

COMMISSION MEETING  
October 31, 1991 - 10:00 A.M.  
Pan Pacific Hotel  
Crystal Room  
402 West Broadway  
San Diego, CA 92101-3580  
(619) 239-4500

AGENDA

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS

APPROVAL OF MINUTES

- A. Approval of minutes of the July 18, 1991 regular Commission meeting at the Marriott Mission Valley Hotel in San Diego.

CONSENT CALENDAR

B.1 Receiving Course Certificate Report

Since the July meeting, there have been 79 new certifications, 9 decertifications, and 23 modifications. In approving the Consent Calendar, your Honorable Commission receives the report.

B.2 Receiving Financial Report - First Quarter FY 1991/92

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

B.3 Receiving Information on New Entry Into the Post Regular (Reimbursement) Program

The Trinidad Police Department has met the Commission's requirements and been accepted into the POST Regular (Reimbursement) Program. In approving the Consent Calendar, your Honorable Commission receives the report.

B.4 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 13525 may enter

into the POST Reimbursable Public Safety Dispatcher Program pursuant to Penal Code Section 13510(c) and 13525.

In approving the Consent Calendar, your Honorable Commission notes that since the July meeting, the seven agencies listed in the enclosed report have met the requirements and have been accepted into the POST Reimbursable Public Safety Dispatcher Program. These new entrants bring to 309 the number of agencies joining the program since it began July 1, 1989.

B.5 Approving Resolution Commending Advisory Committee Member Marcel Leduc

In approving the Consent Calendar, your Honorable Commission adopts a Resolution recognizing the service of Marcel Leduc as a member of the POST Advisory Committee from January 1990 to September 1991, representing the California Peace Officers' Research Association of California (PORAC).

B.6 Approving Resolution Commending Advisory Committee Member Douglas W. Burris

In approving the Consent Calendar, your Honorable Commission adopts a Resolution recognizing the service of Douglas W. Burris as a member of the POST Advisory Committee from January 1990 to July 1991, representing the California Community Colleges.

B.7 Approving Resolution Commending Advisory Committee Member John R. Clements

In approving the Consent Calendar, your Honorable Commission adopts a Resolution recognizing the service of John R. Clements as a member of the POST Advisory Committee from September 1987 to November 1991, representing the California Highway Patrol.

B.8 Approving Resolution Commending Retiring POST Consultant John B. Davidson

In approving the Consent Calendar, your Honorable Commission adopts a Resolution commending John B. Davidson for his service to POST. John began service to the Commission in 1972, having previously served 10 years with the Santa Ana Police Department. During his tenure at POST, John provided many important services and was instrumental in the development of the use of television training programs. During his career, John served in all POST program areas as a Bureau Chief and/or Law Enforcement Consultant.

B.9 Approving Resolution Commending Retiring Chief of Police Arthur G. Le Blanc

In approving the Consent Calendar, your Honorable Commission adopts a Resolution recognizing the service of Retiring Chief Arthur G. Le Blanc, Harbor Police, San Diego Port Authority, for his dedication to California law enforcement.

PRESENTATIONS

Presentation of Resolution Honoring John R. Clements

PUBLIC HEARING

C. Receiving Testimony on the Proposal to Change POST Regulations to Allow Reimbursement for Satellite Receiving Antennas

At the April 1991 Commission meeting, the Commission approved funding to increase satellite training programs and directed staff to survey the field with regard to reimbursing local agencies for their satellite receiving equipment purchase costs. Results of the field survey strongly favor reimbursement for the purchase of satellite receiving antennas.

The purpose of this public hearing is to receive testimony on the proposal to change POST regulations to allow POST to reimburse eligible agencies up to \$3000 for their being or becoming capable of receiving satellite transmitted training. Equipment would have to meet minimum specifications. Departments would designate a downlink training coordinator and assume responsibility for a proper distance learning training environment for their officers.

Subject to the input at the public hearing, the appropriate action would be a MOTION to approve regulation changes as described in the report for reimbursement to eligible agencies for satellite receiving antenna purchases (including retroactive purchases). The regulation changes will be effective upon approval as to form and procedure by the Office of Administrative Law.

TRAINING PROGRAM SERVICES

D. Recommendation for Authority to Contract With Community College Academies for Satellite Receiving Antennas

The Commission requested preparation of a contract proposal for purchasing satellite receivers for college academies. The report under this tab proposes that authority be granted

the Executive Director to contract individually with 19 community college presenters of the Basic Course.

Total cost of these contracts, if restricted to \$3000 per college, would not exceed \$57,000. As described in the report, academies certified to law enforcement agencies are not included in the proposal on the assumption that the law enforcement agencies would purchase a receiver under the planned reimbursement program.

The college academies provide valuable services in support of the Commission's distance learning program. It is recommended that contract authority for these purposes be approved.

If the Commission concurs, the recommended action would be a MOTION to authorize the Executive Director to sign contracts with the 19 described colleges in individual amounts not to exceed \$3000 and total amount not to exceed \$57,000. (ROLL CALL VOTE)

#### COMPLIANCE AND CERTIFICATES

E. Recommendation to Schedule a Public Hearing on the Proposal to Establish Standards and Reimbursement for Peace Officer Members of Coroner's Offices (SB 249)

SB 249 (Davis) has been signed into law modifying P.C. 13510(a) effective January 1, 1992. It establishes eligibility of peace officer employees of coroner's offices to participate in the POST reimbursement program. Deputy Coroners derive peace officer authority from P.C. Section 830.35. Their duties are principally related to death investigations.

In 38 of California's 58 counties, coroner functions are carried out by the sheriff's department whose deputy sheriff/coroners have been eligible for POST reimbursement for some time. With this bill, the remaining 20 county coroner offices are now also eligible to participate in the POST program. This item is on the agenda for the Commission to establish appropriate initial minimum standards for selection and training.

As described in the enclosed report, it is proposed that the Commission schedule a public hearing in conjunction with its January 1992 meeting to consider adoption of regulation changes to:

- o add coroners and deputy coroners to those eligible for reimbursement;

- o specify all existing selection standards for regular officers as applicable to the employment of coroners/deputy coroners;
- o require that deputy coroners complete the P.C. 832 course before exercise of peace officer powers and complete the 80-hour coroners' course within one year of employment.

Coroner offices have long been eligible to participate in the POST specialized (non-reimbursable) program. In that program, the minimum basic training standard has been the 340-hour Specialized Investigators Course. The above proposal to require P.C. 832 and the coroners' course is intended as an initial standard pending completion of a more thorough study of the needs and requirements of the position. Until that study is completed, it is proposed that the Commission also approve reimbursement for deputy coroners whose employers choose to continue to use the Specialized Investigators Course.

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing for the January 1992 meeting to consider adoption of the regulations as proposed.

#### EXECUTIVE OFFICE

#### F. Special Consultant (Management Fellowship Program) - Request for Authority to Contract for Symposium Follow up

Considerable work remains to follow up on recommendations from the recent Symposium on Training Issues. There is an obligation to thoroughly evaluate issues and propose directions for change in a number of significant areas including supervisory training, field training, basic, and inservice training.

Because of public and legislative concern in those areas relating to accountability, use of force, and sensitivity to minority communities, it is important that work be completed and reported promptly. The State's hiring freeze has affected POST's ability to make new hires to State service and two budgeted Law Enforcement Consultant positions are currently vacant, making money from these vacant positions available for the temporary proposed fellowship position.

It is proposed that authorization be granted for the recruitment of a special consultant whose law enforcement agency will agree to a contract for services. A recommended dollar amount is \$75,000 which should be sufficient for up to nine months service depending the on pay/benefit scale of the selected individual.

If the Commission concurs, the appropriate action would be a MOTION to authorize the Executive Director to sign a contract with a law enforcement agency for services of an individual as described in an amount not to exceed \$75,000. (ROLL CALL VOTE)

G. Report on Legislative Changes to the Peace Officer Training Fund

Assembly Bills 1297 and 544 were passed as urgency legislation and became law July 29 and June 30 respectively. These bills were developed as part of the recent budget negotiations between the Governor and legislative leadership to resolve the state's budget crises. Besides adding new revenue to the State General Fund from penalty assessments, these bills bring about major changes in the funding mechanisms for California's trial courts.

Two percent off the top of all monies collected in criminal cases will go to pay the cost of automating trial court record-keeping systems. The state penalty assessment was increased from \$7 to \$10 for every \$10 fine with 30% off the top of whatever is collected going into the State General Fund. Counties are now allowed to impose additional assessments up to \$7 for each \$10 fine for local criminal justice facilities, etc. Penalty assessments can now potentially be increased to 170% of the fines.

Of special concern to POST is the percentage of the state penalty assessment was reduced for existing recipients, including the POTF (from 27.75% to 23.99%) and shifted to augment the Victim Restitution Fund by a like aggregate percentage (10.9%). Judges are, for the first time, given authority to determine the amount of financial sanction to be levied against a defendant and then allow the court clerk to apportion fine and penalty assessment amounts within that total. In the past, penalty assessments were levied on top of the fine. This new procedure potentially reduces penalty assessment revenue. To offset these negative impacts, the legislation authorizes penalty assessments on all Vehicle Code violations (except parking) that heretofore had not been subject to penalty assessment.

Revenue reported to the POTF for the first three months of this fiscal year indicate a \$4.5 million (41%) lag behind the straight line monthly projection. This legislation almost certainly has detrimentally impacted revenue to the POTF. This impact was presumably unintended and unforeseen. The Finance and Long Range Planning Committees will consider this matter at their meetings on October 30th.

## COMMITTEE REPORTS

### H. Accreditation Committee

Chairman Lowenberg, who also chairs the Accreditation Committee, will report on the Committee meetings held on August 21, 1991 and September 27, 1991.

### I. Finance Committee

Committee Chairman Wasserman will report on the Committee meeting held in San Diego on October 30, 1991.

### J. Training Review Committee

Committee Chairman Wasserman will report on the Symposium on Training Issues held in San Diego on September 26-27, 1991.

### K. Long Range Planning Committee

Chairman Lowenberg, who also chairs the Long Range Planning Committee, will report on the Committee meeting held in San Diego on October 30, 1991.

### L. Legislative Review Committee

Committee Chairman Block will report on the Committee meeting held October 31, 1991 in San Diego.

### M. Advisory Committee

Committee Chairman John Clements will report on the Committee meeting held October 30, 1991 in San Diego.

## OLD/NEW BUSINESS

### N. Correspondence

- o Letter from Maurice Hannigan, Commissioner, California Highway Patrol, nominating Chief Jack Healy as replacement for Chief John Clements on the POST Advisory Committee. Chief Clements has recently been reassigned to the Coastal Division, San Luis Obispo.
- o Letter from David Mertes, Chancellor, California Community Colleges, nominating Deputy Chancellor Ernest R. Leach as a replacement for Dr. Douglas Burris on the POST Advisory Committee. Dr. Burris recently retired from the California Community Colleges.

O. August Vollmer University

Following presentations to the Commission concerning August Vollmer University's request for Commission recognition of its non-accredited educational units and degrees, the Commission in July directed staff to prepare a proposal that would provide provisional recognition. Provisional recognition would be granted pending the University's obtaining approval to operate under regulations not yet adopted by the State Council for Private Postsecondary and Vocational Education.

A number of options are set forth in the enclosed report. One option would be to hold a public hearing and get field input prior to deciding how to proceed.

The matter is before the Commission. If there is desire to change the current regulation, appropriate action would be a MOTION to schedule a public hearing at the January 1992 meeting.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

January 23, 1992 - Bahia Hotel - San Diego  
April 16, 1992 - Radisson Hotel - Sacramento  
July 16, 1992 - Red Lion Hotel - San Diego  
October 15, 1992 - Radisson Hotel (Tentative) - Sacramento



COMMISSION MEETING MINUTES  
July 18, 1991  
Marriott Mission Valley Hotel  
San Diego, CA

The meeting was called to order at 10:00 a.m. by Chairman Lowenberg.

Commission Pantaleoni led the flag salute.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

Sherman Block  
Gregory Cowart, representing Attorney General Daniel E. Lungren  
Ronald E. Lowenberg  
Edward Maghakian  
Richard L. Moore  
Alex Pantaleoni  
Robert L. Vernon  
Robert Wasserman

Commissioners Absent:

Edward Hunt  
Raquel Montenegro  
Floyd Tidwell

POST Advisory Committee Members Present:

Charles Brobeck  
Don Brown  
Jay Clark  
Derald Hunt  
Donald Forkus  
Marcel Leduc  
Carolyn Owens  
Cecil Riley

Staff Present:

Norman C. Boehm, Executive Director  
Glen Fine, Deputy Executive Director  
Hal Snow, Assistant Executive Director  
John Berner, Bureau Chief, Standards and Evaluation  
Mike DiMiceli, Bureau Chief, Management Counseling  
Holly Mitchum, Bureau Chief, Information Services  
Tom Liddicoat, Budget Officer, Administration Services  
Ken O'Brien, Bureau Chief, Training Program Services

Otto Saltenberger, Bureau Chief, Administrative Services  
David Spisak, Consultant, Training Program Services  
Frederick Williams, Bureau Chief, Compliance and Certificates  
Vera Roff, Executive Secretary

Visitor's Roster:

Bob Curry, San Diego Marshal's Office  
Doug Drummond, City Councilman, City of Long Beach, August  
Vollmer University  
John F. Fleming, Los Angeles County Professional Peace Officers  
Association  
Jim Frayne, CCPS - SCDSH  
Mark Graver, Attorney General's Office  
Ed Hendry, Orange County Sheriff's Department  
Fran Hickman, Los Angeles Police Department/Training  
Jack Kenney, President, August Vollmer University  
Roger Kenney, Vice President, August Vollmer University  
Greg Kyritsis, San Bernardino Sheriff's Department  
Michael Jacobs, AOCDS  
Dennis Kollar, San Diego Sheriff's Department/CADA  
Richard S. Michelson, Grossmont College  
Susan Newman, August Vollmer University Staff  
Jim Nieosh, San Bernardino Sheriff's Department  
Randy Perry, PORAC  
Dale Pimt, Bell Gardens Police Department  
Dean Rewerts, California Union of Safety Employees  
Roy H. Richardson, Visitor, Huntington Beach  
Al Strember, San Bernardino Valley College  
Dennis Usrey, NIS SW Region, CPOA  
Jack White, LADA  
David Zeigler, Los Angeles Police Protective League  
Linda Zellmann, Kellogg West

A. APPROVAL OF MINUTES

MOTION - Wasserman, second - Maghakian, carried unanimously to approve the minutes of the April 18, 1991 regular Commission meeting held at the Holiday Inn Holidome in Sacramento.

CONSENT CALENDAR

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

B.1 Receiving Course Certification Report

B.2 Receiving Financial Report - Fourth Quarter FY 1990/91

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

- B.4 Receiving Information on New Entries Into the Public Safety Dispatcher Program
- B.5 Approving a Resolution Commending POST Special Consultant G. Mike Davanis

PUBLIC HEARING

C. Proposed Changes in POST Regulations on Certificate Revocation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There being no further testimony, the hearing was closed.

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

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

After discussion, the following action was taken:

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

#### MANAGEMENT COUNSELING

D. Approval of Peace Officer Feasibility Study for Independent Colleges and Universities and Release of Report

Penal Code Section 13540 provides that individuals and groups seeking legislation to confer peace officer status shall first contract with POST for a feasibility study. Feasibility studies with recommendations of the Commission are submitted to the Legislature.

The Association of Independent Colleges and Universities requested a feasibility study principally on behalf of the Stanford University, the University of Southern California, and the University of the Pacific. They seek passage of SB 1126 (Presley) to authorize the employment of campus peace officers with powers similar to officers serving the public state college and university systems.

The staff study concluded that alternative models exist to provide security services to private colleges and universities, and it would be inappropriate to create a new category of peace officer solely for the use of private educational institutions.

MOTION - Vernon, second - Cowart - (OPPOSE: Moore), carried to authorize submittal of the complete report to the Legislature with the recommendation that no new category of peace officer be created solely for the use of private institutions.

E. Approval of Peace Officer Feasibility Study for California State Museum of Science and Industry and Release of Report

Penal Code Section 13540 provides that individuals and groups seeking legislation to confer peace officer status shall first contract with POST for a feasibility study.

Feasibility studies with recommendations of the Commission are submitted to the Legislature.

The California State Museum of Science and Industry (CMSI) requested a study. The Museum administration seeks passage of AB 1196 (Hughes) in order to confer peace officer powers on the Chief and Assistant Chief of the CMSI Department of Public Safety.

The staff study concluded that peace officer authority is neither required nor necessary for the positions of Chief and Assistant Chief of the CMSI Department of Public Safety to perform the current and proposed duties and responsibilities.

MOTION - Vernon, second - Wasserman, carried unanimously to authorize submittal of the complete report and recommendations of the Commission to the Legislature.

#### STANDARDS AND EVALUATION

F. Approval to Release POST Inservice Physical Fitness Program for Use by California Law Enforcement Agencies

In January The Commission approved a six-months pilot test of a POST-developed program designed to encourage incumbent officers to achieve and maintain exemplary levels of physical fitness. Staff reported favorable results of the field test and requested that the program be released for general use by California law enforcement agencies.

MOTION - Vernon, second - Wasserman, carried unanimously to authorize release of the POST In-Service Physical Fitness Program for use by California law enforcement agencies.

G. Report on Recruitment Project

Staff reported on the law enforcement recruitment project and options for conducting a statewide image building/recruitment campaign. The following alternatives were described:

Alternative #1 - POST conducts market research and develops recruitment materials (print, radio, television) suitable for use by law enforcement agencies on a statewide basis.

Alternative #2 - POST conducts market research, develops recruitment materials, and coordinates a statewide public relations campaign in which total

reliance is placed upon the use of unpaid radio and television time.

Alternative #3 - POST conducts market research, develops recruitment materials, and conducts a statewide advertising campaign.

In recognition of the significant policy and fiscal implications of each alternative, it was suggested the matter be referred to the Long Range Planning Committee.

MOTION - Maghakian, second - Pantaleoni, carried unanimously to refer the matter to the Long Range Planning Committee for discussion and recommendation at the October 31, 1991 meeting.

#### TRAINING PROGRAMS SERVICES

H. Scheduling a Public Hearing on October 31, 1991 Pertaining to Changing POST Regulations to Allow Reimbursement for Satellite Receiving Antennas

In April the Commission approved funding to increase satellite training programs and conduct a survey concerning reimbursing local agencies for cost of satellite receiving equipment. The results of the survey overwhelmingly favor reimbursement for the purchase of satellite receiving antennas.

It was recommended a public hearing be scheduled for the October 31, 1991 Commission meeting to receive testimony on the proposal to reimburse eligible agencies up to \$3000 for the purchase of equipment capable of receiving satellite transmitted training.

The Advisory Committee reviewed the proposal and concurred with the staff report.

MOTION - Maghakian - to schedule a public hearing at the October 31, 1991 meeting to consider the regulation changes that are required to approve reimbursement to eligible agencies and regional training centers for satellite receiving antenna purchases (including retroactive purchases), and permit POST-certified telecourses to satisfy Continuing Professional Training requirements, under conditions to be established.



SECOND WITH AMENDMENT - Pantaleoni that a proposal, separate from the public hearing, be presented on October 31 to provide the same equipment by contract to regional training centers.

