERMS AND CONDITIONS OF PROBATION INCLUDE SPECIFIC FINES. EXISTING LAW ALSO PRESCRIBES VARIOUS PENALTY ASSESSMENTS TO BE ADDED TO THE PRESCRIBED FINES. THIS BILL WOULD REQUIRE AN ADDITIONAL HIGHWAY PATROL EDUCATION AND SERVICES PENALTY OF \$50 TO BE ASSESSED ON EACH PERSON SO CONVICTED, EXCEPT AS SPECEIFIED, IN CONNECTION WITH THE ADMINISTRATION AND COLLECTION OF THE PENALTY. THE REVENUES FROM THE PENALTY WOULD BE REQUIRED TO BE DISTRIBUTED TO THE LOCAL LAW ENFORCEMENT AGENCY MAKING THE ARREST OR THE HIGHWAY PATROL PENALTY ACCOUNT, CREATED BY THE BILL IN THE MOTOR VEHICLE ACCOUNT IN THE STATE TRANSPORTATION FUND.

FISCAL                          STATE-MANDATED

STATUS:            SENATE COMMITTEE ON APPROPRIATIONS

TYPE	POSITION	TOPIC
INFO LEG	NONE	FUNDING

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\* LEGI-TECH                                      04/05/90                                      SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE        - INFO LEG  
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AB 2659              PEACE OFFICERS: RECORDS                      03/19/90  
FLOYD

SUMMARY:              THIS BILL WOULD IMPOSE A CIVIL PENALTY NOT TO  
                         EXCEED \$10,000 FOR EACH VIOLATION INVOLVING  
                         THE DISCLOSURE OF PEACE OFFICER PERSONNEL  
                         RECORDS AND CITIZEN COMPLAINT RECORDS.

STATUS:              IN ASSEMBLY--SECOND READING FILE--ASSEMBLY BILLS

TYPE            POSITION        TOPIC  
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INFO LEG        NONE           GENERAL LE

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AB 2677              STATE BOARDS AND COMMISSIONS:              04/02/90  
WATERS, M            COMPOSITION

SUMMARY:              THIS BILL WOULD ESTABLISH NEW GUIDELINES  
                         REGARDING THE GENDER COMPOSITION OF A STATE  
                         BOARD OR COMMISSION.

FISCAL

STATUS:              ASSEMBLY COMMITTEE ON WAYS & MEANS

TYPE            POSITION        TOPIC  
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INFO LEG        NONE           POST RELAT



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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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AB 3077 PEACE OFFICERS: FEDERAL CRIMINAL  
MCCLINTOCK INVESTIGATORS

SUMMARY: THIS BILL WOULD PROVIDE THAT FEDERAL CRIMINAL  
INVESTIGATORS ARE NOT CALIFORNIA PEACE OFFICERS,  
BUT THEY MAY EXERCISE THE POWERS OF ARREST  
OF A PEACE OFFICER, AS SPECIFIED, FOR VIOLATIONS  
OF STATE OR LOCAL LAWS. MORE SPECIFICALLY, THE  
BILL WOULD PROVIDE THAT THE INVESTIGATORS MAY  
EXERCISE THE ARRESTS POWERS INCIDENTAL TO  
THE PERFORMANCE OF THEIR FEDERAL DUTIES OR  
WHEN MAKING AN ARREST AS TO ANY PUBLIC  
OFFENSE WITH RESPECT TO WHICH THERE IS  
IMMEDIATE DANGER TO PERSON OR PROPERTY, OR  
THE ESCAPE OF THE PERPETRATOR OF THAT OFFENSE.

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE POSITION TOPIC  
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INFO LEG NONE GENERAL LE

AB 3145 VOTER RECORDS: PEACE OFFICERS 03/26/90  
EAVES

SUMMARY: UNDER THE CALIFORNIA PUBLIC RECORDS ACT, THE  
HOME ADDRESS, TELEPHONE NUMBER, OCCUPATION,  
AND PRECINCT NUMBER OF SPECIFIED PERSONS IN  
THE FIELD OF CRIMINAL JUSTICE, INCLUDING  
PEACE OFFICERS, AS DEFINED, WHO ARE EMPLOYED  
BY THE DEPARTMENT OF CORRECTIONS OR THE  
CALIFORNIA YOUTH AUTHORITY, APPEARING IN ANY  
RECORD OF A VOTER REGISTRATION AFFIDAVIT ARE  
CONFIDENTIAL UPON REQUEST OF THE REGISTRANT.  
THIS BILL WOULD DELETE THE REFERENCE TO THE  
DEPARTMENT OF CORRECTIONS OR THE CALIFORNIA  
YOUTH AUTHORITY AND EXPAND THE TYPES OF PEACE  
OFFICERS ELIGIBLE TO FILE A CONFIDENTIAL VOTER  
AFFIDAVIT. THE BILL WOULD ALSO REVISE THE  
CONDITIONS UNDER WHICH THE CONFIDENTIAL  
INFORMATION MAY BE RELEASED. THIS BILL WOULD  
PRESCRIBE AN APPLICATION PROCEDURE TO OBTAIN A  
COPY OF VOTER REGISTRATION INFORMATION FROM THE  
COUNTY ELECTIONS OFFICIAL OR THE SECRETARY OF  
STATE.



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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE - INFO LEG  
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STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

TYPE	POSITION	TOPIC
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INFO LEG	NONE	GENERAL LE

AB 3474 PEACE OFFICERS  
 PEACE

SUMMARY: THIS BILL WOULD PROVIDE THAT NATIONAL PARK RANGERS MAY EXERCISE DESIGNATED POWERS OF ARREST OF A PEACE OFFICER WHEN ACTING UPON THE REQUEST OF STATE PARK RANGERS TO ASSIST IN SPECIFIED LAW ENFORCEMENT ACTIVITIES.

CALENDAR: 04/05/90 IN ASSEMBLY--THIRD READING FILE--ASSEMBLY BILLS  
 \* 67 ASSEMBLY CONVENES AT 9:30 A.M.

STATUS: SENATE COMMITTEE ON RULES

TYPE	POSITION	TOPIC
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INFO LEG	NONE	GENERAL LE

AB 3905 PEACE OFFICERS: CARRYING FIREARMS  
 QUACKENEUSH

SUMMARY: EXISTING LAW PROVIDES THAT SPECIFIED PERSONS EMPLOYED BY STATE CORRECTIONS DEPARTMENTS MAY CARRY FIREARMS UNDER CERTAIN CONDITIONS. EXISTING LAW FURTHER PROVIDES THAT IT IS THE RESPONSIBILITY OF THE INDIVIDUAL OFFICER TO MAINTAIN HIS OR HER ELIGIBILITY TO CARRY FIREARMS OFF DUTY. THIS BILL WOULD PROVIDE INSTEAD THAT EACH DEPARTMENT IS RESPONSIBLE FOR MAINTAINING THE OFFICER'S ELIGIBILITY TO CARRY FIREARMS OFF DUTY.

FISCAL

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
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INFO LEG	NONE	GENERAL LE

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\* LEGI-TECH 04/05/90 SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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AB 3999 PUBLIC SAFETY OFFICERS PROCEDURAL  
BADER BILL OF RIGHTS ACT

SUMMARY: THIS BILL WOULD PROHIBIT DISCIPLINING A PUBLIC  
SAFETY OFFICER, EXCEPT FOR AN OFFICER EMPLOYED ON  
A PROBATIONARY STATUS, WITHOUT PRIOR NOTICE  
SHOWING GOOD CAUSE.

FISCAL STATE-MANDATED

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE POSITION TOPIC  
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INFO LEG NONE GENERAL LE  
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AB 4001 PRIVATE PATROL OPERATORS  
KATZ

SUMMARY: THIS BILL WOULD REQUIRE A PRIVATE PATROL OPERATOR  
TO ESTABLISH A SCREENING PROTOCOL FOR HIRING  
UNIFORMED EMPLOYEES INTENDED TO CARRY FIREARMS,  
AS SPECIFIED, AND TO MAINTAIN A RECORD OF RESULTS  
OF THE SCREENING PROCESS AND EMPLOYMENT HISTORY  
OF THE EMPLOYEES. THIS BILL WOULD REQUIRE EVERY  
UNIFORMED EMPLOYEE OF A PRIVATE PATROL OPERATOR  
WHO CARRIES OR USES ANY FIREARM TO POST A \$5,000  
BOND WITH THE BUREAU OF COLLECTION AND  
INVESTIGATIVE SERVICES.

FISCAL STATE-MANDATED

CALENDAR: 04/18/90 ASSEMBLY COMMITTEE ON GOVERNMENTAL EFFICIENCY  
\* 20 9 a.m. Room 437

STATUS: ASSEMBLY COMMITTEE ON GOVERNMENTAL EFFICIENCY

TYPE POSITION TOPIC  
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INFO LEG NONE GENERAL LE  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE               - INFO LEG  
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AB 4057               PENALTY ASSESSMENTS: REGIONAL  
WYMAN                CRIMINALISTICS LABORATORIES

SUMMARY:            EXISTING LAW AUTHORIZES THE IMPOSITION OF SPECIFIED PENALTY ASSESSMENTS IN THE VARIOUS COUNTIES FOR COURTHOUSE CONSTRUCTION, COUNTY CRIMINAL JUSTICE FACILITY CONSTRUCTION, TRANSITION PLANNING, AND AUTOMATED FINGERPRINT IDENTIFICATION SYSTEMS. THIS BILL AUTHORIZES THE IMPOSITION OF A PENALTY ASSESSMENT IN KERN COUNTY, AS SPECIFIED, FOR FUNDING A COUNTY CRIMINALISTICS LABORATORY.