Amendment Accepted - Amended MOTION carried unanimously.

I. Approval of Basic Course Curriculum Changes Relating to Dealing with the Blind/Visually Disabled and Deaf/Hearing Disabled Persons and Authorizing a Report to the Legislature

Assembly Concurrent Resolution 89 (1989) requested the Commission to adopt basic training standards on law enforcement treatment of blind and visually impaired and deaf and hearing impaired persons and knowledge of related current laws, including the "White Cane Law".

The following performance objectives were proposed to be added to the POST Regular Basic Course which would complete the course of training encouraged in ACR 89:

5.7.2 - Requires the student to learn cues that signal that a person may be blind or visually impaired and appropriate responses by law enforcement officers.

5.7.3 - Requires the student to identify the provision of law (including the "White Cane Law") which would apply to blind or visually impaired and deaf or hearing impaired.

MOTION - Block, second - Pantaleoni, carried unanimously, subject to the results of the Notice of Regulatory Action, to adopt proposed curriculum additions for the Regular Basic Course on law enforcement treatment of blind and visually impaired and deaf and hearing impaired persons, to be effective January 1, 1992 (attached).

J. Approval of Contract with CPOA to Develop a Joint POST/CPOA 1991 Legislative Update Program

In 1990, the Commission entered into a contract with CPOA for the development and presentation of a satellite distributed telecourse training program on the subject of Legislative Update. In granting the authority to present the program, the Commission directed staff to evaluate the effectiveness of the program.

Staff reported that results of the field survey were very positive and recommended authorization to present the program in 1992.

The Advisory Committee reviewed the proposal and expressed support of the program.

MOTION - Vernon, second - Block, carried unanimously by ROLL CALL VOTE to authorize the Executive Director to sign a contract with the California Peace Officers' Association for actual costs not to exceed \$15,000 for the development, printing, and mailing of 1500 copies of a workbook to be used in conjunction with the 1992 Legislative Update Telecourse.

K. Approval of Cultural Awareness Training and Guidelines and Authorization of a Contract for One Pilot Course

Senate Bill 2680 (Boatwright), called for the development of additional racial and cultural diversity training. Under the proposed training program, departments will be empowered to meet specific needs of their unique situation by learning to develop their own training capacity. Staff recommended a pilot test be conducted for training top executives and department trainers.

The Advisory Committee reviewed the proposal and encouraged the Commission to consider mandating the eight-hour Cultural Awareness Training Course.

MOTION - Wasserman, second - Maghakian, carried unanimously by ROLL CALL VOTE to approve the Cultural Awareness Training and Guidelines; and to authorize the Executive Director to contract with a suitable vendor for the purpose of conducting a pilot test on Cultural Awareness Training in the amount not to exceed \$17,000, and to advise the Legislature that the statutory requirements have been met. It was further moved that the chief executive must attend the eight-hour Cultural Awareness Training Course for Law Enforcement Executives for the agency to be eligible for participation in the pilot program.

L. Approval of Additional Gang Awareness Training Performance Objectives and Authorization to Notify Legislature of Compliance with AB 2306

Assembly Bill 2306 required the Commission to implement a course of instruction on methods of gang and drug law enforcement. Staff reviewed all existing certified gang and drug training. The Basic Course was found to provide adequate instruction in the drug area. Seven new performance objectives were adopted by the Commission in 1989 to expand the gang section. The 80-hour Narcotic Investigation Course has been standardized and updated as part of the Institute of Criminal Investigation.

MOTION - Maghakian, second - Vernon, carried unanimously to notify the Legislature that appropriate action to meet the requirements of AB 2306 concerning drug and gang training has been taken.

#### COMMITTEE REPORTS

##### M. Training Review Committee

Commissioner Wasserman, Chairman of the Training Review Committee, reported on the four input sessions conducted around the State in June to identify any needed changes in POST training programs. Comments were received from more than 100 participants representing law enforcement management, labor, trainers, and community interests.

The Committee met on June 27 and July 16 to review the input received and further refine the issues. Although no major deficiencies were noted, several items for further exploration include the use of force, ethnic and cultural sensitivity, and supervisorial accountability.

It was the recommendation of the Committee to schedule a symposium on September 26/27 in San Diego. The purpose of the symposium is to work toward consensus involving POST training users, presenters, and interested parties in such key training areas as uses of force, cultural awareness, and supervisorial accountability, along with the respective roles of the Basic Course Field Training Officers program and advanced training, as they apply.

The symposium will be limited to 150 participants representing law enforcement executives, trainers, labor, and community interests. The symposium will include speakers who represent diverse perspectives.

MOTION - Wasserman, second - Pantaleoni, carried unanimously to accept the Committee's recommendation and schedule a Symposium on Training Review on September 26/27 in San Diego.

##### N. Accreditation Committee

Chairman Lowenberg, who also chairs the Accreditation Committee, reported the Committee met in Huntington Beach on June 19, 1991, and discussed the 1989 study of accreditation. The Committee agreed that the present study should expand upon the program developed initially in 1989.

The Committee further agreed that a stable funding source is necessary to support an accreditation program, and that the Driver Training and Peace Officer Training Funds are the most reasonable sources of funding.

Finally, the Committee agreed to communicate with the various professional and labor organizations about the accreditation study and to include the information gained in a model accreditation program. A proposal for an accreditation program should be included in the Commission's response to the Legislature on the Rodney King incident.

During discussion by the Commission, the idea of a self-assessment program based on voluntary compliance with a model set of policies and procedures was advanced for future consideration of the Accreditation Committee.

MOTION - Lowenberg, second - Pantaleoni, carried unanimously to accept the report and direction the Committee is taking.

O. Long Range Planning Committee

Chairman Lowenberg, who also chairs the Long Range Planning Committee, reported the Committee met in San Diego on July 17, 1991. In addition to items already addressed on the agenda, the Committee reviewed a report concerning the feasibility of POST setting standards for criminalists employed by law enforcement agencies. Findings presented in the staff report include a lack of support for POST to establish such standards. A majority of criminalists believe that their standards should more appropriately be set by a forensic science professional association. That view is shared by their employers. Consensus of the Committee was that no further action should be taken on this issue at this time.

During Commission discussion, it was agreed that POST should not establish standards for criminalists. Staff was directed to assure training for new criminalists/forensic scientists emphasizes their role in relation to the law enforcement agency. Staff will report back to the Long Range Planning Committee on this topic.

An information report was received regarding current pressures to shift training course presentation costs from departments and community colleges to POST. The ADA cap for community colleges and budgetary problems in law enforcement agencies stimulate greater interest in tuition-reimbursable courses. Shifting of costs to POST is being resisted, and staff will report back if magnitude of the problem increases.

Lastly, the Committee reviewed the Executive Director's vacation and educational expense allowances. Regulations require that the Commission annually review these allowances. The Director's compensation package otherwise is set by the State. The Committee recommended continuation of the current 33 days vacation and \$5,000 annual educational expense.

MOTION - Pantaleoni, second - Block, carried unanimously to approve the Committee's recommendations.

P. Finance Committee

Commissioner Wasserman, Chairman of the Finance Committee, reported on the results of the Committee meeting held July 17, 1991 in San Diego and reviewed year end fiscal reports, fund condition status, and projections.

1. The 1990/91 Fiscal Year ended with a \$2.454 million balance in the reimbursement account. The Committee recommended the Commission approve carryover of the \$2.454 million unspent reimbursement into the current year for payment of last year's claims.
2. The Committee recommended that the Commission direct staff to prepare a proposal to reappropriate the \$5 million the Legislature removed from the Aid to Local Government budget but remained in POST's reserves by the veto of the Governor. This would be mid-year, if feasible, or via BCPs for 1992/93.
3. The Committee reviewed the approved current year training contracts. It was noted that this year, as was the case last fiscal year, the fixed training contracts budget amount is insufficient to accommodate existing contract obligations. The Committee recommended that staff seek Department of Finance approval to add \$1.105 million to the Training Contract budget to satisfy contractual needs.
4. Based on review of available resources and training projects, the Committee recommended the Commission set a beginning FY 1991/92 salary rate of 20% for the Basic Course and 35% for other salary reimbursable courses.

MOTION - Wasserman, second - Vernon, carried unanimously to approve the recommendations of the Finance Committee.

The Committee also reviewed Budget Change Proposals (BCPs) presented by staff. The proposals add 12.5 staff positions. Five of the positions were previously approved by the Commission as part of the ACR 58 followup legislation, two

previously Commission approved programmer analyst positions were denied last year by the Department of Finance for technical reasons and are being recycled; and a previously budgeted limited term position for the Instructor Development Program is being sought on a permanent basis. The remaining 4.5 positions are new proposals based on program needs.

All of the staff positions were unanimously recommended with the exception of a Recruitment Coordinator position, which was recommended but not unanimously. There was discussion by the Commission concerning POST's ongoing role in the recruitment process. It was suggested that more emphasis be given to recruitment from minority groups.

MOTION - Block, second - Moore - (OPPOSE: Vernon), and carried to approve the recommendations of the Finance Committee.

Q. Legislative Review Committee

Chairman Block, Chairman of the Commission's Legislative Review Committee, reported on the results of the Committee meeting held July 18, 1991 just prior to the Commission meeting and recommended the following positions on current legislation:

1. SB 1261 (Davis) - Concerning Peace Officer Disqualification Neutral
2. SB 1053 (Robbins) - Concerning Emergency Medical Services Dispatcher Neutral W/Amendments
3. SB 811 (Ayala) - Concerning composition and size of POST Commission Neutral
4. AB 591 (Moore) - Concerning reporting of police brutality Neutral W/Amendments
5. SB 1075 (Roberti) - Concerning Mandated Basic Training on Cultural Awareness Neutral

MOTION - Block, second, - Vernon, carried unanimously to affirm the Legislative Review Committee's recommended positions on current legislation.

R. Advisory Committee

Donald L. Forkus, member of the POST Advisory Committee, reported on the Committee meeting held July 17, 1991 in San

Diego. He also expressed the Committee's appreciation for the opportunity to participate in items of interest to the Commission and constituent organizations.

#### OLD/NEW BUSINESS

#### COMPLIANCE AND CERTIFICATES

##### S. August Vollmer University

At its April meeting, the Commission heard an appeal from August Vollmer University, a non-accredited private degree-granting university, that POST regulations should be changed to allow recognition of degrees and units from non-accredited but state "approved" or "authorized" private colleges and universities. The Commission deferred action pending submittal of additional information clarifying the nature of state "authorization", state "approval", and "accreditation" by professional accrediting organizations.

Staff analysis indicated professional association accreditation and the state approval processes have many similarities; however, there are also important differences. The accrediting bodies focus on quality of education. The state approving entities focus more on consumer protection concerns.

Following discussion, there was consensus that this item be brought back for action at the October 31, 1991 Commission meeting. Staff was directed to review the possibility of provisional approval for August Vollmer University while they are seeking approval under proposed new state approval rules.

#### DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

October 31, 1991 - Pan Pacific Hotel - San Diego  
January 23, 1992 - Bahia Hotel - San Diego  
April 16, 1992 - Radisson Hotel - Sacramento  
July 16, 1992 - San Diego

COMMISSION REGULATIONS

1011. Certificates and Awards.

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



Certificates, i.e., Basic, Intermediate, Advanced, Supervisory, Management and Executive Certificates, are provided for the purpose of fostering professionalization, education and experience necessary to adequately accomplish the general or specialized police service duties performed by regular or specialized peace officers. Requirements for the Certificate are as prescribed in PAM Section F-1.

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

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

\*Date to be provided by OAL.

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

COMMISSION PROCEDURE F-2

ISSUANCE, DENIAL OR CANCELLATION  
OF PROFESSIONAL CERTIFICATES

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

**Denial or Cancellation**

2-4. **Right to Deny or Cancel:** Professional Certificates remain the property of the Commission, and the Commission has the right to deny issuance of a certificate when the person does not satisfy a prerequisite for issuance of a certificate, or cancel any certificate when:

- a. The person ~~is~~ has been adjudged guilty of a felony or been disqualified for any other reason described in Government Code Section 1029(a)(1) through (a)(6); or
- b. The person is adjudged guilty of a felony which has been reduced to a misdemeanor pursuant to Penal Code Section 17, subsection (b)(1) or (b)(3), and constitutes either unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or narcotic offense; or
- b- c. The certificate was issued by administrative error on the part of the Commission and/or the employing agency; or
- d. The certificate was obtained or the application was submitted involving misrepresentation or fraud.

2-5. **Notification by Department Head:** When a department head obtains information that a certificate should be denied or cancelled because of any of the conditions listed in paragraph 2-4 above, the department head shall immediately notify the Commission.

**Investigation**

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

## Notice of Denial or Cancellation

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

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

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

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

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

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

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

#### Hearing

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

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

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

5.7.0

DEAF AND HEARING IMPAIRED/BLIND AND VISUALLY HANDICAPPED

Learning Goal: The student will understand how ~~gain the ability~~ to recognize, approach, and communicate effectively with the deaf and hearing impaired and blind and visually handicapped persons.  
(1-1-88)

PERFORMANCE OBJECTIVE(S):

80% 5.7.1 The student will identify the necessary considerations in communicating effectively with the deaf and hearing impaired including: (1-1-88)

- A. Recognition
- B. Approach
- C. Communicating
- D. Safety
- E. Legal

5.7.2 Given a word picture depicting a person who may be blind or visually handicapped (see list of cues), the student will identify an appropriate response (see list of appropriate responses) for communicating with the blind or visually handicapped: (10-31-91)

- A. The following cues signal that a person may be blind or visually handicapped:
  - 1. using seeing eye dog and/or cane (all white or metallic color - with or without red tip, collapsible or non-collapsible)
  - 2. jerky motion of the eyes
  - 3. milky coloration of the eyes
  - 4. person appears to be tracking the sound of someone's voice or is unable to maintain eye contact
  - 5. rocking motion of body
  - 6. unusual head motion or position of head
  - 7. getting unusually close to printed material or objects
  - 8. using bioptic lens and/or thick clear lenses or sunglasses
  - 9. holding onto arm of sighted guide  
(NOTE: Eighty percent of the "blind" population have partial vision and may not be identifiable using these cues.)
- B. The following responses are appropriate for communicating with blind or visually handicapped persons:
  - 1. help a blind person cross an intersection by introducing yourself and asking if he/she needs assistance
  - 2. when guiding a blind person, let that person hold your elbow or shoulder so that he/she can more easily follow your body movements
  - 3. walk normally when guiding a blind person:

Commission on Peace Officer Standards and Training

4. don't pull or push the person along  
talk directly to the blind person in a normal  
manner (they are blind, not deaf)
5. identify yourself by saying "I'm a police  
officer. My badge number is . Are you  
blind?"
6. allow the blind person to feel your badge or  
handcuffs if he/she seeks confirmation of your  
identity

5.7.3 Given a direct question, the student will identify the  
following provisions of law which apply to the deaf and  
hearing impaired and the blind and visually handicapped:  
(10-31-91)

- A. Vehicle Code Section 21963 entitles total or  
partially blind pedestrians carrying white canes or  
using a guide dog to the right-of-way.
- B. Civil Code Section 54.1 ("White Cane Law") entitles  
total or partially blind persons and deaf persons to  
full and equal access to public streets and byways,  
buildings, facilities, modes of transportation,  
lodging, amusement and other places to which the  
public is invited.
- C. Civil Code Section 54.2 ("White Cane Law") entitles  
total or partially blind persons and deaf or hearing  
impaired persons to be accompanied by a guide dog,  
signal dog, or service dog in any of the places  
specified in Section 54.1.
- D. Civil Code Section 54.4 ("White Cane Law") entitles  
total or partially blind persons to the same rights  
and privileges conferred by law upon other persons  
in any of the places, accommodations, or conveyances  
specified in Sections 54 and 54.1 with or without  
white cane or guide dog.
- E. Penal Code Section 365.5 provides that blind or deaf  
persons who are passengers on public conveyances  
have a right to have specially trained guide,  
signal, or service dogs, and to be admitted to  
places of public accommodation. Anyone who prevents  
a blind or deaf person from exercising these rights  
is guilty of an infraction

5.8.0 LAW ENFORCEMENT RADIO COMMUNICATIONS

Learning Goal: The student will understand the concepts and effective methods of law enforcement radio communications.

5.8.1 The student will demonstrate the mechanical operation of law enforcement radio equipment including:

- A. On/Off Switch
- B. Proper hand/mouth microphone positions
- C. Antenna position
- D. Squelch/Volume control
- E. Frequency selection





CERTIFIED (Continued)

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
12.	Missing Persons/ Runaways	Calaveras S.O.	Technical	IV	\$ -0-
13.	Field Training Officer	Dept. of P&R	Technical	IV	-0-
14.	Narcotic Enforc. for Field Officers	Allan Hancock College	Technical	IV	14,429
15.	Basic Canine Handler Development	Orange County S.D.	Technical	IV	42,840
16.	Canine Handler Update	Gavilan College	Technical	IV	36,000
17.	Radar Operator Update	Shasta College	Technical	IV	6,480
18.	Recruitment-Techni- ques & Methods	Calif. Public Mgmt. Institute	Technical	III	36,000
19.	Police Supervision & Misconduct	Calif. Public Mgmt. Institute	Supv. Trng.	III	18,000
20.	Hazardous Materials Trans. Enf. Update	Los Angeles S.D.	Technical	IV	8,064
21.	Computer Crime Inv.	Search Group, Inc.	Technical	III	53,136
22.	Plainclothes Officer Safety Tactics	Napa Valley College	Technical	IV	60,480
23.	Canine Use-Narcotic Detection	Los Angeles P.D.	Technical	IV	5,760
24.	Commercial Op Narc Team (CONET)	Calif. Highway Highway	Technical	IV	21,000
25.	Basic Course	San Bernardino Valley College	Basic	N/A	-0-
26.	Bicycle Patrol	Sacramento PSC	Technical	IV	24,000
27.	Victim Contact Skills	Sacramento PSC	Technical	IV	3,080
28.	Field Training Officer	Orange Co. S.D.	Technical	IV	43,200

CERTIFIED (Continued)

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
29.	Bloodstain Pattern Interpretation	Calif. Crim. Inst.	Technical	IV	5,760
30.	Arrest & Firearms (P.C. 832)	Victor Valley College	P.C. 832	IV	-0-
31.	White Collar Crime	FBI, San Diego	Technical	IV	5,880
32.	Advanced Officer	Calif. State Police	Technical	II	-0-
33.	Requalification - Basic Course	Orange Co. S.D.	Technical	IV	37,800
34.	Firearms/Semi-Auto Pistol	San Francisco Airport P.D.	Technical	N/A	-0-
35.	Mounted Patrol Instructor	Sacramento Co. S.D.	Technical	IV	8,640
36.	Sexual Harassment: Prev. Strategies	CPOA	Supv. Sem.	III	20,592
37.	Use of Force	CPOA	Supv. Sem.	III	45,408
38.	Ethics and Values, Organizations	Riverside Comm. College	Technical	IV	14,000
39.	Distraction Device Instructor	Sacramento PSC	Technical	III	31,680
40.	Arrest & Control Techniques - Basic	Glendale Comm.	Technical	IV	13,440
41.	Restraint & Control Device	Los Angeles S.D.	Technical	IV	28,800
42.	Restraint System - Instructor	Los Angeles S.D.	Technical	IV	7,680
43.	Bomb Technicians Update	Los Angeles P.D.	Technical	IV	6,000
44.	Canine Narcotics Detection Team Update	Orange Co. S.D.	Technical	IV	19,656

CERTIFIED (Continued)

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
45. Tactical Communications (Verbal Judo)	Yuba College	Technical	IV	15,840
46. Career Ethics/Integrity	Riverside Comm. College	Technical	IV	1,920
47. - 79.	32 additional Proposition 115 Hearsay Evidence Testimony Course Presenters have been certified as of 10-4-91. Presentation of this course is generally done using a copy of POST Proposition 115 Video Tape. To date 210 presenters of Proposition 115 have been certified.			

DECERTIFIED

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>
1. Domestic Violence	Los Angeles S.D.	Technical	IV
2. Missing Persons/Runaways	Los Angeles S.D.	Technical	IV
3. Water Safety/Victim	Los Angeles S.D.	Technical	IV
4. Major Incident Resource Management	Los Angeles S.D.	Mgmt. Trng.	IV
5. Advance Officer, POST Specified	Los Angeles S.D.	AO	III
6. Forensic Alcohol Supervisor	Calif. Crim. Institute	Technical	IV
7. Managing Marginal Performance	FBI, San Francisco	Supv. Trng.	IV
8. Missing Persons/Runaways	Yuba College	Technical	IV
9. Arrest and Firearms (P.C. 832)	College of the Canyons	P.C. 832	IV

TOTAL CERTIFIED	<u>79</u>	
TOTAL DECERTIFIED	<u>9</u>	
TOTAL MODIFICATIONS		<u>23</u>

1295 Courses certified as of 10-4-91

349 Presenters certified as of 10-4-91

550 Skills & Knowledge Modules certified as of 10-4-91

52 Skills & Knowledge Presenters certified as of 10-4-91

1,845 TOTAL CERTIFIED COURSES

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title <b>TRINIDAD POLICE DEPARTMENT</b>		Meeting Date <b>October 31, 1991</b>
Bureau <b>Compliance and Certificate Services</b>	Reviewed By <b>Frederick Williams</b>	Researched By <b>Bud Perry 81'</b>
Executive Director Approval <i>Thomas C. Berlin</i>	Date of Approval <b>9-11-91</b>	Date of Report <b>September 9, 1991</b>
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

The Trinidad Police Department has requested that their department be included in the POST reimbursement program.

The Trinidad City Council passed Ordinance 87-192 on October 14, 1987, requesting such membership. A letter reaffirming their request was received on June 28, 1991.

ANALYSIS

The department presently employs three sworn officers. All officers have required training and adequate background investigations have been conducted. The projected fiscal intent should be less than \$2,100 annually.

RECOMMENDATION

The Commission be advised that the Trinidad Police Department has been admitted into the POST program consistent with commission policy.

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title <b>Public Safety Dispatcher Program</b>		Meeting Date <b>October 31, 1991</b>
Bureau <b>Compliance and Certificate Services</b>	Reviewed By <i>Fredrick Williams</i>	Researched By
Executive Director Approval <i>Morgan C. Behm</i>	Date of Approval <b>10-16-91</b>	Date of Report <b>October 11, 1991</b>
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input checked="" type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

Acceptance of agencies into the Public Safety Dispatcher Program.

BACKGROUND

The 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

JULY - OCTOBER 1991

<u>AGENCY</u>	<u>ORD/RES/LETTER</u>	<u>ENTRY DATE</u>
Azusa P.D.	Ord. 91-05	7-22-91
Fairfax P.D.	Ord. 600	10-8-91
Livingston P.D.	Ord. 395	7-22-91
Mountain View Emer. Com. Ctr.	Ord. 22.90	8-13-91
Santa Barbara Co. S.O.	Ord. 3893	6-7-91
San Diego Community College District P.D.	Resolution	8-23-91
U/C Santa Cruz PD	Resolution	9-11-91

TOTAL AGENCIES IN PROGRAM: 309



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

WHEREAS, Marcel Leduc has served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) from January 1990 to September 1991; and

WHEREAS, Marcel Leduc has effectively represented the Peace Officers Research Association of California (PORAC) during his tenure on the POST Advisory Committee; and

WHEREAS, He has demonstrated leadership and diligence in his service as a member of the POST Advisory Committee; and

WHEREAS, California law enforcement has benefitted greatly from his advice and counsel; now

THEREFORE, BE IT RESOLVED, That the members of the California Commission on Peace Officer Standards and Training (POST) do hereby commend Marcel Leduc for his outstanding service and dedication to California law enforcement; and

BE IT FURTHER RESOLVED, That the Commission extends best wishes to Marcel Leduc in his future endeavors.

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

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





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

WHEREAS, Douglas W. Burris has served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) from January 1990 to July 1991; and

WHEREAS, He has effectively represented the California Community Colleges during his tenure on the POST Advisory Committee; and

WHEREAS, Douglas W. Burris has demonstrated leadership and diligence in his service as a member of the POST Advisory Committee; and

WHEREAS, California law enforcement has benefitted greatly from his advice and counsel; now

THEREFORE, BE IT RESOLVED, That the members of the California Commission on Peace Officer Standards and Training (POST) do hereby commend Douglas W. Burris for his outstanding service and dedication to California law enforcement; and

BE IT FURTHER RESOLVED, That the Commission extends best wishes to Douglas W. Burris in his future endeavors.

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*Chairman*

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*Executive Director*



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

WHEREAS, John R. Clements has served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) from September 1987 to November 1991; and

WHEREAS, He served as Chairman of the Advisory Committee during 1991; and

WHEREAS, John R. Clements has effectively represented the California Highway Patrol (CHP) during his tenure on the POST Advisory Committee; and

WHEREAS, He has demonstrated leadership and diligence in his service as a member of the POST Advisory Committee; and

WHEREAS, California law enforcement has benefitted greatly from his advice and counsel; now

THEREFORE, BE IT RESOLVED, That the members of the California Commission on Peace Officer Standards and Training (POST) do hereby commend John R. Clements for his outstanding service and dedication to California law enforcement; and

BE IT FURTHER RESOLVED, That the Commission extends best wishes to John R. Clements in his future endeavors.

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*Chairman*

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*Executive Director*



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

WHEREAS, John B. Davidson served the Commission on Peace Officer Standards and Training with distinction for 20 years; and

WHEREAS, John B. Davidson served as a Law Enforcement Consultant and attained the rank of Bureau Chief in 1976; and

WHEREAS, John B. Davidson also served law enforcement as a member of the Santa Ana Police Department for 12 years; and

WHEREAS, John B. Davidson made many significant contributions for improvements in Commission programs; and

WHEREAS, John B. Davidson was personally involved in the development and implementation of the Satellite Teleconference Distance Learning program; and

WHEREAS, John B. Davidson has helped foster respect for the Commission's programs by his personal 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 John B. Davidson for his dedicated and effective service and offer their personal and best wishes upon this occasion of his retirement.

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*Chairman*

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*Executive Director*

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Public Hearing: To Consider Adoption of Regulations to Reimburse Local Agencies for the Purchase of Satellite Antennas	Meeting Date October 31, 1991	
Reviewed By Ken O'Brien	Researched By John Davidson	
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 10-16-91	Date of Report September 11, 1991
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><u>ISSUE</u></p> <p>Should the Commission enact regulations providing reimbursement to eligible agencies for the purchase of steerable C/Ku Band Satellite Ground Terminals (hereinafter referred to as satellite antennas)?</p> <p><u>BACKGROUND</u></p> <p>Pursuant to Penal Code Section 13523, the Commission is required to make payments to each city, county, and district, which has applied and qualified for aid, to reimburse for the training expenses of full-time regularly paid employees. The regulations which have been enacted thus far to implement the provisions of this section have covered reimbursements for tuition, travel, subsistence, and salary.</p> <p>At the April 1991 Commission meeting, following recommendations of the Long Range Planning Committee to move ahead on ACR 58 issues as quickly as resources allowed, the Commission increased the funding allocated to satellite training programs and directed staff to survey the field with regard to reimbursing local agencies for their satellite antenna purchase costs. Based on an overwhelmingly positive response to this survey, the Commission at its July 18th meeting voted to schedule a public hearing to receive input on the regulation changes which would be required to implement this project.</p> <p><u>ANALYSIS</u></p> <p>It is proposed that Section 1020 be added to the POST Regulations. This addition to the Regulations would provide the Commission with the authority to reimburse eligible agencies up to \$3,000 for equipment costs incurred in the purchase of a steerable C/Ku Band satellite antenna. The reimbursement would extend to those eligible agencies which already own a steerable C/Ku band antenna, or to those which own a non-steerable C/Ku Band, or a single band C or Ku Band antenna, which are upgraded to a combined, steerable C/Ku Band.</p>		

Under the proposed regulation changes, all 530 agencies currently participating in the POST program would be eligible to receive the reimbursement of up to \$3,000 for the satellite antenna. The estimated fiscal impact of \$1,590,000 for the reimbursement to each agency would be allocated over the 1991-92 and 1992-93 fiscal budgets depending on availability of funds. It is the intent of this regulation to provide a statewide system with each eligible agency able to participate as a system user.

The final date for submission of reimbursement requests would be December 31, 1993. This time limitation would allow eligible agencies time to acquire satellite systems through their municipal purchasing process and, for POST budgeting purposes, establish a firm deadline for expenditures.

In order to receive reimbursement under this section, an eligible agency would be required to submit a purchase invoice; and a letter of attestation from the agency head specifying that the antenna purchase and installation or upgrade meets requirements and will be dedicated to training of agency personnel.

Reimbursement under this section would be limited to the actual costs of one satellite antenna or one antenna upgrade, and shall not exceed \$3,000. Reimbursement shall not be provided for any costs associated with satellite antenna installation or maintenance. Documentation required for reimbursement must be submitted not later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

The proposed regulation was presented to the Commission at its July 18, 1991 meeting in San Diego. After discussion, the Commission moved to set a public hearing on the matter for October 31, 1991.

The required legal notice, including proposed regulation language, was distributed statewide as POST Bulletin 91-12. See attachment A.

#### RECOMMENDATION

Subject to the results of the public hearing, it is recommended that the Commission adopt Regulation 1020 concerning reimbursement of C/Ku Band satellite antenna equipment costs, to be effective 30 days after the date that the Office of Administrative Law (OAL) approves the regulation.



## COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD  
SACRAMENTO, CALIFORNIA 95816-7083

August 30, 1991

BULLETIN: 91-12

SUBJECT: PROPOSED ADOPTION OF REGULATION CONCERNING  
REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

The Commission has scheduled a public hearing to consider adoption of regulation on this subject. The hearing is set for:

Date: October 31, 1991  
Time: 10:00 a.m.  
Place: Pan Pacific Hotel, San Diego,  
California

The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna), up to a maximum of \$3000. Installation of such receiving equipment would greatly enhance the delivery of satellite broadcast law enforcement training programs.


Under the proposed regulation change, reimbursement would be made available to any agency participating in the POST regular reimbursement program. To be eligible for reimbursement, the purchased satellite antenna must be used for the purpose of making training available to the agency's employees. Agencies which have installed a satellite antenna prior to the adoption of this regulation would also be eligible for reimbursement.

Distribution of funds would be made upon submission of the appropriate invoice(s), attesting that the jurisdiction has paid the amount on the invoice and has installed the satellite antenna at an agency facility. It is proposed that reimbursement requests be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

Depending upon the type of equipment selected, agencies may incur costs beyond the maximum reimbursable amount. (Specification guidelines for a Steerable C/Ku Band type antenna are currently being developed and will be made available.) The \$3,000 limit was set based on current estimates for equipment of good quality. Installation and maintenance costs are variable and would be costs borne exclusively by participating agencies.

The Commission may adopt other changes related to this rulemaking action 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 Anna DelPorto, Staff Services Analyst, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, or by telephone at (916) 739-5400.

  
NORMAN C. BOEHM  
Executive Director

Attachment

Commission on Peace Officer Standards and Training

**NOTICE OF PUBLIC HEARING**

**REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA**

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

Date: October 31, 1991  
Time: 10:00 a.m.  
Place: Pan Pacific Hotel  
San Diego, California

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

**INFORMATIVE DIGEST**

Penal Code Section 13520 creates the Peace Officer Training Fund and designates that the fund be used exclusively for costs of administration and for grants to local governments and districts to carry out the intent of Chapter 13500, et seq. In the interest of providing standardized high quality training to all areas of California at the lowest possible cost, the Commission is now broadcasting live, interactive satellite television training programs on a regular basis. To fully implement the satellite broadcast program, and significantly reduce current and future travel costs involved in this training, the Commission wishes to encourage eligible agencies to purchase a C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna) by adopting a regulation to allow agencies some reimbursement on their satellite antennas.

It is proposed that Regulation 1020 be added, because the current regulation covering reimbursement (1015) is limited to training reimbursement for costs incurred for salary, tuition, travel or subsistence. The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one satellite antenna or the upgrade of one existing antenna to a Steerable C/Ku Band type, up to a maximum of \$3000.

To encourage eligible agencies to participate in the satellite antenna reimbursement program and become part of a satellite training network as soon as possible, required documentation must



be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

Participation in this reimbursement program is completely voluntary. The Commission does not require agencies to purchase and claim reimbursement for a satellite antenna.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on October 14, 1991. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA 95816-7083.

#### ADOPTION OF PROPOSED REGULATIONS

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

#### TEXT OF PROPOSAL

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

#### ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Small Business Impact: None

Cost Impact on Private Persons or Entities: None

Housing Costs: None

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSON

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

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

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INFORMATIVE DIGEST

Penal Code Section 13520 creates the Peace Officer Training Fund and designates that the fund be used exclusively for costs of administration and for grants to local governments and districts to carry out the intent of Chapter 13500, et seq. In the interest of providing standardized high quality training to all areas of California at the lowest possible cost, the Commission is now broadcasting live, interactive satellite television training programs on a regular basis. To fully implement the satellite broadcast program, and significantly reduce current and future travel costs involved in this training, the Commission wishes to encourage eligible agencies to purchase a C/Ku Band Television Receive Only Satellite Ground Terminal (satellite antenna) by adopting a regulation to allow agencies some reimbursement on their satellite antennas.

It is proposed that Regulation 1020 be added, because the current regulation covering reimbursement (1015) is limited to training reimbursement for costs incurred for salary, tuition, travel or subsistence. The proposed regulation would permit POST to reimburse eligible agencies for the purchase of one satellite antenna or the upgrade of one existing antenna to a Steerable C/Ku Band type, up to a maximum of \$3000.

To encourage eligible agencies to participate in the satellite antenna reimbursement program and become part of a satellite training network as soon as possible, required documentation must

be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

Participation in this reimbursement program is completely voluntary. The Commission does not require agencies to purchase and claim reimbursement for a satellite antenna.

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#### 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

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

Small Business Impact: None

Cost Impact on Private Persons or Entities: None

Housing Costs: None

Mandate on Local Agencies and School Districts: None

#### CONSIDERATION OF ALTERNATIVES

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

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Commission on Peace Officer Standards and Training

PUBLIC HEARING: REIMBURSEMENT FOR PURCHASE OF A SATELLITE ANTENNA

STATEMENT OF REASONS

The Commission on Peace Officer Standards and Training (POST) proposes to adopt Regulation 1020 to allow for reimbursement of Steerable C/Ku Band Television Receive Only Satellite Ground Terminals (herein referred to as "satellite antennas"). The addition of this regulation will expand the current reimbursement program, which presently limits reimbursement to training costs incurred by eligible agencies for travel, subsistence, tuition, and salary.

Recently, POST has experimented with presenting some types of training by satellite broadcast. This training delivery method has great potential for significantly reducing the costs associated with providing training to California law enforcement personnel. Realization of cost savings, however, has been limited by the fact that few law enforcement agencies own the Steerable C/Ku Band Television Receive Only Satellite Ground Terminals needed to receive the satellite broadcasts.

Through the addition of Regulation 1020, the Commission intends to encourage each eligible law enforcement agency to purchase its own satellite antenna in an effort to reduce the costs of travel and time involved in training employees via traditional, off-site classroom methods.

The elements of proposed Regulation 1020 and corresponding justifications are as follows:

The Commission will reimburse any eligible agency for the purchase of a Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (herein referred to as a satellite antenna) or for the upgrade of an existing antenna to make that antenna a Steerable C/Ku Band type.

Through POST's recent experimentation with satellite broadcasts of training, we have learned that this training delivery method has great potential for significantly reducing costs typically associated with traditional classroom instruction. Realization of cost savings, however, has been limited by the fact that few agencies own antennas that are capable of receiving satellite broadcasts. The Commission wishes to encourage agencies to purchase a Steerable C/Ku Band type antenna or upgrade their existing antenna to a Steerable C/Ku Band type, by approving the satellite antenna reimbursement program.

It is proposed that reimbursement be limited to the purchase of, or upgrade to, Steerable C/Ku Band type antennas because POST does not have a permanently leased transponder, and must compete for, and rent, transponder time on a "space available" basis. Antennas capable of being steered (aimed) at either C or Ku band satellites serve to double the number of channels agencies have access to for receiving POST broadcasts. Furthermore, use of C/Ku band satellite antennas by agencies double the number of transponders POST has access to for broadcast purposes. Since POST must compete for transponder time, the ability to utilize both C or Ku band transponders greatly increases the likelihood of POST obtaining broadcast channels in time slots best suited to the needs of the California law enforcement community.

Finally, in consideration of the fact that some eligible agencies already own antennas, reimbursement will be permitted to enable agencies to upgrade an existing antenna to the steerable C/Ku Band format. This provision will allow agencies an additional option for participating in the satellite broadcast program. Furthermore, upgrading an existing antenna may be less expensive for the agencies.

In order to receive reimbursement for the purchase of a satellite antenna, an eligible agency must submit the following documentation to POST:

A purchase invoice reflecting the date of the satellite antenna purchase, a statement that the purchased satellite antenna or upgraded existing antenna is a steerable C/Ku Band Television Receive Only Satellite Ground Terminal, and the total cost of the satellite antenna.

For reimbursement of an upgraded existing antenna, an invoice for the antenna (any type) and an invoice for the equipment to upgrade the antenna to a Steerable C/Ku Band type must be submitted.

The purpose of these provisions is to ensure that the antenna, and/or equipment to upgrade an existing antenna, is in fact the Steerable C/Ku Band type, and that the eligible agency has incurred the actual costs being claimed for reimbursement. The date on the invoice is required as a means of reference, and for auditing purposes.

Invoices that indicate a purchase date prior to the effective date of this regulation will be accepted.

This provision is for clarification so that agency personnel will understand that invoices for purchase of antennas prior to the effective date of this regulation may be submitted

for purposes of reimbursement.

A letter from the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the invoice(s), has installed the satellite antenna at an agency facility, and will use the satellite antenna for the training of full-time, regularly paid employees of the eligible agency.

This provision is to ensure that the claim for reimbursement is being made with the authorization of the agency head, or representative authorized by the agency head, and that the jurisdiction has, in fact, incurred and paid for the item(s) claimed.