STATUS:             ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
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INFO LEG	NONE	FUNDING

4184                FINES AND FORFEITURES:  
CALDERON            DISTRIBUTION

SUMMARY:            EXISTING LAW REQUIRES A COURT TO TRANSFER TO THE COUNTY TREASURER ALL FINES AND FORFEITURES TO ANY MUNICIPAL COURT OR JUSTICE COURT. EXISTING LAW PROVIDES THAT, OF THE MONEYS DEPOSITED WITH THE COUNTY TREASURER, A SPECIFIED PERCENTAGE OF FINES AND FORFEITURES COLLECTED DURING THE PRECEDING MONTH UPON THE CONVICTION OF ANY PERSON OR UPON THE FORFEITURE OF BAIL FROM ANY PERSON ARRESTED OR NOTIFIED BY A PEACE OFFICER OF SPECIFIED AGENCIES FOR VIOLATIONS OF SPECIFIED OFFENSES, IS TO BE TRANSFERRED MONTHLY TO THAT PEACE OFFICER'S EMPLOYING AGENCY OR DESIGNATED AGENCY FUND. THIS BILL WOULD EXPAND THE ABOVE LAW TO INCLUDE THE TRANSFER TO THE HOUSING AUTHORITY OF A CITY OR COUNTY OF AN AMOUNT EQUAL TO 50% OF ALL FINES AND FORFEITURES COLLECTED UPON THE CONVICTION OF, OR THE FORFEITURE OF BAIL FROM ANY PERSON ARRESTED OR NOTIFIED BY A PEACE OFFICER WITH THE HOUSING AUTHORITY OF A CITY OR COUNTY AND CHARGED WITH A VIOLATION OF SPECIFIED PARKING REGULATIONS APPLICABLE TO PARKING UPON PROPERTY UNDER THE POSSESSION OR CONTROL OF THE HOUSING AUTHORITY. AN AMOUNT EQUAL TO THE REMAINING 50% WOULD BE TRANSFERRED TO THE GENERAL FUND OF THE COUNTY.

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 \* LEGI-TECH    04/05/90    SUMMARY REPORT \*  
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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE        - INFO LEG  
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FISCAL                      STATE-MANDATED

STATUS:                      ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
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INFO LEG	NONE	FUNDING

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 AB 4253                      CALIFORNIA MUSEUM OF SCIENCE AND  
 HUGHES                        INDUSTRY: PEACE OFFICERS

SUMMARY:                    EXISTING LAW SETS FORTH PROVISIONS GOVERNING THE  
                                  CALIFORNIA MUSEUM OF SCIENCE AND INDUSTRY. THIS  
                                  BILL, IN ADDITION, WOULD AUTHORIZE THE EXECUTIVE  
                                  DIRECTOR OF THAT ENTITY TO APPOINT ALL NECESSARY  
                                  POLICE AND SECURITY PERSONNEL TO KEEP ORDER AND  
                                  PRESERVE THE PEACE AT THE CALIFORNIA MUSEUM OF  
                                  SCIENCE AND INDUSTRY AND EXPOSITION PARK PREMISES  
                                  ON A YEAR-ROUND BASIS, AS SPECIFIED.

FISCAL

STATUS:                      ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
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INFO LEG	NONE	GENERAL LE

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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE        - INFO LEG  
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ACA 1              STATE-MANDATED LOCAL PROGRAMS              01/23/90  
 MCCLINTOCK

SUMMARY:              THIS MEASURE WOULD PROVIDE THAT WHENEVER THE  
                             LEGISLATURE OR ANY STATE AGENCY MANDATES ANY  
                             NEW PROGRAM OR HIGHER LEVEL OF SERVICE ON ANY  
                             LOCAL GOVERNMENT, THE STATE WOULD BE REQUIRED  
                             TO PROVIDE A SUBVENTION OF FUNDS TO PAY THE  
                             LOCAL GOVERNMENT FOR THE INCREASED COST. IT  
                             WOULD MODIFY AND ADD TO THE EXISTING  
                             CONSTITUTIONAL EXEMPTIONS. THIS MEASURE WOULD  
                             FURTHER PROVIDE THAT NO STATUTE, OTHER THAN  
                             CERTAIN SPECIFIED STATUTES, AND NO EXECUTIVE  
                             ORDER OR REGULATION, WHICH MANDATES A NEW  
                             PROGRAM OR HIGHER LEVEL OF SERVICE ON LOCAL  
                             GOVERNMENT WOULD BECOME OPERATIVE SOONER THAN  
                             90 DAYS AFTER THE COMMISSION ON STATE MANDATES  
                             DETERMINES EITHER THAT THE STATE IS NOT REQUIRED  
                             PURSUANT TO THE MEASURE TO PROVIDE A SUBVENTION  
                             OF FUNDS FOR THE INCREASED COST OR THAT SUFFICIENT  
                             FUNDS HAVE BEEN APPROPRIATED TO PAY LOCAL  
                             GOVERNMENT FOR THE INCREASED COST.