The provision that the satellite antenna must be installed at an agency facility is: 1) to ensure that the antenna will remain under the control of the eligible agency for purposes of training full-time, regularly paid employees of the eligible agency, and; 2) to ensure that funds provided from the Peace Officer Training Fund to reimburse local law enforcement agencies are used for the training of full-time, regularly paid employees of eligible agencies consistent with Penal Code Section 13523.

Documentation described in (b) (1 & 2) must be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

This provision is to encourage agencies to act expeditiously to participate in the satellite antenna reimbursement program, and to limit POST's expenditures to a specific time frame for budget planning purposes.

Those cities, counties, and districts which are eligible for aid in accordance with CA Penal Code Section 13523 may be reimbursed for costs associated with the purchase of a satellite antenna.

This provision is stated in this regulation for purposes of clarity.

Reimbursement shall not be provided for any costs associated with installing or maintaining a satellite antenna.

Costs for site preparation, installation, and maintenance are highly variable depending on the type and complexity of the installation. These costs are excluded from reimbursement to enable POST to control the cost of the project.



Reimbursement is limited to the actual costs of one purchased satellite antenna or one existing antenna upgraded to a Steerable C/Ku Band type and shall not exceed \$3000.

The \$3000 limit on reimbursement represents an average cost for good-quality equipment that will meet the needs of the program. In order to control the costs of this program, it is necessary to limit reimbursement to one antenna only.

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a satellite antenna.

This provision clarifies that purchase of a satellite antenna and participation in the satellite antenna reimbursement program is not mandatory.

PROPOSED LANGUAGE FOR REGULATION

1020. Reimbursement for Purchase of Satellite Antenna

(a) The Commission will reimburse any eligible agency for the purchase of a Steerable C/Ku Band Television Receive Only Satellite Ground Terminal (herein referred to as a satellite antenna) or for the upgrade of an existing antenna to make that antenna a Steerable C/Ku Band type.

(b) Documentation Required for Reimbursement

In order to receive reimbursement for the purchase of a satellite antenna, an eligible agency must submit the following documentation to POST:

(1) A purchase invoice(s) reflecting the date of the satellite antenna purchase, a statement that the purchased satellite antenna or upgraded existing antenna is a steerable C/KU Band Television Receive Only Satellite Ground Terminal, and the total actual cost of the satellite antenna.

(A) For reimbursement of an upgraded existing antenna, an invoice for the antenna (any type) and an invoice for the equipment to upgrade the antenna to a Steerable C/Ku Band type must be submitted.

(B) Invoices that indicate a purchase date prior to the effective date of this regulation will be accepted.

(2) A letter from the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the invoice(s), has installed the satellite antenna at an agency facility, and will use the satellite antenna for the training of full-time, regularly paid employees of the eligible agency.

(3) Documentation described in (b)(1 & 2) must be submitted and postmarked no later than December 31, 1993, or one year from the date an eligible agency enters the POST reimbursement program, whichever is later.

(c) Agencies Eligible for Reimbursement.

Those cities, counties, and districts which are

eligible for aid in accordance with CA Penal Code Section 13523 may be reimbursed for costs associated with the purchase of a satellite antenna.

(d) Reimbursement Restrictions.

(1) Reimbursement shall not be provided for any costs associated with installing or maintaining a satellite antenna.

(2) Reimbursement is limited to the actual costs of one purchased satellite antenna or one existing antenna upgraded to a Steerable C/Ku Band type and shall not exceed \$3000.

(e) Purchase not Required.

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a satellite antenna.



advantage of the program and purchase their own antennas. In the interim, many law enforcement agencies will still look to their local community college regional training academy to provide service.

There is also the issue of the trainees in the POST basic course, which is presented by nineteen community college presenters. In addition to providing the basic information in response to changes in the law, a basic course satellite network would provide an opportunity to link each of our basic course presenters for the presentation of "special courses" on high impact subject matter. These courses would be presented by the best instructors available and each basic course student would receive the same training from the same instructor.

- B. Those antennas which are currently installed at community colleges operating training academies are either not always available, or their availability is so uncertain that coordinators cannot adequately plan on being able to use them when they are needed.

In fact, this is the situation which currently exists at many of the community colleges in our program. Only one antenna currently exists at those colleges which are fortunate enough to have one, and many different disciplines on campus compete for antenna time. Also, the antenna is usually connected to large classrooms or an auditorium, and since these large rooms are much in demand at overcrowded community college facilities, the room may not be free even when the antenna is available.

Adding to this problem is the fact that many of the regional training academies have been established at sites which are remote from the main campus of the college. POST has encouraged this arrangement over the years, but it does have a drawback with regard to the availability of satellite dishes which were installed for the benefit of students on the "main" campus.

A separate antenna dedicated to law enforcement programs and connected to dedicated law enforcement facilities would solve this problem. An exception to this proposal would eliminate those facilities located near, or adjacent to, a campus police POST reimbursable agency who qualified for POST reimbursement of an antenna, that could be used by both.

If the Commission agrees that there is a need to provide satellite antennas to community college basic course presenters, it is suggested that this be accomplished under the provisions of a contract between POST and each of the affected agencies. Such an agreement would be based on the need to provide training distributed by satellite to persons enrolled in the POST Basic Course, and contract funds should be limited to \$3,000 as is the case with eligible law enforcement agencies.

Costs for this project at \$3,000 per contract are dependent on how the contracts are limited to each of the nineteen community colleges which host a POST Basic Course and other POST certified courses. (see attachment A) Based on this number, the maximum expenditure would not

exceed 57,000. Additionally, there are sixteen other agency academies (see attachment B) who provide Basic Courses and other POST certified programs. Initially, it is hoped those parent agencies will locate the antenna they receive under the reimbursement program with eligible law enforcement agencies at their training facility. Presently, it is anticipated no further extension of this program beyond the nineteen community colleges. However, depending upon the increase of POST certification programs involving satellite delivery, we, in the future, want to evaluate extending the contract privileges to others who provide POST certified courses.

#### RECOMMENDATION

If the Commission concurs, and according to its wishes, it is recommended that a contract be let with each community college basic course presenter, in an amount not to exceed \$3,000, to provide satellite downlink antennas for the training of POST basic course students.

Attachment A

Community College Basic Academy Roster

Academy of Justice  
Riverside Community College  
Riverside, CA

Butte Center  
Oroville, CA

Contra Costa Criminal Justice  
Training Center, Pittsburg, CA

Fullerton Community College  
Fullerton, CA

Kern County Regional Criminal  
Justice Training Ctr, Bakersfield, CA

Napa Valley College Police Academy  
Napa, CA

Rio Hondo Regional Trng Ctr.  
Whittier, CA

San Joaquin Delta College Public  
Safety Trng Ctr, Stockton, CA

Southwestern College Extended Format  
Academy, Chula Vista, CA

Tulare-Kings County Peace Officer  
Trng Acad. Visalia, CA

Allan Hancock College Basic  
Police Academy  
Santa Maria, CA

Central Coast Counties  
Police Academy, Gilroy, CA

Evergreen Valley College  
San Jose, CA

Golden West College  
Huntington Beach, CA

Modesto Criminal Justice  
Training Ctr, Modesto, CA

Redwoods Center, College  
of Redwoods, Eureka, CA

Sacramento Public Safety  
Center, Sacramento, CA

Santa Rosa Trng Ctr.  
Santa Rosa, CA

State Ctr. Regional Trng  
Facility, Fresno, CA

Agency Basic Academies Roster

Alameda County Sheriff's Department  
Pleasanton, CA

Department of Forestry  
Ione, CA

Los Angeles Sheriff's Department  
Whittier, CA

Oakland Police Dept.  
Oakland, CA

Parks & Recreation, Dept of  
Pacific Grove, CA

Sacramento Police Dept.  
Sacramento, CA

San Diego County Sheriff's Dept  
Chula Vista, CA

San Francisco Police Dept.  
San Francisco,

California Highway Patrol  
Sacramento, CA

Long Beach Police Academy  
Long Beach, CA

Los Angeles Police Dept.  
Los Angeles, CA

Orange County Sheriff's  
Dept. Garden Grove, CA

Sacramento County Sheriff's  
Carmichael, CA

San Bernardino County  
Sheriff's, San Bernardino,

San Diego Law Enforcement  
Trng Ctr, San Diego, CA

Ventura County Criminal  
Justice Trng Ctr-Camarillo,



Attachment B

Agency Basic Academies Roster

Alameda County Sheriff's Department  
Pleasanton, CA

Department of Forestry  
Ione, CA

Los Angeles Sheriff's Department  
Whittier, CA

Oakland Police Dept.  
Oakland, CA

Parks & Recreation, Dept of  
Pacific Grove, CA

Sacramento Police Dept.  
Sacramento, CA

San Diego County Sheriff's Dept  
Chula Vista, CA

San Francisco Police Dept.  
San Francisco,

California Highway Patrol  
Sacramento, CA

Long Beach Police Academy  
Long Beach, CA

Los Angeles Police Dept.  
Los Angeles, CA

Orange County Sheriff's  
Dept. Garden Grove, CA

Sacramento County Sheriff's  
Carmichael, CA

San Bernardino County  
Sheriff's, San Bernardino,

San Diego Law Enforcement  
Trng Ctr, San Diego, CA

Ventura County Criminal  
Justice Trng Ctr-Camarillo,



The fiscal impact of reimbursing all 200 officers, if they entered the POST program, would be approximately \$200,000 annually which would be offset by the revenue to the POTF generated from County fees to dispose of human remains. It is anticipated that all eligible coroners offices will enter the POST program.

The recommended training standard for peace officer members of County Coroners' office is Penal Code Section 832 and the 80-hour Coroners' Death Investigation Course (see Attachment B for course outlines). The 80-hour Coroners Death Investigation Course is currently attended voluntarily by peace officer members of coroners offices (as well as deputy sheriffs coroners) because of the appropriateness of the training. The P.C. 832 Course would be completed prior to assignment as a peace officer. The Coroners' Course is proposed to be completed within one year from date of hire. Other training standards would apply, including Supervisory, Management, and Continuing Professional Training.

Recommended selection standards would be those peace officers selection standards now required by Commission Regulation 1002 for all employed officers in the reimbursable or specialized programs.

It is proposed that the Commission schedule a public hearing in conjunction with its January 1992 meeting to consider adoption of regulation changes to:

- o add peace officer members of coroners offices to those eligible for reimbursement;
- o specify all existing selection standards as applicable to the employment of peace officer members of coroners offices;
- o require that peace officer members of coroners offices complete the P.C. 832 course before exercise of peace officer powers and complete the 80-hour Coroners' Death Investigation course within one year.

Coroner offices have been eligible to participate in the POST Specialized Program. In that program, the minimum basic training standard is the 340-hour Specialized Investigators Course. Three coroners offices have participated and trained personnel in that course. The above proposal to require P.C. 832 and the Coroners' Death Investigation Course is proposed as an interim standard, pending completion of further study. Until then, it is also proposed that as a matter of policy, the Commission approve reimbursement for peace officer members of coroners offices whose employers choose to continue to use the Specialized Investigators Course. This course would satisfy the P.C. 832 requirement, but officers would still have to attend the 80-hour Coroners' Death Investigation Course.

Regulation changes required to implement the proposed standards are included as Attachment C.

RECOMMENDATION

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing for the January 1992 meeting to consider adoption of changes to Regulations as proposed.

SB 249

— 28 —

1 term of three years.

2 The additional temporary members provided for by  
3 paragraph (8) of subdivision (b) shall be appointed on or  
4 before July 1, 1992, and shall serve for a term of two years.

5 (d) It is the intent of the Legislature that all future  
6 appointments to this commission reflect the ethnic,  
7 racial, and gender diversity of the state and be considered  
8 in light of the cultural diversity of the commission at the  
9 time of appointment.

10 SEC. 9. Section 13510 of the Penal Code is amended  
11 to read:

12 13510. (a) For the purpose of raising the level of  
13 competence of local law enforcement officers, the  
14 commission shall adopt, and may from time to time  
15 amend, rules establishing minimum standards relating to  
16 physical, mental, and moral fitness which shall govern the  
17 recruitment of any city police officers, peace officer  
18 members of a county sheriff's office, marshals or deputy  
19 marshals of a municipal court, peace officer members of  
20 a county coroner's office notwithstanding Section 13526,  
21 reserve officers, as defined in subdivision (a) of Section  
22 830.6, police officers of a district authorized by statute to  
23 maintain a police department, peace officer members of  
24 a police department operated by a joint powers agency  
25 established by Article 1 (commencing with Section 6500)  
26 of Chapter 5 of Division 7 of Title 1 of the Government  
27 Code, regularly employed and paid inspectors and  
28 investigators of a district attorney's office, as defined in  
29 Section 830.1, who conduct criminal investigations, or  
30 peace officer members of a district, in any city, county,  
31 city and county, or district receiving state aid pursuant to  
32 this chapter, and shall adopt, and may from time to time  
33 amend, rules establishing minimum standards for  
34 training of city police officers, peace officer members of  
35 county sheriff's offices, marshals or deputy marshals of a  
36 municipal court, peace officer members of a county  
37 coroner's office notwithstanding Section 13526, reserve  
38 officers, as defined in subdivision (a) of Section 830.6,  
39 police officers of a district authorized by statute to  
40 maintain a police department, peace officer members of

**CONTENT AND MINIMUM HOURS**

**Penal Code Section 832**

**Arrest and Firearms - 40 hours**

Arrest Course: (24 hours) (Required)

- A. Professional Orientation
  - 1. Professionalism
  - 2. Ethics/Unethical Behavior
  - 3. Administration of Justice Components
  - 4. California Court System
  - 5. Discretionary Decision Making
  
- B. Law
  - 1. Introduction to Law
  - 2. Crime Elements
  - 3. Intent
  - 4. Parties to a Crime
  - 5. Defenses
  - 6. Probable Cause
  - 7. Obstruction of Justice
  - 8. Constitutional Rights Law
  - 9. Laws of Arrest
  - 10. Effects of Force
  - 11. Reasonable Force
  - 12. Deadly Force
  - 13. Illegal Force Against Prisoners
  
- C. Laws of Evidence
  - 1. Concepts of Evidence
  - 2. Rules of Evidence
  - 3. Search Concept
  - 4. Seizure Concept
  
- D. Investigation
  - 1. Preliminary Investigation
  - 2. Crime Scene Notes
  - 3. Identification, Collection, and Preservation of Evidence
  - 4. Chain of Custody Examination

**Firearms Course (16 hours)**

- A. Firearms Safety
- B. Care and Cleaning
- C. Firearms Shooting Principles
- D. Firearms Range (Target)
- E. Firearms Range (Combat)
- F. Firearms Range (Qualification)

**Communications and Arrest Methods: (16 hours)**

- A. Community Relations
  - 1. Community Service Concept
  - 2. Community Attitudes and Influences
- B. Communications
  - 1. Interpersonal Communications
  - 2. Note Taking
  - 3. Introduction to Report Writing
  - 4. Interviewing Techniques
- C. Arrest and Control
  - 1. Weaponless Defense/Control Techniques
  - 2. Person Search Techniques
  - 3. Restraint Devices
  - 4. Prisoner Transportation Examination

COURSE OUTLINE

TITLE

CORONERS COURSE

HOURS

90

PURPOSE:

This course is designed to provide basic skills and knowledge to the newly assigned coroner or deputy sheriff-coroner in death investigation and the role of the coroner.

TOPICAL OUTLINE

RECOMMENDED HOURS

1.0	Course Overview/Administrative Issues	1
2.0	Death Investigation	40
3.0	Introduction to Disaster Management	2
4.0	Role of the Coroner/Public Administrator	4
5.0	Coroners Law	2
6.0	General Laboratory Practices	4
7.0	Vehicle Fatalities	2
8.0	Forensic Use of Medical Records	2
9.0	Forensic Anthropology	4
10.0	Forensic Pathology	10
11.0	Death and Grief Bereaved	2
12.0	A.I.D.S. and Other Communicable Diseases	2
13.0	Forensic Odontology	4
14.0	Test	1

EXPANDED COURSE OUTLINE

1.0 Course Overview/Administrative Issues

2.0 Death Investigation

A. Introduction to Death Investigation

1. General Overview of Death Scene Problems
2. Death's Time Clock, with the "Mortis Brothers"
3. Determination of Death
4. Definition of Terms

B. Differential Diagnosis of Death: Gunshot Wounds

1. Entry/Exit Wounds
2. Distance-Powder Burns & Tattooing/Direction of Fire
3. Weapons/Caliber
4. Preservation of Autopsy Evidence in Firearms Deaths
5. Case Studies

C. Differential Diagnosis of Death: Asphyxiation

1. Hangings
2. Suffocation
3. Auto Erotica
4. Bodies from Fire
  - a. Deceased, Alive or Dead at Start of Fire
  - b. Fire Set Accidental or Intentional
  - c. Identification of Deceased
5. Bodies from Water
  - a. Drowning, Exposure
  - b. Death Due to Natural Causes in Water



- D. Differential Diagnosis of Death: Stabbing and Cutting
  - 1. Cut vs. Stab Wounds
  - 2. Suicide vs Homicide
  - 3. Weapon Identification by Wound Analysis
- E. Differential Diagnosis of Death: Lust Murders Differentiated
- F. Differential Diagnosis of Death: Psychological Profiling and Psychological Autopsies
- G. Differential Diagnosis of Death: Drug Deaths
- H. Death Scene Investigation--Role of Coroner
  - 1. Mode of Death
    - a. Manner
    - b. Cause
    - c. Circumstances Prior to Death
  - 2. Collection of Evidence
  - 3. Scene Search Issues
- I. SIDS and Child Deaths
- 3.0 Introduction to Disaster Management
  - A. Coroner's Role in Disaster Situations
  - B. State and County Office of Emergency Services Function/Mutual Aid
  - C. Federal Assistance/FBI Disaster Response Team
  - D. Galaxy 203 (Reno) Aircrash
  - E. Disaster Planning, Procedure Manual
- 4.0 Role of the Coroner/Public Administrator
  - A. Coroner/Medical Examiner/Sheriff-Coroner Offices
  - B. National Medical Examiner
  - C. Legal Issues at Death
  - D. Medical Terminology
  - F. Office of Public Administrator
  - G. Duties of the Public Administrator
  - H. Responsibilities and Involvement in Coroner Cases
  - I. Managing Decedents Property
  - J. Processing Death Certificates
  - K. Investigative Relationships
    - 1. With Police Investigator
    - 2. With District Attorney
    - 3. With Physician
  - L. Role of California State Coroners Association
- 5.0 Coroners Law
  - A. Introduction to Coroners Law
  - B. Government Code
  - C. Health and Safety Code
  - D. Code of Civil Procedures
  - E. Labor Code
  - F. Military and Veteran's Code
  - G. Penal Code
  - H. Probate Code

- I. Vehicle Code
- J. Welfare and Institutions Code
- K. Business and Professions Code
- L. United States Code
- M. Legal Issues
  - 1. Organ Transplantation/Harvesting
  - 2. Case Law
  - 3. Inquests

6.0 General Laboratory Practices

- A. Overview of Forensic Laboratory Capabilities
- B. The Bureau of Forensic Service (D.O.J)
- C. Trace Evidence as Applied to Death Investigations
  - 1. Blood Stains/Spatter Patterns
  - 2. Fibers/Hair
- D. Physiological Fluid in Death Investigations
  - 1. Serology
  - 2. Seminal Fluids/Stains
- E. Firearms Evidence
  - 1. Firearms Overview
  - 2. Weapons Functioning Tests
  - 3. Collection and Recovery Techniques
  - 4. Trace Metal Detection
- F. Collection and Preservation of Evidence
  - 1. Medical
  - 2. Physical
  - 3. Chain of Custody

7.0 Vehicle Fatalities

- A. Role of the Coroner at Traffic Fatality Scene Liaison with Traffic Officers
- B. Special Traffic Investigative Unit Capabilities
- C. Vehicular Death

8.0 Forensic Use of Medical Records

- A. Legal Issues

9.0 Forensic Anthropology

- A. Introduction to Forensic Anthropology
- B. Review of the Human Skeletal System
- C. Fragments Skeletal Evidence
- D. Environmental Changes in Bone Remains
- E. Description of Remains and Human Identification
- F. Trauma Evidence I: Blunt Force
- G. Trauma Evidence II: Incising Wounds
- H. Trauma Evidence III: Ballistic Evidence
- I. Trauma Evidence IV: Burn Cases
- J. What Did the Person Probably Look Like
- K. Review and Question Session

10.0 Forensic Pathology

- A. Anatomy
- B. Toxicology
- C. Coroners Investigative Techniques
- D. Post Mortem Examination
- E. Case Study Method
  - 1. Natural
  - 2. Homicide
  - 3. Suicide
- F. Lab Procedures
- G. Autopsy
  - 1. Tour of Facility
  - 2. View of Post Mortem Examination

11.0 Death & Grief Bereaved

- A. Interviewing Bereaved Persons
  - 1. Cultural Awareness
  - 2. Communications Skills
- B. Methods of Dealing with Grief in the Short Term
- C. Death Notification

12.0 A.I.D.S. and Other Communicable Diseases

- A. Overview of A.I.D.S.
- B. Handling of A.I.D.S. Victims
- C. Myths & Methods of Disease Transmittal

13.0 Forensic Odontology

- A. Definition of Forensic Odontology
- B. Capabilities for Identifications - Bite Mark Evidence
- C. Forensic Stomatology
- D. Case Studies

14.0 Banquet Dinner

"Air Disasters: An Investigative Perspective"

15.0 Test

REGULATION 1005 (a) (4)

Insert this new language regarding coroners peace officers as indicated above. Move current 1005 (a) (4) to 1005 (a) (5), and the succeeding numbers accordingly.