FISCAL

STATUS:              ASSEMBLY COMMITTEE ON ELECTIONS & REAPPORTIONMENT

TYPE	POSITION	TOPIC
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INFO LEG	NONE	FUNDING
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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE - INFO LEG  
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TYPE	POSITION	TOPIC
INFO LEG	NONE	GENERAL LE

SB 626 PEACE OFFICERS: ARREST POWERS  
 ROYCE

SUMMARY: THIS BILL WOULD AUTHORIZE A PEACE OFFICER TO  
 ARREST A PERSON WITHOUT A WARRANT WHEN HE OR SHE  
 HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON  
 HAS COMMITTED A PUBLIC OFFENSE CONSTITUTING AN  
 ACT OF DOMESTIC VIOLENCE, AS DEFINED.

FISCAL STATE-MANDATED

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
INFO LEG	NONE	GENERAL LE

SB 1097 CRIMES: ARRESTS 07/19/89  
 MARKS

SUMMARY: THIS BILL WOULD PROVIDE THAT WHENEVER A PEACE  
 OFFICER MAKES ANY ARREST, THE ARRESTING OR  
 BOOKING OFFICER SHALL CHECK TO DETERMINE WHETHER  
 THE ARRESTED PERSON IS WEARING A MEDICAL ALERT  
 IDENTIFICATION NECKLACE OR BRACELET WITH AN  
 INDIVIDUAL IDENTIFICATION NUMBER AND A 24-HOUR  
 TOLL FREE TELEPHONE NUMBER THE OFFICER WOULD BE  
 REQUIRED TO IMMEDIATELY CONTACT THE MEDICAL ALERT  
 AGENCY FOR MEDICAL EMERGENCY INSTRUCTIONS.

FISCAL STATE-MANDATED

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

TYPE	POSITION	TOPIC
INFO LEG	NONE	GENERAL LE

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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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SB 1147 FINES AND FORFEITURES: 01/04/90  
LOCKYER

SUMMARY: THIS BILL WOULD RENAME THE ASSESSMENT FUND THE  
STATE PENALTY FUND, AND RENAME THE ASSESSMENTS  
DEPOSITED THEREIN AS STATE PENALTIES.

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
INFO LEG	NONE	FUNDING

-----  
SB 1620 FINES AND FORFEITURES: 01/04/90  
LOCKYER DISTRIBUTIONS

SUMMARY: THIS BILL WOULD AUTHORIZE A COURT TO USE A  
PERCENTAGE FORMULA FOR ALLOCATION OF MONEYS  
COLLECTED IN CRIMINAL CASES TO VARIOUS FUNDS,  
NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
SO LONG AS THE FORMULA ACCOMPLISHES  
SUBSTANTIALLY THE SAME DISTRIBUTION OF MONEYS  
AS OTHERWISE REQUIRED BY STATUTE, AS SPECIFIED.  
THE BILL WOULD ALSO PROVIDE THAT NO ALLOCATION  
OF MONEYS NEED BE MADE TO FUNDS WHICH WOULD  
ACCUMULATE LESS THAN \$1,000 FROM THE COURT  
DURING ANY 12-MONTH PERIOD.

FISCAL

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

TYPE	POSITION	TOPIC
INFO LEG	NONE	FUNDING

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\* LEGI-TECH    04/05/90    SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE        - INFO LEG  
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SB 1736            DRIVER TRAINING    03/14/90  
DILLS

SUMMARY:        THIS BILL WOULD REQUIRE, COMMENCING WITH THE  
1991-92 FISCAL YEAR, THAT THE AMOUNT PER PUPIL  
INSTRUCTED IN THE LABORATORY PHASE OF DRIVER  
EDUCATION AND THE AMOUNT FOR THE ACTUAL COST OF  
REPLACING VEHICLES AND SIMULATORS USED EXCLUSIVELY  
IN THE LABORATORY PHASE OF DRIVER EDUCATION  
PROGRAMS BE ADJUSTED ANNUALLY, AS SPECIFIED.

FISCAL

STATUS:        APPROPRIATIONS SUSPENSE FILE

TYPE          POSITION        TOPIC  
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INFO LEG      NONE            FUNDING

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SB 1810           CLANDESTINE DRUG LABORATORIES:  
NIELSEN           RURAL AREAS

SUMMARY:        THIS BILL WOULD INCLUDE LEGISLATIVE FINDINGS AND  
DECLARATION CONCERNING CLANDESTINE LABORATORIES  
WHICH ILLEGALLY PRODUCE CONTROLLED SUBSTANCES  
IN RURAL COUNTIES IN CALIFORNIA AND WOULD,  
INSTEAD, PROVIDE THAT THE BUREAU OF NARCOTIC  
ENFORCEMENT IN THE DEPARTMENT OF JUSTICE SHALL  
BE RESPONSIBLE FOR THE REMOVAL, DISPOSAL, AND  
STORAGE OF TOXIC WASTES FROM THE SITES OF  
LABORATORIES USED FOR THE UNLAWFUL MANUFACTURE  
OF CONTROLLED SUBSTANCES IN COUNTIES WITH A  
POPULATION UNDER 1,250,000.