Every regularly employed and paid as such peace officer member of Coroners Offices, as defined in Section 830.35 P.C., shall satisfactorily complete the training requirements of Penal Code Section 832, PAM Sectin, D-7-2 before the exercise of peace officer powers. They shall also complete the POST-certified Coroners Death Investigation Course, PAM, Section D-1-8 within one year from date of hire.

COMMISSION PROCEDURE D-1

BASIC TRAINING

Addition:

D-1-8 CORONERS DEATH INVESTIGATION COURSE: This course partially fulfills the minimum basic training required under 10005 (a) (4) for peace officer members of Coroners Offices. With prior POST approval, flexibility shall be granted to adjust hours between functional areas.

Functional Areas:

1.0	Course Overview Administrative Issues	1	hours
2.0	Death Investigation	40	hours
3.0	Introduction to Disaster Management	2	hours
4.0	Role of the Coroner/Public Administrator	4	hours
5.0	Coroners Law	2	hours
6.0	General Laboratory Practices	4	hours
7.0	Vehicle Fatalities	2	hours
8.0	Forensic Use of Medical Records	2	hours
9.0	Forensic Anthropology	4	hours
10.0	Forensic Pathology	10	hours
11.0	Death and Grief Bereaved	2	hours
12.0	A.I.D.S. and Other Communicable Diseases	2	hours
13.0	Forensic Odontology	4	hours
14.0	Test	1	hour
	Total Minimum Required Hours	80	hours



- o Proposed modifications in the field training officer program.
- o Modifications to the basic course curricula and instructional methods.
- o Feasibility of integrating the basic course and the field officer training program.
- o Proposals for upgrading supervisory course curricula and instructional methods.
- o Propose course curricula and instructional methodology for areas of use of force, accountability, and community/ethnic inservice training programs for all levels of students.

At the present time the State of California has a hiring "freeze" in effect and we are unable to fill existing vacant law enforcement consultant positions. In order to conduct the required staff work to accommodate the extensive undertaking of symposium recommendations it will require obtaining additional resources.

#### RECOMMENDATION

Authorize the Executive Director to contract with a governmental agency for a POST fellowship Position to develop an action and implementation plan for the recommendations made at the POST Training Issues Symposium, with the length of the fellowship not to exceed nine (9) months and the cost not to exceed \$75,000.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Report on Legislative Changes to the Peace Officer Training Fund		Meeting Date October 31, 1991
Bureau Executive Office	Reviewed By	Researched By Hal Snow
Executive Director Approval <i>Morgan C. Boehm</i>	Date of Approval 10-16-91	Date of Report
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No

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

ISSUE

There are some important legislative events affecting the POTF on which the Commission should be informed. This report summarizes the provisions of recently enacted legislation that has potential major impact on the Peace Officer Training Fund (POTF).

BACKGROUND

Assembly Bills 544 and 1297 of 1991, as urgency legislation, became law July 29 and June 30 respectively. Together they are known as the Trial Court Realignment and Efficiency Act of 1991. These bills bring about major changes in the funding mechanisms for California's trial courts (Superior, Municipal, and Justice Courts).

These bills were developed without the benefit of the regular legislative committee hearing process. Instead, they were part of the recent budget negotiations between the Governor and legislative leadership. Significant changes in the State Penalty Fund were included and fund users were made aware after the fact.

Of special concern to POST are the changes affecting collection and distribution of fines, forfeitures, and penalty assessments. The most significant changes include:

1. Two percent off the top of all monies collected in criminal cases will be put into a fund to pay the cost of automating trial court record-keeping systems.
2. The state penalty assessment was increased from \$7 to \$10 for every \$10 fine with 30% off the top of whatever is collected going into the State General Fund to assist in state funding of trial courts.



3. Counties are now allowed to impose additional assessments up to \$7 for each \$10 fine for local criminal justice facilities, jail construction, fingerprinting systems, or emergency medical facilities. The penalty assessments can now potentially be increased to 170% of the fines.
4. The percentage was reduced for all existing state penalty assessment recipients except for crime victims' restitution, including the POTF (from 27.75% to 23.99%), and shifted to augment the State Restitution Fund by a like aggregate percentage (10.9%). The State Restitution Fund reimburses victims of crime, primarily for medical expenses.
5. To accommodate the detrimental impact on existing state penalty recipients, the state penalty assessments were extended to all Vehicle Code violations except parking. Heretofore, there had been no penalty assessment on drivers' license, registration, and equipment violations. In theory, the increased assessment base is to offset reductions in percentages.

Attachment "A" illustrates how state and local penalty assessments are now distributed as a result of these bills.

The complexity of the legislation makes it very difficult to accurately predict the impact upon the POTF. Based on POTF revenue for the first three months of this fiscal year, the picture is not good. Although revenue historically fluctuates on a month-to-month basis, receipts for the first three months of this fiscal year (July - September) indicate approximately a \$4.5 million (or 58.5%) shortfall below projections. If continued throughout the fiscal year, this could amount to a \$19.21 million shortfall. A spokesman for the Department of Finance has indicated the revenue picture may improve once all provisions of AB 1297 are implemented by the counties.

In addition to these concerns, the penalty assessment is in danger of becoming over used. Judges complain they have become tax collectors. The concern is fines will be lowered as penalty assessments are calculated as part of the overall fine. Evidence of this concern is that this legislation for the first time expressly permits (authorizes but does not require) judges to determine the amount of financial sanction to be levied against a defendant and then allow the court clerk to determine the appropriate fine, state and local penalty assessments. Heretofore, penalty assessments were typically assessed on top of the fine levied by the judge.

In some ways, the passage of AB 544 and 1297 and other events<sup>1</sup> could be construed as part of a trend eroding the independence of the POTF as a funding source for law enforcement training. Attachment "B" provides a list of the major historical events impacting the POTF. Attachment "C" provides a chart depicting some of the most recently perceived influences which could have an effect on the POTF.

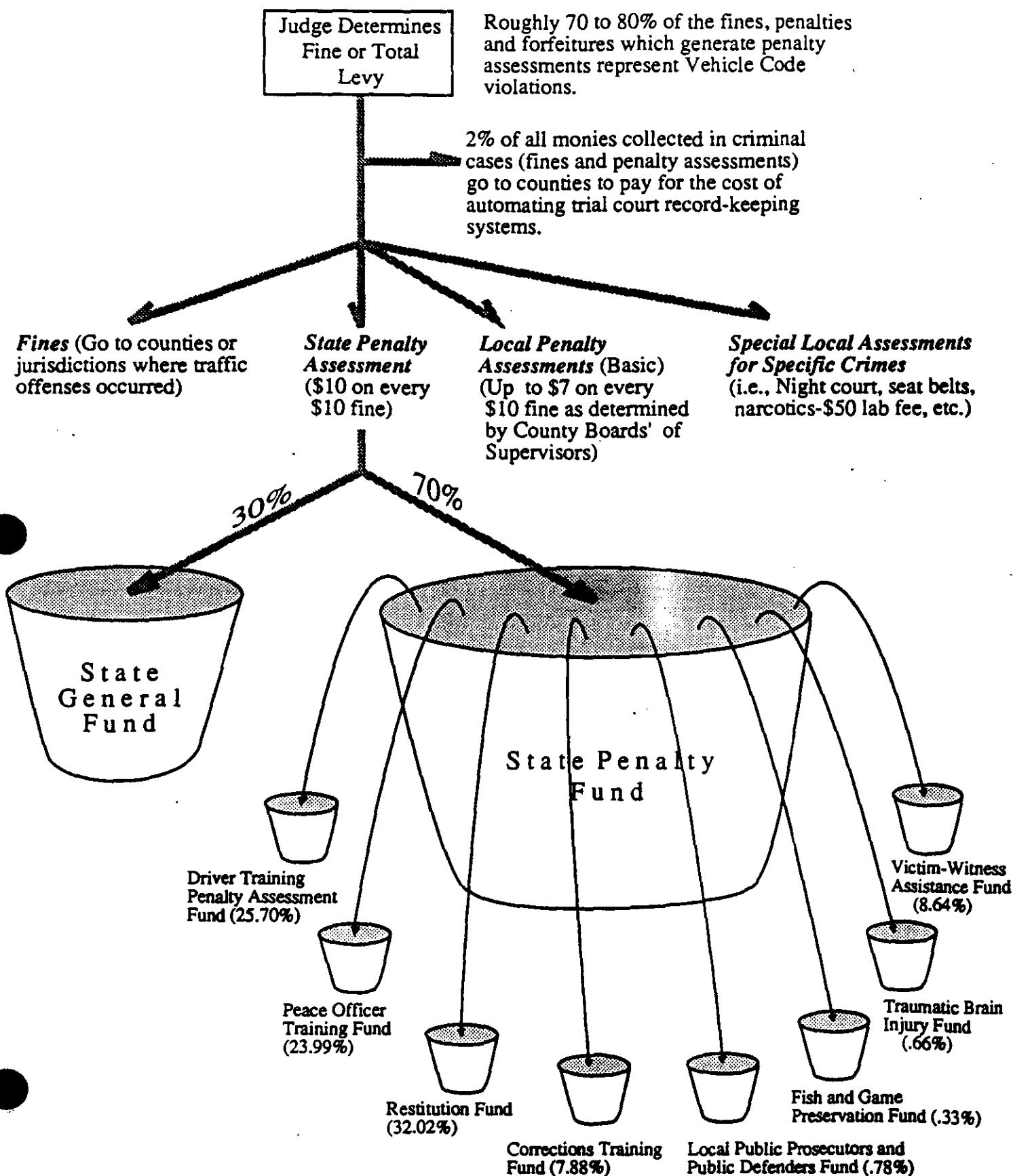
The Commission's Finance and Long Range Planning Committees will meet prior to this meeting to consider this report and any necessary action.

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<sup>1</sup>The State's Legislative Analyst's Office completed a report in January 1988 titled "Penalty Assessments - A Review of Their Use As A Financing Mechanism". The primary recommendation of this report was "to eliminate the percentage allocation requirements and transfer penalty assessment revenue to the General Fund" where the money would be allocated the same as any other state program. POST and law enforcement voiced strong opposition at the time with this recommendation. This most recent legislation could be viewed as a significant step in the direction advocated in this 1988 report.

# Distribution of Criminal/Traffic Fines and Penalty Assessments

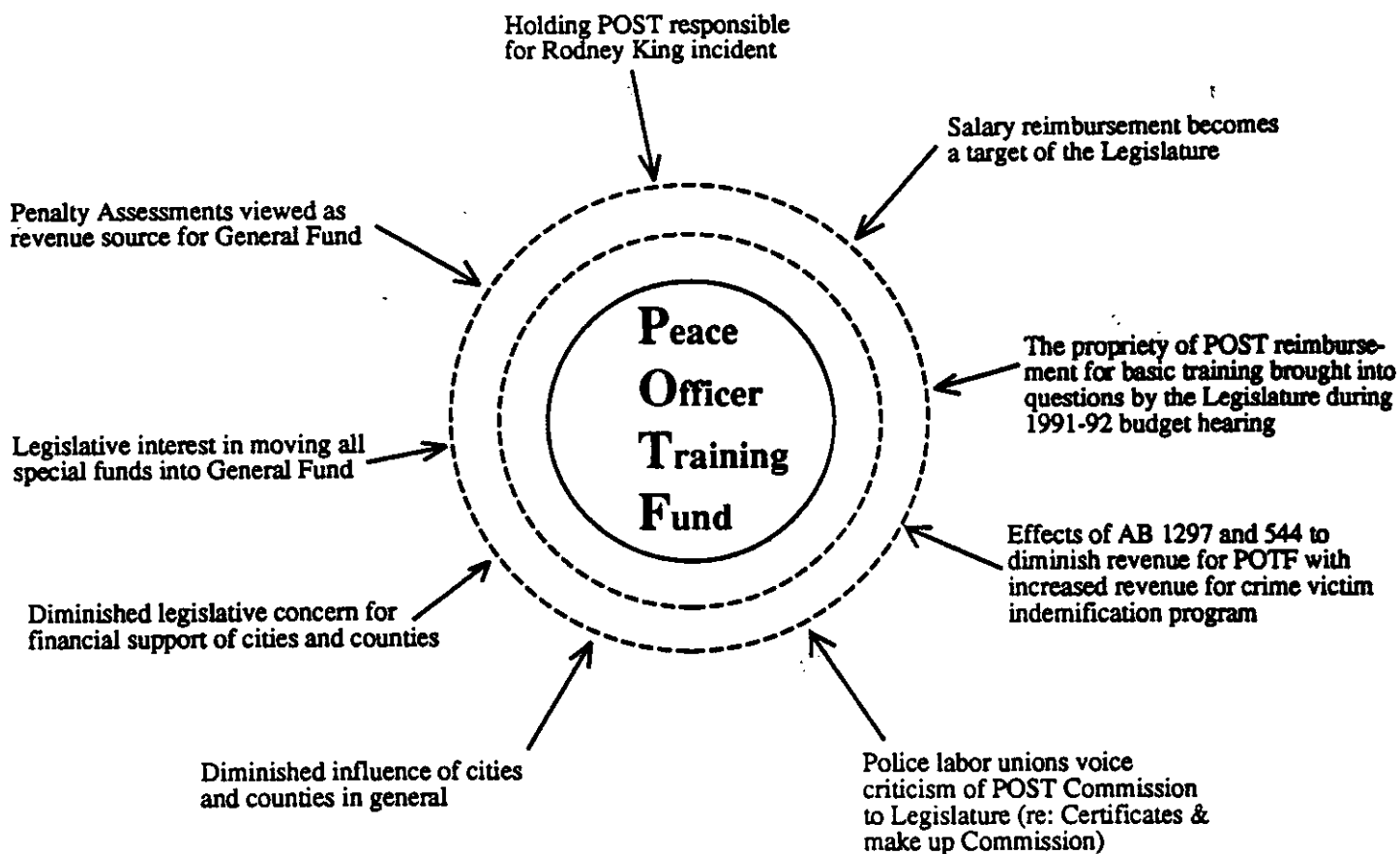
(Revised based upon AB 1297 and 544)



## Major Historical Events for Penalty Assessments

- 1953 - Penalty assessment first imposed to reimburse the state school fund for driver education programs, \$1 for every \$20 of basic fine for most Vehicle Code violations.
- 1959-60 Peace Officer Training Fund (POTF) established for POST to receive penalties (i.e., fines) on criminal convictions.
- 1968-69 New penalty assessment (i.e., fines) on traffic violation convictions increases POTF, criminal penalty assessment increased to \$5.
- 1976-77 Interest income to the POTF from Surplus Money Investment Fund began.
- 1978 - Beginning in 1978, the number and size of assessments grew dramatically (Legislature began to gradually shift intent away from the premise that penalty assessment revenues should be allocated to law enforcement, victims' services and driver training programs and instead as a funding mechanism, regardless of the source which generated the assessment).
- 1981 - POTF becomes part of a newly established Penalty Assessment Fund. Previously it had been an independent, stand-alone fund receiving money directly from the courts.
- 1988 - Legislative Analyst's Report - Penalty Assessments: A Review of Their Use As a Financing Mechanism, recommends penalty assessment revenue be transferred to the General Fund for allocation to programs.
- 1991 - Assembly Bills 1297 and 544 (Trial Court Realignment and Efficiency Act of 1991) increase State Penalty Assessment to \$10 on each \$10 fine with 30% going to General Fund, and other major changes (Legislature expands purpose of penalty assessments to include a general state revenue source, local trial court operations and other criminal justice facilities.).

# Recent Influences Upon the POTF/POST from the Legislature



FINANCE COMMITTEE MEETING  
October 30, 1991 - 2:00 P.M.  
Pan Pacific Hotel  
Topaz Room  
7450 Hazard Center Drive  
San Diego, CA 92108  
(619) 297-5466

A. CALL TO ORDER

B. Report on Recent Legislative Changes Affecting the Peace Officer Training Fund

As Commissioners are aware, recent legislation has significantly changed the collection and distribution of penalty assessment revenues effective July 1, 1991. As an apparent consequent, POST and other State Penalty Fund users have experienced a dramatic reduction in revenue in the first quarter of this Fiscal Year.

A report is enclosed under the regular Commission agenda.

C. First Quarter 1991/92 Financial Report

Quarterly financial reports are provided to show the fiscal status of the Commission's reimbursement program. The report summarizes revenue receipts, training volumes, and reimbursement expenditures during the fiscal year. Data contained in the reports are reviewed by the Finance Committee to assess resources available in considering program modification and salary rate adjustments. Reports for the quarter which ended September 30, 1991 are being finalized and will be brought separately to the meeting.

D. Revenue Outlook

Each year the POST budget contains a revenue projection which estimates the amount of money to be received from the Penalty Assessment Fund. The Department of Finance estimated current year revenue to the POTF at \$44.835 million. Receipts to date amount to \$6.404 million, an alarming \$4.5 million (41%) lag behind the straight line monthly projection.

Additionally, the end of Fiscal Year 1990-91 revenue receipt of \$44.274 million reported in the July annual financial report has recently and retroactively been adjusted downward by \$2.029 million by the Controller's Office. Although not directly affecting last year's expenditures or current year's budget authority, the reduction impacts the amount of POTF reserve funds which were reduced from \$7.9 million to \$5.9 million. A major cause of the current revenue problem is certainly AB 1291 and SB 544 which were passed during the budget session this year and became law July 1, 1991. One

would hope that the effects of these bills on the POST fund were unintended and unforeseen.

A meeting with the Department of Finance, State Controller's Office and other fund recipients has been scheduled for mid-October to address the revenue shortfall issue and seek resolution. The results will be reported at the Committee meeting. Ultimately though, the problems will likely need to be addressed by legislation.

E. Review of Salary Reimbursement Rate

The baseline salary reimbursement rate is set by the Commission in July, the beginning of each fiscal year. The Finance Committee recommended, and the Commission established the current fiscal year's salary reimbursement rate at 20% to the Basic Course and 35% for other eligible courses.

As in the past, the rates are reviewed quarterly and depending upon available resources, expenditures, and training volume the salary rate may be adjusted accordingly. Training volume and reimbursement expenditures are within projections, but revenues are only 59% of expectations at the end of the first quarter of the fiscal year. This will have a dramatically unfavorable effect on salary reimbursement for the remainder of the fiscal year.

The Committee will have the latest information available at its meeting in preparing a recommendation for the full Commission.

F. Contracts

On the Commission's agenda are two items requesting authority for contract expenditures:

- o \$57,000 proposed for contracts of \$3,000 each with 19 community colleges certified to present the Basic Course. The purpose is to facilitate the Commission's statewide distance learning program.
- o \$75,000 proposed for contract with an unspecified law enforcement agency for services of a Special Consultant (Management Fellowship Program). Purpose is to augment staff in order to meet requirements for implementation of recommendations concerning supervisory accountability, use of force, and cultural/racial sensitivity. Money for this is available from budgeted, but unfilled positions.

As is customary, contract proposals are presented to the Finance Committee for review and recommendation to the full Commission.

E. ADJOURNMENT



## M E M O R A N D U M

To : POST Commissioners

Date: October 16, 1991

From : Robert Wasserman, Chairman  
Training Review Committee  
Commission on Peace Officer Standards and Training

Subject : REPORT ON THE SYMPOSIUM ON TRAINING ISSUES

The Symposium on Training Issues was held in San Diego on September 26 and 27. The symposium resulted as a recommendation by the Commission's Training Review Committee which was established earlier this year to seek input to determine if POST's standards and training programs meet the needs of the California Law enforcement community.

The symposium, rated highly successfully by attendees, attracted 179 invitees representing broad based law enforcement, police educators and trainers, labor, and community group interests. Keynote speakers, Dr. Steven Covey, Professor Ervin Staub, and State Senator Robert Presley, addressed attendees in plenary sessions. Additionally selected panelists concentrating on the use of force, cultural and ethnic sensitivity, and maintaining public confidence provided varied perspectives and stimulated break out group discussions. Attendees were provided hand out material to assist in issues familiarization.

Three working sessions involving six preselected individual break out groups were interspersed with the plenary sessions for the purpose of addressing training needs and identifying ways to address these needs. The results of these discussions have been summarized in more than 100 observations, suggestions, and recommendations.

A preliminary analysis of the symposium results shows a high correlation with the issues and suggestions identified earlier at the statewide input forums. The attached matrix and summary of forum recommendations corresponds closely with the issues, suggestions, and recommendations emanating from the workgroups, which is also attached.

Recommendations which have surfaced impact several POST program elements but specifically focus on the basic academy; field training officer; continuing professional training; supervisory, management, and executive training programs. The many recommendations of both the forums and the symposium, though covering a wide range of specifics can, be summarized as an expression of the need to:

- o Strengthen initial and ongoing training of supervisors.
- o Strengthen the selection and training of field training officers.
- o Emphasize appropriate use of force in all required POST training courses.
- o Emphasize cultural and ethnic sensitivity in all required POST training courses.

Although the information acquired throughout the training review process requires further analysis it seems appropriate to recommend that the Commission direct staff to immediately commence work in the following areas:

- o Propose modifications in Field Training Officer programs to address the concerns that have surfaced.
- o Propose basic course curricula and instructional methods covering those areas addressed by the symposium.
- o Evaluate and report on the feasibility of integrating the Basic Course and the Field Training Officer program.
- o Propose supervisory training curriculum and instructional methods to address symposium concerns.
- o Propose course curricula and instructional methodology in the area of use of force, accountability, and community/ethnic sensitivity in inservice training programs.

Attachments

## SUMMARY OF SYMPOSIUM SUGGESTIONS

The symposium was organized around three main issues: (1) supervisory accountability; (2) use of force; and (3) minority/cultural sensitivity. The recommendations growing out of the symposium also fall into these three categories. The following points and recommendations have been gleaned from the symposium process. Much work remains in processing and evaluating each point. However, this initial summary outline report certainly helps one understand and appreciate the depth and breadth of the process.

For convenience, the recommendations are under three main headings. They are further summarized under sub-headings according to the themes which emerged.

### SUPERVISORY ACCOUNTABILITY

#### Selection and Training Issues

1. There is a need for updated and mandated supervisory training. (This need should be assessed and appropriately addressed.)
2. "Active bystandership" or the responsibility for appropriate intervention when things are not going right should be taught.
3. Supervisor candidates should be prepared before promotion. (This would indicate development of a supervisory preparation course.)
4. More ethics training in the supervisory course.
5. Need to identify qualities/characteristics of successful supervisors; guides to selection and training.
6. Need for field training (coach/mentor) program for new supervisors.
7. Send supervisors to an advanced course after initial supervisory and field training.
8. Consider additional mandated training for supervisors.
9. Consider education prerequisites for supervisors.
10. Expand number of offerings of the Supervisory Leadership Institute.
11. Need more input from line officers on selection/training of supervisors.

12. Need for specific supervisory training to satisfy CPT requirement.

#### Organizational Issues

1. The need for organizational mission statements should be emphasized. (How-to workshops may be indicated.)
2. Training should be considered only one aspect of organizational effectiveness (i.e., organization, culture, department policies, etc.).
3. The decision making process (policies, procedures, rules) must involve personnel at all levels.
4. Need for more emphasis on organizational team building.
5. The team building process should be better structured to include mission, values, etc.
6. Law enforcement agencies should communicate performance/conduct expectations and enforce them.
7. Need for field training (coach/mentor) program for new supervisors.
8. Send supervisors to an advanced course after initial supervisory and field training.
9. Role expectations should be re-emphasized on ongoing basis.
10. Need to create a positive work environment.

#### Ethics & Personal Responsibility

1. Everyone, from top to bottom, should be held accountable for their behavior and job performance. (This idea should be covered in training at all levels.)

#### Field Training Issues/Comments

1. Field training programs should be mandated for each department.
2. Explore the need for more advanced field training officer update training.
3. Should field training officers should get supervisor training?

4. FTO's should be carefully selected according to their potential to teach, and training should include how to teach.
5. FTO programs should be mandated and include standardized universal curricula.
6. Field training programs should be held in high esteem; FTOs should be certified.
7. Field training and basic academy should look like seamless garment (i.e., consistency in content, approach).

#### Training Style/Philosophy

1. Training should be topic driven, not time driven.
2. The effectiveness of supervisory training should be studied.
3. Need quality control of instructors in supervisory training.
4. Need to emphasize ethics and values on continuing basis at all levels of training.
5. POST should sponsor more interpersonal relations training.
6. Should use varied instructional methods in values and ethics training (e.g., role playing).
7. Train from top down (using a training the trainers approach) to bring about organizational change.
8. Explore the need to develop a profile of desired supervisory qualities, characteristics, and behaviors.

#### USE OF FORCE

##### Training

1. Need for uniformity in training and clear expectations.
2. POST should standardize use of force training.
3. Need to emphasize how to de-escalate use of force situations.
4. More emphasis needs to be placed on teaching verbal techniques.
5. Training should instill confidence in using self defense

equipment.

6. Too much emphasis on officer survival.
7. Include curriculum on the limitations of non-lethal force techniques (i.e., weaponless defense and rubber bullets).
8. POST should mandate less than lethal training.
9. More emphasis on adapting training to individual's life experiences and cultural characteristics of community.
10. Increase officer intervention (bystander) training.
11. Reduce officer safety paranoia caused by training.
12. Look at perception of style associated with female officers for items that may be suitable for general training.

#### Personal

1. Need for psychological testing that focuses on who is most likely to use excessive force.
2. Identify stressors and relate them to use of excessive force.
3. Address needs of 2-3 year officers who have John/Jane Wayne syndrome.

#### Evaluation

1. More effectively evaluate what academies are actually teaching.
2. Need to evaluate effectiveness of use of force training (use of control groups).

#### Definition/Philosophy

1. Need to define what we mean by force; assure consistency between department policies and training.
2. POST should develop standardized use of force escalation policy.
3. Need for central repository of information on instances of use of force by officers.
4. POST needs to be involved in linking what is taught in basic, FTO, AO, as it relates to use of force.

5. Identify defusing/de-escalation techniques used by effective officers.
6. Need to move away from psych testing as sole identifier of tendency toward use of excessive force.
7. Be cautious about developing paranoia about using force.
8. Clarify/communicate use of force policies and remove those who fail to (supervisors and managers) enforce policies.
9. Consider use of POST videos to reinforce value of human life.
10. Restructure basic training (content, methods, hours, etc.).
11. Use POST satellite system for training, but cannot replace live instruction.

#### Organization and Community

1. Need to diminish perceptions of impropriety of department investigations of alleged excessive force.
2. Officers need to be told that seeking help for stress management is ok; encourage officers to seek help.
3. Include line officers (especially those with propensity to use excessive force) on disciplinary review boards.
4. View excessive force as not necessarily a POST issue, but a department issue.
5. Need for better recruitment and selection.
6. Clarify/communicate use of force policies and remove those who fail to (supervisors and managers) enforce policies.

#### CULTURAL AND ETHNIC SENSITIVITY

##### Training

1. Cultural awareness should be integrated into all POST training.
2. Rather than focus too much on specific info, structure positive training experiences with members of different cultural groups.

3. Training should include internal and external cultural awareness.
4. POST should consider assembling and disseminating language guides.
5. Training should include the need for officers to explain their actions and apologize for mistakes.
6. Training should emphasize humanistic approach.
7. Cultural awareness training should be conducted apart from gang training.
8. Community needs to be part of development of the training.
9. Teach tolerance for diversity/respect for people.

#### Philosophy

1. Paradigm shift needed in recruitment from conventional crime fighting image to problem solver.
2. Training should help people learn how to be cultural investigators (i.e., a curiosity and inquiring attitude about cultural differences).
3. Treat all people with respect.
4. Cultural awareness should include field trips to ghettos, barrios, etc.
5. Use people from various cultural groups to share experiences (more insight than from book learning).
6. Community groups should receive info on POST activities.
7. Department should make community awareness/involvement a long-term commitment.
8. Topic demands new approach; POST needs to learn new ways of identifying and implementing new approaches.
9. All ills of society are not the responsibility of law enforcement; partnerships need to be formed with community groups.
10. POST should take steps to assure instructors follow its curricula requirements.



11. Increase contacts with vast majority of community group members who never have contact with law enforcement (but who, nevertheless, have stereotypes of their own.)
12. Provide information about officer procedures and available services to new community members.

#### Evaluation

1. POST establish Institute on Human Relations to develop and implement and evaluate cultural awareness.
2. Need a comprehensive evaluation of preconceived attitudes that new officers bring to job.
3. Survey department to see where it stands on cultural differences (prejudices) and act on results (be proactive).
4. Training needs assessment for department; must build upon basic training received in academy; rely on community groups in developing, share info/products with other departments.

	<b>ACADEMY TRAINING</b>	<b>FIELD TRAINING OFFICER PROGRAM</b>	<b>CONTINUING TRAINING</b>	<b>COURSE EVALUATION</b>	<b>FOSTERING PUBLIC CONFIDENCE, POLICE IMAGE AND CAREER PATH</b>
<b>SUPERVISORY RESPONSIBILITY</b>	Assign FTO as part of the academy process	Concept of mentoring - role models - Leadership at all levels  Review FTO curricula to assure: - FTO accountability for training in use of force, ethnic sensitivity	Concept of mentoring - role models - Leadership at all levels  Multi-agency supervisorial team building - TBW  Continuing training - Ethics/values/ Leadership  Require Sergeants to go to a more appropriate AO course  Creation of an "advanced supervisor training" school	Agencies have to be more involved in evaluation	
<b>USE OF FORCE</b>	More emphasis on when to use force  Fight or Flight  Deal with use of force in appropriate manner				Sponsor regional leadership workshops - Image Enhancement

	ACADEMY TRAINING	FIELD TRAINING OFFICER PROGRAM	CONTINUING TRAINING	COURSE EVALUATION	FOSTERING PUBLIC CONFIDENCE, POLICE IMAGE AND CAREER PATH
<p><b>USE OF FORCE</b> (Continued)</p>	<p>Develop self discipline/self confidence in academy</p> <p>Use of more scenarios &amp; simulations in academies</p> <p>Alternatives to escalation of force</p> <ul style="list-style-type: none"> <li>- De-escalation techniques</li> <li>- Tactical retreat</li> <li>- communication skills</li> </ul> <p>Detect "limits" of (minimum-maximum) aggressiveness in academy</p> <p>Pursuits</p> <ul style="list-style-type: none"> <li>- Use of force at end</li> </ul> <p>Bystander officer behavior/responsibility</p> <p>Explore "ground fighting" concept</p>	<p>Alternatives to escalation of force</p> <ul style="list-style-type: none"> <li>- De-escalation techniques</li> <li>- Tactical retreat</li> <li>- communication skills</li> </ul> <p>Bystander officer behavior-responsibility</p> <p>More emphasis on when to use force</p> <p>Review FTO curricula to assure:</p> <ul style="list-style-type: none"> <li>- FTO accountability for training in use of force</li> <li>- All field training manuals expanded to include</li> </ul>	<p>Use of more scenarios &amp; simulations in academies</p> <p>Continuing training</p> <ul style="list-style-type: none"> <li>- to emphasize ethics/values-leadership</li> </ul> <p>Establish "balance" in training programs</p> <ul style="list-style-type: none"> <li>- Officer survival/community perspectives</li> <li>- Ethnic, philosophy</li> </ul> <p>Alternatives to escalation of force</p> <ul style="list-style-type: none"> <li>- De-escalation techniques</li> <li>- Tactical retreat</li> <li>- Communication skills</li> </ul> <p>Explore "ground fighting" concept</p> <p>More emphasis on when to use force</p> <p>Bystander officer behavior/responsibility</p>	<p>Monitoring of courses (selectively) is essential to enforce professional responsibility</p> <p>Agencies have to be more involved in the evaluation of training</p>	<p>Profile overaggressive behavior</p> <ul style="list-style-type: none"> <li>- tenure</li> <li>- age</li> <li>- training</li> <li>- ethnic</li> <li>- complaint history</li> <li>- shift</li> </ul> <p>More emphasis on when to use force</p> <p>Internal affairs should have community perspective</p> <ul style="list-style-type: none"> <li>- feedback believable by community</li> <li>- Explain procedures</li> </ul> <p>Impact of the news media</p> <ul style="list-style-type: none"> <li>- News media strategy</li> </ul>

	<b>ACADEMY TRAINING</b>	<b>FIELD TRAINING OFFICER PROGRAM</b>	<b>CONTINUING TRAINING</b>	<b>COURSE EVALUATION</b>	<b>FOSTERING PUBLIC CONFIDENCE, POLICE IMAGE AND CAREER PATH</b>
<b>ETHNIC/CULTURAL SENSITIVITY</b>	<p>Use of more scenarios and simulations in academies</p> <p>Use of more community members in training</p> <p>Consider enhanced basic course instruction</p>	<p>Review FTO curricula to assure:</p> <ul style="list-style-type: none"> <li>- FTO accountability for training in ethnic sensitivity</li> </ul>	<p>Monitoring of courses (selectively) essential to enforce professional responsibility</p> <p>Include more minorities in cultural awareness instruction</p> <p>Establish an Institute of Community and Race Relations</p> <p>Establish "balance" in training programs</p> <ul style="list-style-type: none"> <li>- Officer survival community perspective</li> <li>- Ethnic, philosophy</li> </ul>	<p>Agencies have to be more involved in the evaluation of training</p>	<p>Express to public L.E. training professionalism</p> <ul style="list-style-type: none"> <li>- Image Building</li> <li>- Public is influenced by media treatment of police</li> <li>- Coordinate news media releases</li> </ul> <p>Identify high school course to encourage laws enforcement career</p> <ul style="list-style-type: none"> <li>- Publish L.E. criteria</li> <li>- Expand recruitment pool</li> </ul> <p>Internal affairs should have community perspective</p> <ul style="list-style-type: none"> <li>- Feedback believable by community</li> <li>- Explain procedures</li> </ul> <p>Impact of the news media</p> <ul style="list-style-type: none"> <li>- News media strategy</li> </ul>

	<b>ACADEMY TRAINING</b>	<b>FIELD TRAINING OFFICER PROGRAM</b>	<b>CONTINUING TRAINING</b>	<b>COURSE EVALUATION</b>	<b>FOSTERING PUBLIC CONFIDENCE, PUBLIC IMAGE AND CAREER PATH</b>
<b>OTHER</b>	<p>Academy advisory committees' effectiveness</p> <ul style="list-style-type: none"> <li>- Create awareness of direction of input</li> <li>- Principals should be chief executives</li> </ul> <p>Pursuits</p> <ul style="list-style-type: none"> <li>- Advancing concept of countywide pursuit protocols</li> </ul>	<p>More status to FTO</p> <ul style="list-style-type: none"> <li>- Increase to 80-hour course</li> <li>- Explore concept of FTO Institute</li> </ul> <p>Strengthen FTO requirements - Pass/Fail</p> <ul style="list-style-type: none"> <li>- Personality inventories</li> </ul> <p>Certification of FTO and establish criteria</p> <p>Aptitude evaluation for FTO</p> <ul style="list-style-type: none"> <li>- Department level</li> <li>- Use of guidelines (POST)</li> <li>- Chief's influence</li> </ul> <p>Level II (refresher) FTO course</p>	<p>Aptitude of trainers</p> <ul style="list-style-type: none"> <li>- How do we assure trainers are: <ul style="list-style-type: none"> <li>o competent</li> <li>o effective</li> <li>o updated instructors</li> <li>o philosophy in sensitive areas</li> </ul> </li> </ul> <p>Level II (refresher) FTO course</p>	<p>Aptitude of trainers</p> <ul style="list-style-type: none"> <li>- How do we assure trainers are: <ul style="list-style-type: none"> <li>o competent</li> <li>o effective</li> <li>o updated instructors</li> <li>o philosophy in sensitive areas</li> </ul> </li> </ul>	

Commission on Peace Officer Standards and Training

**TRAINING ISSUES/RECOMMENDATIONS  
FROM STATEWIDE FORUMS**

Use of Force

1. Develop greater self discipline/confidence in officers
2. Greater attention to escalation of force, including de-escalation techniques, tactical retreat, communication skills
3. Detect "limits" (minimum-maximum) of trainee aggressiveness
4. Greater attention to vehicle pursuits ending in use of force
5. Greater attention to bystander officer behavior/responsibility
6. Greater emphasis on when to use of force
7. Continuing training needs to emphasize ethics/values/leadership
8. Establish "balance" in training between officer survival and community perspectives
9. Profile overaggressive behavior by tenure, age, training, ethnic, complaint history, shift
10. Internal affairs should have community perspective

Ethnic/Racial/Cultural Sensitivity

11. Consider enhanced basic course instruction on ethnic/cultural/racial sensitivity
12. Greater use of community members, including minorities, in training
13. Establish within POST an Institute of Community and Race Relations

Fostering Public Confidence

14. Identify high school course to encourage law enforcement career, publish selection criteria, expand recruitment pool
15. Express to the public the ideas of law enforcement training professionalism, image building, coordinate news media releases

16. POST should sponsor regional leadership workshops for image enhancement
17. Greater attention to the impact of the news media, develop strategies
18. Need to establish countywide driving pursuit policies

#### Supervisory Accountability/Responsibility

19. Greater attention to concepts of mentoring, role models, leadership at all levels
20. Require sergeants to go to a more appropriate Advanced Officer Course, creation of an "advanced supervisor training" school
21. Explore multi-agency supervisorial team building (TBW)

#### Field Training

22. Need to review Field Training Officer (FTO) curricula to assure FTO accountability in training on use of force and consistency with FTO manuals
23. Establish high status to FTO's, increase to 80-hour course, explore concept of FTO Institute
24. Strengthen FTO requirements, pass/fail, personality inventories
25. Certification of FTO and establish criteria
26. Aptitude evaluation of FTO, department level, POST guidelines
27. Establish Level II (refresher) FTO Course
28. Assign FTO as part of academy process

#### Instruction

29. Use of more scenarios and simulations
30. Establish greater selective monitoring of courses
31. Involve agencies to a greater degree in evaluating training
32. Greater effectiveness of academy advisory committees, awareness and direction, chief executive participation
33. Aptitude of trainers - competent, effective, updated, philosophy in sensitive areas

Long Range Planning Committee  
Wednesday, October 30, 1991  
3:00 P.M.  
Pan Pacific Hotel  
Topaz Room  
402 West Broadway  
San Diego, CA 92101

AGENDA

- A. Call to Order
- B. August Vollmer University

August Vollmer University's request for Commission recognition of its degrees and units is on the Commission agenda for consideration.