FISCAL

CALENDAR:       04/24/90    SENATE COMMITTEE ON JUDICIARY  
                 \*   2   1:30 p.m. Room 4203

STATUS:        SENATE COMMITTEE ON JUDICIARY

TYPE          POSITION        TOPIC  
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INFO LEG      NONE            GENERAL LE

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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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SB 1811 CONTROLLED SUBSTANCES: UNLAWFUL  
NIELSEN MANUFACTURING

SUMMARY: EXISTING LAW PROVIDES THAT THE PENALTY FOR  
MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING,  
DERIVING, PROCESSING, OR PREPARING BY CERTAIN  
CHEMICAL MEANS ANY SPECIFIED CONTROLLED SUBSTANCE  
IS IMPRISONMENT IN THE STATE PRISON FOR 3, 5, OR  
7 YEARS AND BY A FINE NOT EXCEEDING \$50,000.  
THIS BILL WOULD REVISE THE PENALTIES FOR THIS  
OFFENSE TO IMPRISONMENT IN THE STATE PRISON  
FOR 7, 10, OR 15 YEARS AND BY A FINE NOT  
EXCEEDING \$50,000.

FISCAL

CALENDAR: 04/05/90 IN SENATE--SECOND READING FILE--SENATE BILLS  
\* 17 SENATE CONVENES AT 9:30 A.M.

STATUS: SENATE COMMITTEE ON APPROPRIATIONS

TYPE POSITION TOPIC  
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INFO LEG NONE GENERAL LE  
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SB 1896 COUNTY FISH AND GAME WARDENS: 03/27/90  
DAVIS RESERVE WARDENS

SUMMARY: THIS BILL WOULD AUTHORIZE THE BOARD OF  
SUPERVISORS OF LOS ANGELES COUNTY TO APPOINT  
NOT MORE THAN 3 OCEAN LIFEGUARDS EMPLOYED BY THE  
COUNTY AS RESERVE COUNTY FISH AND GAME WARDENS  
FOR NOT MORE THAN 4 MONTHS. THE BILL WOULD GRANT  
THE RESERVE WARDENS THE POWERS AND AUTHORITY  
OF PEACE OFFICERS, AS SPECIFIED, IF CERTAIN  
CONDITIONS ARE MET.

STATUS: ASSEMBLY DESK

TYPE POSITION TOPIC  
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INFO LEG NONE GENERAL LE  
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\* LEGI-TECH 04/05/90 SUMMARY REPORT \*  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE - INFO LEG  
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SB 1956 PEACE OFFICERS: COMPLAINTS 03/15/90  
AYALA

SUMMARY: EXISTING LAW GENERALLY PROHIBITS, EXCEPT AS SPECIFIED, THE DISCLOSURE OF PEACE OFFICER PERSONNEL RECORDS AND CITIZEN COMPLAINT RECORDS. THIS BILL, IN ADDITION, WOULD PROVIDE THAT ANY PERSON WHO KNOWINGLY, WILLFULLY, OR MALICIOUSLY VIOLATES THESE PROVISIONS SHALL BE GUILTY OF A MISDEMEANOR. IN ADDITION, THE BILL WOULD SET FORTH PROVISIONS WHEREBY A PEACE OFFICER MAY COMMENCE AN ACTION IN SUPERIOR COURT TO STOP OR PREVENT VIOLATIONS OR THREATENED VIOLATIONS INVOLVING THE DISCLOSURE OF THESE PEACE OFFICER PERSONNEL RECORDS AND CITIZEN COMPLAINT RECORDS THROUGH INJUNCTIVE RELIEF, AS SPECIFIED.

FISCAL

CALENDAR: 04/24/90 SENATE COMMITTEE ON JUDICIARY  
# 8 1:30 p.m. Room 4203

STATUS: SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
INFO LEG	NONE	GENERAL LE

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 \* LEGI-TECH                              04/05/90                              SUMMARY REPORT \*  
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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE        - INFO LEG  
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INFO LEG    NONE            GENERAL LE

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 SB 2140     PEACE OFFICERS  
 DAVIS

SUMMARY:     UNDER EXISTING LAW, VARIOUS PROVISIONS ASSIGN  
                  SPECIFIC DUTIES, PRIVILEGES, AND POWERS TO  
                  SPECIFIED PEACE OFFICERS. THIS BILL WOULD  
                  INCLUDE WITHIN THOSE PROVISIONS CERTAIN RESERVE  
                  OR AUXILIARY SHERIFF OR CITY POLICE OFFICERS,  
                  DEPUTY SHERIFFS, RESERVE POLICE OFFICERS OF  
                  CERTAIN DISTRICTS, DEPUTIES OF THE DEPARTMENT  
                  OF FISH AND GAME, AND SPECIAL AGENTS OF THE  
                  DEPARTMENT OF JUSTICE.