The Commission asked that staff explore a provisional approval to allow credits from August Vollmer University, a nonaccredited institution, to apply toward POST certificates. Credit toward POST certificates can now only be earned through work at accredited schools.

To allow August Vollmer University credit even provisionally while it seeks accreditation would require changes in POST regulations, which are subject to OAL review. Rulemaking procedures are such that allowing August Vollmer University credits while excluding credits from all other nonaccredited institutions may not be legally sustainable.

The report under the Commission agenda tab outlines a number of alternatives. One is the possibility of holding a public hearing to get field input and sentiment prior to deciding how to proceed.

This is before the Long Range Planning Committee for review and a recommendation to the full Commission.

- C. Report on Penalty Assessment Fund - Analysis of Recent Changes - Potential for Future

As Commissioners are aware, recent legislation has significantly changed the collection and distribution of penalty assessment revenues effective July 1, 1991. As an apparent consequence, POST and other State Penalty Fund users have experienced a dramatic reduction in revenue in the first quarter of this Fiscal Year.



The Finance Committee is also considering the report, which is included as part of the regular agenda, and will offer recommendations to the Commission. This matter will also be discussed by the Legislative Review Committee.

The issue is on this agenda due to the obvious pervasive impact of revenue shortfall on policy and program issues in the near and long term. There are a number of possible approaches but ultimately the issue will turn on law enforcement's ability to convince the Legislature and administration to restore what has presumably been unintentionally taken away.

D. Report on Symposium on Training Review

Commissioner Wasserman chairs the Commission's Training Review Committee and will report to the commission on results of the September Symposium on Training Issues.

The report is on this agenda for information in consideration of the long range planning implications inherent in proposed directions recommended by symposium participants.

E. Statewide Recruitment Campaign

One of the recommendations resulting from the POST Symposium on Recruitment was that POST assume a leadership role in the development and implementation of statewide image building/recruitment campaign. At the July Commission meeting, staff presented a report which detailed three alternative approaches that could be pursued by POST, and recommended that the matter be referred to the Long Range Planning Committee for discussion and a recommendation. A copy of the July report is attached. Very briefly, the three alternatives range in price from \$385,000 to a maximum of approximately \$3.5 million, depending on the level of POST involvement and the extent to which paid advertising is used.

There are new financial considerations as well. Any alternatives would represent a significant commitment to a fundamentally new role for POST. We will be prepared to discuss the three alternatives at the Committee meeting, as well as to inform the Committee of other recent developments in POST recruitment-related activities, especially those related to regional pre-employment testing.

F. Report on Dispatcher Job Analysis

In 1989, the POST Public Safety Dispatcher Program was established pursuant to penal code section 13510 (c).

Shortly thereafter a statewide job analysis of the entry-level public safety dispatcher position was initiated - the results of which will guide the development of more definitive selection and training standards for dispatchers.

The report under this tab summarizes the methods and results of the statewide job analysis. With respect to training standards for dispatchers, the results indicate the need to:

1. expand the current 80-hour POST Basic Complaint/Dispatcher Course (the current entry-level training requirement for dispatchers in the POST program);
2. expand the current voluntary "field" training program (as specified in the POST Dispatcher Training Guide [1986]), and (3) consider POST certification of one or more new short courses to address the training needs of experienced dispatchers (contingent upon local agency needs and training resources).

With respect to selection standards, it is proposed that the job analysis results be used to begin development of medical screening and background investigation guidelines, and that research be initiated to develop:

1. a job-related work sample test of oral comprehension and expression skills (a test which may prove more useful if used in basic training rather than as an entry-level selection device);
2. job-related written tests of several cognitive abilities and personality attributes (including "stress tolerance"); and
3. a machine-readable biographical data form. With regard to the written tests and the biographical data form, it will be necessary to conduct a predictive criterion-related validity study to assess which test scores/biographical data items are predictive of job performance (i.e., job related). One of the job performance criteria that will be examined is turnover.

This report is on the agenda to update the Committee on progress in this area.

G. Preview of Distance Learning

Past proposals of this Committee have resulted in the Commission scheduling the public hearing to change regulations to allow reimbursement for agency purchase of satellite receive antennas. Formal response to the public notice has been very positive and reflective of widespread interest. Informal concern has been expressed about disparate impact of funding on large agencies. The drop in POST revenues so far this fiscal year calls reimbursement into question and raises concerns about availability of funds to immediately support the proposed reimbursement program.

Related to the public hearing is the proposal requested by the Commission to fund the purchase of satellite receivers by regional training centers. Practical and philosophical issues are raised in the report covering that proposal.

These matters are before the Committee for information and discussion.

H. ADJOURNMENT

## M E M O R A N D U M

To : Long Range Planning Committee      Date: October 4, 1991

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

Subject : Report On Public Safety Dispatcher Job Analysis

In 1989, POST established the Public Safety Dispatcher Program as required by penal code section 13510(c). Dispatchers from participating agencies must meet POST's minimum standards for entry-level selection and training. To date, 306 agencies are participating in this voluntary program. The current POST standards, which were established by an ad hoc committee with the proviso that a job analysis be completed to serve as the basis for further development of training curricula and selection procedures, are as follows:

Minimum selection standards. Public safety dispatcher candidates must undergo: (1) a background investigation, (2) a medical examination, and (3) an assessment of oral communications skills. The standards are general in nature in that they require only that these procedures be conducted. They do not specify how the procedures are to be conducted, and with few exceptions, do not make reference to specific disqualification criteria.

Minimum training standards. Dispatchers are required to complete the POST-certified 80-hour Basic Complaint/Dispatcher Course within 12 months of the date of appointment.<sup>1</sup>

Probation period. Dispatchers are required to complete 12

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<sup>1</sup>Full-time dispatchers hired before July 1, 1990 and before the agency's entry into the POST Dispatcher Program, may satisfy the training requirement by passing the POST Dispatcher Basic Training Equivalency Examination in lieu of attending the 80-hour course.

months of satisfactory service.<sup>2</sup>

The job analysis has been completed. The major findings are described below, followed by a discussion of the implications of the findings for the development of future selection and training standards.

### **Methodology**

The job analysis was conducted in three major phases and involved a series of workshops and statewide surveys. In total, job analysis information was collected from over 600 dispatchers and 260 supervisors representing over 160 agencies.

With respect to the job itself, information was collected on the job tasks performed by dispatchers, the types of complaints/incidents responded to by dispatchers, the resources used by dispatchers (equipment, resource materials, etc.), and both the referral/mutual aid agencies and the various field/personnel units with which dispatchers interact.

With respect to the capabilities necessary to perform the job, information was collected on required knowledges, skills, abilities, and traits (KSAT's).

For each type of information (job tasks, skills necessary to perform the job, etc.), the data were analyzed to identify what is common to the job as it is performed statewide (i.e., "core" job elements). In addition, for "core" job tasks, complaints/incidents and KSAT's, information was collected on the degree of proficiency necessary upon initial hire (e.g., the extent to which a new hire should be able to perform a given task or possess a certain skill), as well as on the need to address the "core" element in basic training, on-the-job (field) training, and in-service ("refresher") training.

### **Major Findings**

#### Tasks

- o A total of 121 "core" tasks were identified, representing

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<sup>2</sup>Under certain conditions, agencies with an existing probationary period of less than 12 months may be granted a temporary exemption from the 12 month requirement.

eight (8) major job activity areas.<sup>3</sup>

- o On average, 85% of the dispatchers surveyed reported performing the identified "core" tasks, while 86% of supervisors rated the tasks as "part of the job" for dispatchers in their agencies.
- o The majority of the "core" tasks are performed at least daily by most dispatchers, reflecting the repetitive nature of the work.
- o The most frequently performed tasks involve:  
  
Querying data bases and providing information to field units; classifying and summarizing incidents; determining dispatch priority and appropriate personnel, resources and referral agencies; dispatching patrol officers to calls for service; maintaining field communications; monitoring status of field units and incidents; handling calls from the public and obtaining complaint-dispatching information.
- o The tasks rated by supervisors as most critical for their dispatchers to perform competently involve:  
  
Receiving and handling 9-1-1 calls; obtaining and evaluating complaint information; determining dispatch priority and appropriate personnel and resources; dispatching field units; directing and coordinating response of multiple field units; monitoring status of field units and incidents; maintaining radio communications with field units; and providing training to new dispatchers.
- o The identified "core" tasks were found to apply consistently to dispatchers employed by various agency subgroups, including small, medium and large agencies; police, sheriff's and independent regional communication centers; and CAD and Non-CAD agencies. Only 12 "core" tasks did not meet the "core" criteria for all agency

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<sup>3</sup>These job activity areas are:

1. Screening Complaints and Obtaining Information
2. Providing Information to the Public and Other Agencies
3. Monitoring Field Units and Emergency Systems
4. Dispatching Personnel and Resources
5. Providing Information to Field Units
6. Reporting and Record Keeping
7. Facility Operations
8. Training

subgroups.<sup>4</sup>

### Complaints/Incidents

- o A total of 223 complaints/incidents were identified as "core."
- o The "core" complaints/incidents rated by supervisors as most critical for dispatchers to handle competently include:
  - Officer needs help - emergency
  - Felony vehicle stop
  - Hostage situation
  - Missing officer
  - Barricaded suspect
  - Attempted murder
  - Sniper
  - Homicide
  - Bombing
  - Vehicle pursuit
  - Person with gun
- o The "core" complaints/incidents that dispatchers encounter most frequently involve vehicle stops, disturbances, and alarms.
- o Dispatchers reported active involvement in handling the vast majority of the "core" complaints/incidents. That is, they most often reported obtaining full complaint information and dispatching or notifying field units. Very few complaints/incidents were reported to be most often handled by simply referring or transferring the caller.
- o Dispatchers estimated that of all the complaints/incidents they handle, the largest percentage involve non-emergency calls for law enforcement service (39% of all calls handled, on average). Emergency calls for law enforcement service were reported to account for 24% of all complaints/incidents handled.

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"The decision criteria for identifying "core" work elements required that certain rating values be met within at least 2 of 3 agency size subgroups (small, medium, large), within 2 of 3 agency type subgroups (police, sheriff's, independent communication centers), and within both CAD and non-CAD subgroups, as well as the total sample (all surveys combined, without respect to size or type of agency or CAD use/non-use).

### Equipment and Systems

- o 35 equipment items and telecommunication systems were reported as being used by a majority of dispatchers.
- o Examples of the more frequently used equipment and systems include:
  - 9-1-1 telephone equipment
  - Radio console and controls
  - Computer terminal and keyboard
  - DMV (Department of Motor Vehicles) system
  - CLETS (California Law Enforcement Telecommunication System)

### Resource Materials

- o 28 resources were reported as being used by a majority of dispatchers.
- o Some of the more frequently used resources include: directories, street maps and lists, and teletype messages. The majority of dispatchers reported referring to various legal codes in performing their job duties, including the following: Penal code, Vehicle code, Health and Safety code, Welfare and Institutions code, Business and Professions code, city ordinances and municipal code.

### Referral/Mutual Aid Agencies

- o The majority of dispatchers reported having contact with 39 different agencies in the course of performing their job duties.
- o The most frequently contacted agencies include:
  - Police department
  - Alarm company
  - Fire department
  - Towing service
  - Highway patrol
  - Emergency medical service
  - Sheriff's department

### Field Communications

- o The majority of dispatchers reported interacting with 26 different field personnel/units in performing their duties.
- o The most frequently contacted field personnel include:



Patrol officer  
Fire department personnel  
Traffic enforcement officer  
Ambulance/emergency medical unit  
Community service officer

- o The majority of dispatchers reported that they routinely interact with more than 15 field units during a shift, and have communicated with a maximum of more than 30 field personnel/units at one time (i.e., while handling one incident or a set of simultaneous incidents).

### Knowledges

- o A total of 132 knowledge items were identified by supervisors statewide as "core" requirements for successful performance of dispatcher duties. The "core" knowledges fall within the following ten general subject matter areas:

1. Work Environment and Conduct
2. Communication Center Operations
3. Law
4. Complaint-Taking
5. Dissemination of Information
6. Radio Dispatching
7. Law Enforcement Information Systems
8. Public Safety-Related Agencies
9. Communication Center Equipment and Resources
10. Training Methods

- o The knowledges rated as most critical for successful dispatcher performance were found to generally concern:

Complaint/request priorities, potentially dangerous situations, important and appropriate complaint information to be obtained, questioning techniques, communications with mentally unstable callers, and considerations for broadcasting sensitive information.

- o Nearly all "core" knowledges were rated by a majority of supervisors as appropriate to be addressed in both **basic** (classroom) training and **on-the-job** entry-level dispatcher training.
- o The vast majority of the "core" knowledges (92%) were identified as requiring **refresher training** for tenured dispatchers to maintain job proficiency.
- o Only one knowledge item was identified as requiring **formal**

refresher training.<sup>5</sup> Supervisors indicated that refresher training for all other items is best handled through informal training provided by local agencies in bulletins or brief meetings.

### Skills

- o A total of 63 skills were identified by supervisors statewide as "core" requirements for successful performance of dispatcher duties.
- o The identified "core" skills fall within the following nine general categories:
  1. Vocal Skills
  2. Listening Skills
  3. Reporting and Record Keeping
  4. Reading Skills
  5. Complaint-Taking Skills
  6. Dispatching Skills
  7. Telecommunication Skills
  8. Interpersonal Skills
  9. Administrative Skills
- o The skills rated as most critical for successful dispatcher performance are related to the handling of multiple simultaneous events and radio traffic.
- o All identified "core" skills, except one, were rated by a majority of dispatch supervisors as appropriate to be addressed in both **basic** (classroom) training and **on-the-job** entry-level training for new dispatchers.
- o A large percentage of the "core" skills (74%) were rated by a majority of supervisors as requiring **refresher training** for tenured dispatchers to maintain job proficiency. None of these skills were identified as requiring **formal** refresher training.

### Abilities

- o A total of 27 general abilities taken from the research literature on human performance assessment were identified by supervisors statewide as important for successful performance of dispatcher duties. The identified "core"

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<sup>5</sup>"Knowledge of legal liabilities and issues pertaining to training."

abilities fall into the following general categories:<sup>6</sup>

**Cognitive** abilities (Verbal, Reasoning, Memory, Perceptual, Spatial)

**Psycho-motor** abilities (Manual Dexterity and Speed)

**Sensory-motor** abilities (Speech, Hearing, Vision)

- o 22 "core" abilities were identified as being necessary upon entry into the profession (i.e., potential entry-level selection standards).
- o Verbal and Perceptual cognitive abilities, and Speech and Hearing sensory-motor abilities were rated highest in importance.

**Oral Communications** abilities (**Comprehension** and **Expression**) were rated as critical to successful dispatcher performance and necessary before hire.

**Written Comprehension, Speech Clarity, Speech Hearing, General Hearing, Auditory Attention and Time Sharing** abilities were rated as very important, bordering on critical, and necessary before hire.

Fourteen (14) additional cognitive, psycho-motor, and sensory-motor abilities were rated as very important and necessary before hire.

### Traits

- o A total of 14 traits, based largely upon previous research literature pertaining to personality trait assessment, were identified by supervisors statewide as important for successful performance of dispatcher duties.<sup>7</sup> All were rated by a majority of supervisors as necessary before hire for entry-level dispatcher candidates.
- o **Tolerance of Stress** was rated by supervisors as the most critical trait for successful dispatcher performance. This trait was defined as follows:

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<sup>6</sup>"Ability" was defined as "a general, underlying capacity enabling (or limiting) the performance of a wide variety of tasks."

<sup>7</sup>The term "trait" was defined as "a behavioral characteristic, attribute, or enduring pattern of behavior reflected by the manner in which people act under various conditions and circumstances."

"Performs job duties effectively under adverse conditions (e.g., working under time pressure with high visibility and serious consequence of error, in crisis situations, tragedies, and emergencies, handling simultaneous incidents, and working with frequent interruption); "bounces back" from negative situations; performs duties under extreme pressure without delay."

- o **Integrity, Dependability, and Emotional Control** were also rated relatively highly among "core" traits (very important, bordering on critical, on average).
- o Additional traits rated as very important for successful dispatcher performance include: **Tolerance of Unpleasant Work Environment, Adaptability, Teamwork, Maturity, Productivity, Positive Attitude, Assertiveness, Social Concern, Motivation and Interpersonal Sensitivity.**

### **Training Implications of Job Analysis Results**

#### POST Basic Complaint/Dispatcher Course

The current Basic Complaint/Dispatcher Course is not defined in great detail. The course is described in terms of 99 general topics and 88 "learning goals." Overall, a total of 112 unique topics, sub-topics, learning goals and sub-goals are listed in the course outline; 22 topics do not have a corresponding learning goal, while 13 learning goals have no corresponding topic in the course outline.