FISCAL

CALENDAR:    04/24/90 SENATE COMMITTEE ON JUDICIARY  
                  \* 15 1:30 p.m. Room 4203

STATUS:        SENATE COMMITTEE ON JUDICIARY

TYPE          POSITION      TOPIC  
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 INFO LEG    NONE            GENERAL LE

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 SB 2242     AUTOMATIC DIALING DEVICES: LAW  
 DAVIS        ENFORCEMENT AND FIRE PROTECTION

SUMMARY:     EXISTING LAW, WITH SPECIFIED EXCEPTIONS, PROHIBITS  
                  THE OPERATION OF AN AUTOMATIC DIALING-ANNOUNCING  
                  DEVICE. THIS BILL WOULD EXEMPT FROM THAT  
                  PROHIBITION LAW ENFORCEMENT AGENCIES AND FIRE  
                  PROTECTION AGENCIES PLACING CALLS THROUGH  
                  AUTOMATIC DIALING-ANNOUNCING DEVICES, IF THOSE  
                  DEVICES ARE USED FOR SPECIFIED PURPOSES.

STATUS:        SENATE COMMITTEE ON ENERGY & PUBLIC UTILITIES

TYPE          POSITION      TOPIC  
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 INFO LEG    NONE            GENERAL LE  
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 BILL-FILE - COMMISSION ON POST-MASTER  
 TYPE - INFO LEG  
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SB 2651 WIRETAP: EXEMPTIONS  
 DAVIS

SUMMARY: THIS BILL WOULD EXTEND A SPECIFIED EXEMPTION WHICH ALLOWS WIRETAPPING AND EAVESDROPPING UPON, OR RECORDING OF, CONFIDENTIAL COMMUNICATIONS UNDER SPECIFIED CONDITIONS TO INCLUDE THE DIRECTOR OF CORRECTIONS, ASSISTANT DIRECTOR OR ANY SPECIAL AGENT OF THE LAW ENFORCEMENT LIAISON UNIT OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS, OR ANY WARDEN OR INVESTIGATIVE CAPTAIN OR LIEUTENANT IN AN INSTITUTION OR FACILITY UNDER THE JURISDICTION OF THE DIRECTOR OF CORRECTIONS.

CALENDAR: 05/08/90 SENATE COMMITTEE ON JUDICIARY  
 \* 5 1:30 p.m. Room 4203

STATUS: SENATE COMMITTEE ON JUDICIARY

TYPE	POSITION	TOPIC
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INFO LEG	NONE	GENERAL LE
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SB 2681 FALSE REPORTS: PEACE OFFICERS  
 BOATWRIGHT

SUMMARY: EXISTING LAW PROVIDES THAT A PEACE OFFICER WHO KNOWINGLY AND INTENTIONALLY MAKES ANY FALSE STATEMENTS IN SPECIFIED REPORTS FILED WITH HIS OR HER EMPLOYING AGENCY IS PUNISHABLE BY IMPRISONMENT IN A COUNTY JAIL FOR NOT MORE THAN ONE YEAR. THIS PROVISION DOES NOT APPLY TO THE CONTENTS OF ANY STATEMENT WHICH THE PEACE OFFICER ATTRIBUTES IN THE REPORT TO ANY OTHER PERSON. THIS BILL WOULD INSTEAD PROVIDE THAT A PEACE OFFICER WHO MAKES THESE FALSE STATEMENTS HAS COMMITTED PERJURY, PUNISHABLE BY IMPRISONMENT IN THE STATE PRISON FOR 2, 3, OR 4 YEARS.

FISCAL

CALENDAR: 04/17/90 SENATE COMMITTEE ON JUDICIARY  
 \* 39 1:30 p.m. Room 4203

STATUS: SENATE COMMITTEE ON JUDICIARY







Commission on Peace Officer Standards and Training  
Advisory Committee Meeting  
Marriott Hotel Mission Valley  
April 18, 1990 - 10 a.m..  
San Diego, California

AGENDA

- |    |   |               |
|----|---|---------------|
| A. | Call to Order and Roll Call             | Chair         |
| B. | Introduction of New Members             | Chair         |
| C. | Approval of Minutes of Previous Meeting | Chair         |
| D. | Announcements                           | Chair         |
| E. | Executive Director's Remarks            | Staff         |
| F. | ACR 58 Study Update                     | Staff         |
| G. | Commission Liaison Committee Report     | Commissioners |
| H. | Advisory Committee Member Reports       | Members       |
| J. | Open Discussion                         | Members       |
| K. | Adjournment                             | Chair         |

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

1601 ALHAMBRA BOULEVARD  
SACRAMENTO, CALIFORNIA 95816-7083

POST Advisory Committee Meeting  
January 17, 1990  
Marriott Harbor Hotel - Santa Rosa Room  
San Diego, CA.

MINUTES

CALL TO ORDER

The meeting was called to order at 10:00 a.m. by Chairman Don Brown.

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Present: Don Brown, Calif. Organization of Police & Sheriffs  
Cois Byrd, Calif. State Sheriffs' Assoc.  
John Clements, Calif. Highway Patrol  
Donald Forkus, Calif. Peace Officers' Assoc.  
Derald Hunt, Calif. Assoc. of Administration of Justice  
Educators  
Dolores Kan, Women Peace Officers' Assoc. of Calif.  
Joe McKeown, Calif. Academy Directors' Assoc.  
Carolyn Owens, Public Representative  
Cecil Riley, Calif. Specialized Law Enforcement

Absent: Bruce Rayl, Calif. Assoc. of Police Training Officers

Commission Advisory Liaison Committee Members present:

Commissioner Edward Maghakian  
Commissioner Raquel Montenegro  
Commissioner Alex Pantaleoni

POST staff present:

Norman Boehm, Executive Director  
Ted Morton, Bureau Chief  
Doug Thomas, Assistant Executive Director  
Imogene Kauffman, Executive Secretary

Visitor present:

Mike Grogan, Millbrae Police Department

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION - Riley, second - Hunt, carried unanimously to

approve the minutes of the November 1, 1989 meeting at the Holiday Inn in Sacramento, with the correction on page 5, line 6, of the word "will" to "may".

#### ANNOUNCEMENTS

Chairman Brown announced that the nominations of three candidates for membership on the Advisory Committee will be considered by the Commission at their meeting on January 18, 1990. They are Charles Brobeck, Chief of Police, Novato Police Department, representing the California Police Chiefs' Association, Douglas Burris, Chief Deputy Chancellor, representing California Community Colleges, and Marcel Le Duc, representing PORAC.

#### EXECUTIVE DIRECTOR'S REMARKS

The Executive Director reviewed the January 18, 1990 Commission Meeting Agenda and responded to questions on the issues.

#### STATUS OF SUPERVISORY LEADERSHIP INSTITUTE

Staff of the Center for Leadership Development Bureau provided the Committee with a report on the Supervisory Leadership Institute that included the objectives of the Institute that are learned in the eight-month program. This is primarily done through facilitation of learning through the experiential learning process. The details of providing four additional workshops, planned for May 1990, were also presented.

Following discussion of how participants are selected, the following action was taken:

MOTION - Forkus, second - Riley, carried unanimously that it would be the recommendation of the Advisory Committee to the Commission that a personal invitation be sent to all sergeants, in addition to the notice to all department heads, of up-coming presentations.

MOTION - Forkus, second - Clements, carried unanimously that it be the recommendation of the Advisory Committee to the Commission that POST be encouraged to consider looking outside the arena of currently employed peace officers for people who have the necessary facilitation skills to satisfy the teacher requirements, thereby allowing more offerings to be available.

#### COMMISSION LIAISON COMMITTEE REPORT

It was reported that the Liaison Committee will be meeting later on this date.

## ADVISORY COMMITTEE MEMBER REPORTS

California Highway Patrol - John Clements announced that the CHP had developed an institute of comprehensive, methodical, out-service training. Each level sits down with the subordinate to determine what the training needs are that can't be handled by in-service training. It is then identified and reported and becomes a comprehensive out-service training program. Employees are ensured that they receive training. This includes about 80,000 people -- both uniform and non-uniform.

Calif. Peace Officers' Assoc. - Don Forkus announced the next Executive Board meeting will be February 5 in San Jose in conjunction with the California Police Chiefs' Association. CPOA is looking at restructuring their satellite program, California Peace Officers Education, Research and Training (CPOERT) to improve its fund-raising capabilities. He also announced there will soon be a new CPOA publication available which was developed out of the Standards and Ethics Committee. It contains a prescription for any law enforcement agency on how to develop an organizational value statement for individual departments. It is an excellent document and will be available for all CPOA members.

Calif. State Sheriffs' Assoc. - Cois Byrd gave a report on the sale of the Riverside Sheriff's Training Center for approximately \$2.2 million which will go into the Academy of Justice property.

Calif. Assoc. of Administration of Justice Educators - Derald Hunt announced the publication of a manual of model lesson plans, exemplary exercises and teaching strategies designed to help teachers improve students' critical thinking and writing skills. It is titled, "Critical Thinking and Writing Across the Curriculum for California Community Colleges." Copies have been distributed to all California colleges, and it is also available in the POST library.

The 25th annual CAAJE conference will be at the High Sierra, Lake Tahoe, May 4-6, 1990.

Women Peace Officers' Assoc. of Calif. - Dolores Kan stated that the WPOA is meeting in Calistoga today and tomorrow. One of the trainers is a detective from the Ireland Police who works in the anti-terrorist unit and will be speaking on the topic of "Terrorism."

Calif. Organization of Chiefs and Sheriffs - Don Brown reported that on April 17, 18 and 19 COPS is having the annual "Endorsement Convention" for the upcoming election. During the week of June 25, COPS is holding its annual convention in Hawaii and will conduct workmen's compensation and retirement seminars.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:45 p.m.

*Imogene*

Imogene Kauffman  
Executive Secretary

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P. O. Box 942898  
Sacramento, California 94298-0001  
(916) 445-7473



March 14, 1990

File No.: 1.4210.A5607.0560L

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

Dear Chairman Block:

*Sherm*

In response to your recent letter asking for the California Highway Patrol's nominee to serve on the POST Advisory Committee, once again, we wish to nominate Chief John Clements to represent our Department for the three-year term commencing September 1990.

John is the Chief of our Department's Personnel and Training Division and has been an active member and supporter of the POST Advisory Committee as evidenced by his recent selection as the committee's Vice Chairman. I am confident that he will continue to contribute as effectively to the committee throughout this term as he has in the past.

Thank you for again providing the Department with the opportunity to continue our active involvement with the POST Advisory Committee. As the Chairman of the POST Commission, I am sure you will agree that the diversity represented by the Advisory Committee is indeed one of its major strengths. Representing the perspective of State law enforcement is an honor and a responsibility that the California Highway Patrol does not take lightly.

Sincerely,

*M. J. Hannigan*  
M. J. HANNIGAN  
Commissioner

cc: Chief Clements



## CALIFORNIA COMMUNITY COLLEGES

1107 NINTH STREET

SACRAMENTO, CALIFORNIA 95814

(6) 445-8752



March 29, 1990

Sherman Block, Chairman  
Commission on Peace Officer Standards  
and Training  
1601 Alhambra Blvd.  
Sacramento, CA 95816-7083

Dear Mr. Block:

I concur with your request to reappoint Chief Deputy Chancellor Douglas Burris for a three-year term on the POST Advisory Committee, beginning October, 1990 and ending September 1993.

The Chancellor's Office recognizes the fact that POST is continually seeking to improve the training delivered to meet the ever-changing needs of all levels of law enforcement personnel, and as in the past, will continue to support these efforts.

Sincerely,

A handwritten signature in cursive script that reads "David Mertes".

David Mertes  
Chancellor

MAR 1 2 1990  
POST



"PROFESSIONALIZATION THROUGH TRAINING"

FEB 1 1 15 PM '90

**CENTRAL BOARD 1989/90**

Ronald P. Watson - President  
State Center Community  
College Police  
Kings River College  
995 N. Reed Ave. -  
Reedley, CA 93654  
(209) 638-3641

Mike Harling - 1st Vice President  
Santa Barbara Sheriff's Department  
P.O. Box 6427  
4434 Calle Real  
Santa Barbara, CA 93110  
(805) 681-4278

Tom Lean - 2nd Vice President  
Fresno County Sheriff's Department  
2220 Fresno St.  
P.O. Box 1788  
Fresno, CA 93717  
(209) 488-3106

Don Lane - Secretary  
Dinuba Police Department  
420 E. Tulare  
Dinuba, CA 93618  
(209) 591-6130

Harold Hansen - Treasurer  
Fresno Police Department  
2323 Mariposa  
P.O. Box 1271  
Fresno, CA 93721  
(209) 488-1540

Joe Demelo - Sergeant-At-Arms  
Coalinga Police Department  
6th and Elm  
Coalinga, CA 93210  
(209) 935-1525

Sherman Block, Sheriff  
Los Angeles County  
Chairman, P.O.S.T. Commission  
1601 Alhambra Blvd.  
Sacramento, CA 95816

Dear Sir:

Bruce Rayl presently represents the California Association of Police Training Officers on the P.O.S.T. Advisory Committee. Mr. Rayl has recently resigned because of medical reasons.

We would like to request that you consider Lieutenant Jay Clark of the El Cerrito Police Department to complete the term as the C.A.P.T.O. representative on the P.O.S.T. Advisory Committee.

The particulars on Lt. Clark are as follows:

Lt. Jay Clark  
El Cerrito Police Department  
10900 San Pablo Ave.  
El Cerrito, CA 94530  
(415) 237-2123

Thank you for your consideration. If you have any questions please contact me.

Sincerely,

Ronald P. Watson, President  
California Association of  
Police Training Officers

cc: Doug Thomas, P.O.S.T.