The lack of specificity in the course curriculum, combined with the disparity between the topical outline and the learning goals, make it difficult to compare the course with the job analysis results. Nevertheless, a preliminary comparison indicates the following:

- o Most of the topics/learning goals comprising the course are supported by the job analysis results; 105 of the 112 topics/learning goals (94%) in the course are representative of "core" knowledges and skills.
- o Nearly half of the "core" knowledges identified in the job analysis as appropriate for basic training are not covered in the course. These knowledges fall within subject areas pertaining to: professional conduct and terminology; basic communication center operations; legal codes and crime elements; complaint-taking procedures and considerations; procedures and guidelines pertaining to the dissemination of information; dispatching procedures and considerations; local information systems; public

safety-related agencies; equipment and resources; and training methods and issues. A particularly noteworthy subject area that is not presently covered and is likely to be a source of controversy concerns procedures and guidelines for advising citizens of actions to take in various **medical** emergency and non-emergency situations.

- o Only eight (23%) of the 62 "core" skills identified in the job analysis as appropriate for basic training are specifically represented in the course. In general, the unaddressed skills pertain to vocal composure, listening, reporting and record keeping, reading job materials, complaint-taking, dispatching, using telecommunication systems, interpersonal communication, and equipment-related functions.

In summary, a cursory comparison of the job analysis results with the current Basic Course curriculum indicates that the current curriculum is substantially related to the dispatcher job (i.e., job related). However, the course does not cover an extensive number of knowledges and skills that were identified in the job analysis as being important to address in basic training.<sup>8</sup>

#### "Field" Training

The job analysis results indicate that on-the-job training (OJT) is required for virtually all "core" knowledges and skills identified in the job analysis; 131 of the 132 "core" knowledges and all 63 "core" skills were identified by supervisors as appropriate to be addressed during OJT.

POST Dispatcher Training Guide. The POST Dispatcher Training Guide (1986) describes a recommended program of on-the-job training for probationary dispatchers who have just completed the POST Basic Complaint/Dispatcher Course. The program entails having each probationary dispatcher work under the close supervision of a trainer (experienced dispatcher) for approximately 12 weeks. When first introduced, over 100 agencies adopted the program. The exact number of agencies currently using the program is unknown.

The training guide contains a checklist of information and experiences that the trainee is to receive or be subjected to,

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<sup>8</sup>In addition, only 5 of the 200 "core" complaints/incidents identified as appropriate to address in basic training are specifically covered in the course, and many of the "core" resource materials, equipment items, referral agencies and field/personnel units are not specifically referenced in the course.

as well as knowledges and skills that the trainee is to develop and demonstrate on the job. Comparison of the training checklist with the job analysis results indicates that roughly 50% of the items identified in the job analysis as appropriate for entry-level dispatcher "field" training are represented in the POST Dispatcher Training Guide.

Changes to the training guide suggested by the job analysis results are as follows:

- o Add the following subject areas: Basic legal principles; laws, restrictions, procedures and guidelines for disseminating information; training methods and issues; reporting (note taking, summarizing incidents, completing forms and reports)
- o Delete the following subject areas: Front counter and matron duties
- o Expand the current subject areas to include many of the "core" skills, knowledges, etc., that are not specifically addressed in the current training guide.

#### Continuing Professional Training

The majority of knowledges and skills identified as "core" in the job analysis were further identified as skills and knowledges that should be addressed as part of routine training to assure continued job proficiency (i.e., continuing professional training). For the vast majority of these "core" knowledges and skills, the supervisors surveyed indicated that this training should be **informal** in nature, and provided by means of local bulletins, briefings, etc. Subject areas identified as requiring more **formal** training on a continuing basis included: Officer assistance (emergency/high risk), medical emergencies, fires/hazards, suicides, and incidents involving hostages/barricades/snipers.

Presently, POST certifies a limited number of training courses for experienced dispatchers, including courses on medical emergencies and critical incidents. Based on the job analysis results, not all topics for which formal continuing professional training is needed are addressed by existing POST-certified courses. Depending on local agency needs and resources, it may be appropriate for POST to certify one or more new courses in order to address these training topics.

#### **Selection Implications of Job Analysis Results**

As reported previously, 22 **abilities** were identified in the job analysis as important and necessary for entry level candidates

to possess before hire. These abilities fall into the following general categories:

**Cognitive:** Verbal, Reasoning, Memory and Perceptual Abilities  
**Psychomotor:** Manual Dexterity and Speed  
**Sensorimotor:** Speech, Hearing and Vision

**Oral Comprehension and Expression**, which are cognitive-verbal abilities, were rated as most important for successful job performance.

Among the 14 traits identified as important and necessary upon entry, **Tolerance of Stress** was rated most important, followed by **Integrity, Dependability, Emotional Control, Tolerance of Unpleasant Work Environment, Adaptability, Teamwork, Maturity, Productivity, Positive Attitude, Assertiveness, Social Concern, Motivation and Interpersonal Sensitivity.**

While all of the identified abilities and traits represent potentially important assessment dimensions for entry-level selection, many of the abilities and traits may be difficult to measure in a reliable, valid, and cost-effective manner. With these considerations in mind, the following priorities have been established for selection standard development.

**Oral Comprehension and Oral Expression<sup>9</sup>:** Rated the most important cognitive-verbal abilities, and currently the subject of a POST entry-level standard (i.e., assessment of oral communications skills), work will be initiated to attempt to develop a cost-effective and content valid work sample test of these abilities. Depending on developmental and administrative costs, results may indicate that this type of test is best suited for use in basic training rather than entry-level selection.

**Cognitive Ability:** Written tests of the cognitive abilities identified as important for job performance (e.g., verbal comprehension, reasoning, perceptual speed) will be identified and/or developed, and a predictive criterion-related validity study will be conducted to determine if scores on the tests are related to subsequent performance in training and on the job (i.e., if the tests are job related).

**Personality:** Written tests designed to measure the personality traits identified as important for job performance will be identified/developed, and a predictive criterion-related validity study will be conducted to determine if scores on the tests are predictive of job performance. Special consideration

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<sup>9</sup>Oral Comprehension is defined as the ability to understand spoken English words and sentences.

will be given to tests designed to measure "stress tolerance". One of the criteria of job performance that will be used is turnover. The validity of job performance predictions made by psychologists who have reviewed the personality test results and conducted a clinical interview will also be examined.

**Background Investigation and Medical Screening Guidelines:**

Using the results of the job analysis, background and medical screening guidelines will be developed.

**Biographical Data:** A machine-readable biographical data inventory will be developed, and a predictive criterion-related validity study will be conducted to determine if responses on the inventory are predictive of job performance. Major emphasis will be placed on identifying biographical history items that predict turnover (whether due to "stress" or other reasons).

An attempt will be made to collect all proposed test information (e.g., cognitive ability, personality, biographical) on the same entry-level candidates. This will make it possible to evaluate the relative contributions of each type of information to the prediction of subsequent job performance.



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
Legislative Review Committee Meeting  
Thursday, October 31, 1991, 9 a.m.  
Pan Pacific Hotel - Board Room  
8757 Rio San Diego Drive  
San Diego, CA

AGENDA

Attachment

1. New Legislation A

Attachment A provides analysis of new bills not previously considered by the Commission

2. Active Legislation - Status Report/Update B

Attachment B identifies the status of 1991 bills for which the Commission has taken positions. Staff will provide the Committee oral comment on any amendments.

3. Proposed 1992 Legislation C

Attachment C identifies possible 1992 legislation that the Commission may wish to pursue in concert with other organizations. The Committee may wish to consider other ideas for possible legislation.

4. Informational Legislation D

Attachment D identifies bills generally outside the scope of the Commission's interest in taking positions but are being followed for their potential impact upon POST. The Committee may wish to receive a briefing on these.

## 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 POST Certificates	AUTHOR Assemblyman Brown	BILL NUMBER HR 22
	RELATED BILLS	DATE LAST AMENDED 7-17-91

SPONSORED BY  
California Council of Police and Sheriffs

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

General

House Resolution 22 would:

1. Request the Commission on Peace Officer Standards and Training not to administratively cancel certificates issued to peace officers who have been convicted of, or have entered a plea of guilty or nolo contendere to, a crime classified as a misdemeanor which is substantially related to the qualifications, functions, or duties of a peace officer.

Analysis

This resolution was requested by the California Council of Police and Sheriffs on behalf of various police labor associations who oppose POST's effort to expand certificate revocation. It was introduced prior to the July 18, 1991 Commission public hearing where a more limited certificate revocation action was approved. The Commission has revoked certificates for felony convictions pursuant to Penal Code Section 13510.1 since 1979. The proposal approved involved certain categories of felony convictions that have been reduced to misdemeanors by virtue of misdemeanor sentence imposed pursuant to Penal Code Section 17(b).

Comments

It appears the resolution was introduced to dissuade the Commission from taking the action at its July meeting. The resolution has been assigned to the Assembly Public Safety Committee and was not pursued during the 1991 session. It thus becomes a two-year resolution and can be brought forward during 1992 in its present or modified form. The resolution should be opposed in its present form because the Commission has no proposal before it to expand certificate cancellation. Though the Commission has no plan to expand certificate cancellation, HR 22 would possibly forestall the option. Opposing HR 22 would also afford opportunity to acquaint the State Assembly why such a resolution is a poor idea.

Recommendation

Oppose.

## OFFICIAL POSITION

ANALYSIS BY <i>[Signature]</i>	DATE 9-23-91	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>[Signature]</i>	DATE 9-24-91	COMMENT	DATE

Introduced by Assembly Member Brown

July 17, 1991

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House Resolution No. 22—Relative to peace officers.

1 WHEREAS, Under existing law, the Commission on  
2 Peace Officer Standards and Training is required to  
3 maintain a certification program for specified peace  
4 officers, and to award certificates based on a combination  
5 of prerequisites developed by the commission; and

6 WHEREAS, Under existing law, eligible peace officers  
7 may apply for the certificates from the commission, if  
8 they are employed by an agency which participates in the  
9 Peace Officer Standards and Training (POST) program;  
10 and

11 WHEREAS, Under existing law, the commission is  
12 required to cancel certificates issued to peace officers  
13 who have been convicted of, or have entered a plea of  
14 guilty or nolo contendere to, a crime classified by statute  
15 or the Constitution as a felony; and

16 WHEREAS, Existing law does not require the  
17 commission to cancel certificates issued to peace officers  
18 who have been convicted of, or have entered a plea of  
19 guilty or nolo contendere to, a crime classified as a  
20 misdemeanor which is substantially related to the  
21 qualifications, functions, or duties of a peace officer; now,  
22 therefore, be it

23 *Resolved by the Assembly of the State of California,*  
24 That the Members request the Commission on Peace  
25 Officer Standards and Training not to administratively  
26 cancel certificates issued to peace officers who have been  
27 convicted of, or have entered a plea of guilty or nolo  
28 contendere to, a crime classified as a misdemeanor which  
29 is substantially related to the qualifications, functions, or

- 1 duties of a peace officer; and be it further
- 2 *Resolved*, That the Chief Clerk of the Assembly shall
- 3 transmit copies of this resolution to the Commission on
- 4 Peace Officer Standards and Training.

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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  The Law Enforcement Act of 1991	AUTHOR Representative Moran	BILL NUMBER HR 2537
	RELATED BILLS	DATE LAST AMENDED 8-15-91

SPONSORED BY

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

### General

House Resolution 2537 would:

1. Encourage state and local law enforcement agencies to apply for accreditation through the Commission on Accreditation of Law Enforcement Agencies (CALEA). CALEA is required to forward a copy of each application to the U. S. Justice Department, which will appoint an Accreditation Coordinator.
2. Permit the Attorney General to provide financial assistance and technical assistance to law enforcement agencies applying for accreditation.
3. Require public law enforcement agencies as part of the minimum accreditation standards to establish procedures for the handling of police misconduct, responsibility of officers under investigation, representation on Complaint Review Boards, and rights of citizens and officers to recover damages for violating rights under this Act.

### Analysis

Virtually all of those provisions unrelated to accreditation of law enforcement agencies are outside the scope of POST's legislative interest even though several of them have caused some law enforcement groups to oppose the bill.

This proposed legislation appears to provide greater support for national accreditation of law enforcement agencies which runs counter to the desires of most law enforcement leaders in California for a state-administered program. If the Commission is going to propose establishing a California accreditation program through legislation, it would appear desirable to, at the same time, oppose HR 2537 on the basis that accrediting law enforcement agencies should remain within the purview of each state.

### Recommendation

Oppose.

OFFICIAL POSITION

ANALYSIS BY <i>[Signature]</i>	DATE 10-17-91	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>[Signature]</i>	DATE 10-16-91	COMMENT	DATE

# Commission on Peace Officer Standards and Training Status of Legislation of Interest to POST

Attachment B

Bill No./ Author	Subject	Commission Position	Legislative Process												
			Introduced	First Policy Committee	First Appropriations Committee (if applicable)	Floor of First House	Second Policy Committee	Second Appropriations Committee (if applicable)	Floor of Second House	To Governor for Action	Chapters				
HR 22 (Brown)	POST Certificates - Resolution requests Commission not to revoke certificates for misdemeanor convictions	Not Considered	7/17	P											
SB 249 (Davis)	Peace Officers - authorizes POST to set standards and reimburse for peace officer members of Coroners' Offices	Support	1/29	3/12	4/8	5/14	7/9	8/21	9/14	P	X				(Chaptered)
AB 352 (Nolan)	Funding Local Public Safety Dispatcher Training - authorizes a percentage of the 911 Emergency Telephone Account for POST to train dispatchers	Support	1/29	3/18	S										
AB 401 (Epple)	Establishes California Commission on Law Enforcement Policies, Procedures, and Training	Opposed	2/4	4/30	5/15	5/24	6/18	7/8	P						(Assembly Conference)
AB 420 (Elder)	Hazardous Materials Enforcement Training - requires POST to provide voluntary training	Neutral	2/4	2/19	6/26	7/1	7/18	8/29	9/11	F					(Vetoed)
SB 474 (Presley)	Three-Year Break-in-Service for PC 832 Course Graduates - requires requalification or retesting	Support	2/25	5/6	-	5/17	7/1	-	7/16	P	X				(Chaptered)
AB 492 (Campbell)	ACR 58 Followup: Training Technology and Facilities Status - requires POST to evaluate pilot projects and develop plan	Support	2/13	4/2	6/24	6/30	7/18	9/4	9/13	P	X				(Chaptered)
AB 591 (Moore)	Peace Officer Excess Force Reporting Act	Neutral	2/19	6/25	7/10	7/17	P								
SB 811 (Ayala)	Composition and Size of POST Commission - adds two members appointed by Legislature from peace officers of rank of sergeant or below	Neutral	3/7	4/30	-	6/10	7/16	8/21	9/13	F					(Vetoed)
AB 990 (Stathum)	Community College Training - requires Chancellor to study impact of ADA cap on state-mandated training	Support	3/4	4/23	5/8	5/17	6/26	7/10	8/28	F					(Vetoed)
SB 1053 (Robbins)	Emergency Medical Services Dispatchers Training and Certification	Neutral	3/8	5/14	P										
SB 1126 (Presley)	Peace Officers: Private Post-Secondary Educational Institutions - authorizes the appointment of peace officers pursuant to MOU with chief or sheriff	Neutral	3/8	5/14	-	6/6	P								
SB 1075 (Roberti)	Arrest: Reasonable Force - Mandated cultural awareness training	Neutral	3/8	4/16	4/24	5/2	7/16	8/29	9/13	F					(Vetoed)
AB 1196 (Hughes)	Peace Officers: authorizes California Museum of Science and Industry to appoint peace officers	Neutral	3/6	4/30	6/13	6/19	7/18	8/29	9/13	P	X				(Chaptered)
SB 1261 (Davis)	Peace Officer Disqualification - Conviction of official obstruction of justice or criminal interference with a peace officer	Neutral	5/16	8/20	-	8/19	P								

P = Pending  
 F = Failed Passage/or 2 yr. bill  
 S = Suspense File  
 Revised 10/15/91

Possible 1992 Legislation To Be Supported for Introduction

1. Modify the 1991 Legislation Relating to Penalty Assessments (AB 1297) to Increase Revenue For All State Penalty Assessment Recipients to the Previous Level - (See attached memo as background on the problem.)
2. Legislation to Authorize the Establishment of A Law Enforcement Accreditation Program Within POST - The Commission's Accreditation Committee is currently developing the concept and proposed legislation that would be carried by the California Peace Officers' Association.
3. Continue Seeking Funding For Dispatcher Training From The 911 Fund - Continue to pursue AB 352 to require a percentage of the 911 Fund to go to the POTF to fund the training of public safety dispatchers. A variation on this proposal would be to propose a law that establishes POST's responsibility to set training standards for emergency medical dispatchers rather than the State's Emergency Medical Services Authority as currently proposed by SB 1053.
4. Corrective Legislation That Would Overturn Recent Court of Appeal Re County of Santa Clara v. Deputy Sheriffs' Association. - This decision affirms Santa Clara County Superior Court decision wherein the judge ruled the county could establish correctional peace officers with limited authority notwithstanding existing state law. Based upon Government Code Section 23013 which grants counties the authority to transfer control of county jails from the sheriff to a county department of corrections, the court found that the County of Santa Clara may grant "limited peace officer status" to the custodial officers employed by the County Department of Corrections. Although this case may be considered to apply only in the Santa Clara County circumstances, it could also eventually be cited for precedence to apply in other cases. If the Commission wished to overturn the case legislatively, legal advice suggests the legislation would have to (1) resolve the Catch 22 situation for counties wishing to transfer jail responsibilities from a sheriff to a Department of Corrections, (2) reassert or strengthen the Legislature's "pre-emption of the field" in the area of creating peace officer classes, and (3) include declaratory language that this legislation is to correct and clarify certain conditions addressed by this particular court decision. (See attached court decision.)





3. Counties are now allowed to impose additional assessments up to \$7 for each \$10 fine for local criminal justice facilities, jail construction, fingerprinting systems, or emergency medical facilities. The penalty assessments can now potentially be increased to 170% of the fines.
4. The percentage was reduced for all existing state penalty assessment recipients except for crime victims' restitution, including the POTF (from 27.75% to 23.99%), and shifted to augment the State Restitution Fund by a like aggregate percentage (10.9%). The State Restitution Fund reimburses victims of crime, primarily for medical expenses.
5. To accommodate the detrimental impact on existing state penalty recipients, the state penalty assessments were extended to all Vehicle Code violations except parking. Heretofore, there had been no penalty assessment on drivers' license, registration, and equipment violations. In theory, the increased assessment base is to offset reductions in percentages.

Attachment "A" illustrates how state and local penalty assessments are now distributed as a result of these bills.

The complexity of the legislation makes it very difficult to accurately predict the impact upon the POTF. Based on POTF revenue for the first three months of this fiscal year, the picture is not good. Although revenue historically fluctuates on a month-to-month basis, receipts for the first three months of this fiscal year (July - September) indicate approximately a \$4.5 million (or 58.5%) shortfall below projections. If continued throughout the fiscal year, this could amount to a \$19.21 million shortfall. A spokesman for the Department of Finance has indicated the revenue picture may improve once all provisions of AB 1297 are implemented by the counties.

In addition to these concerns, the penalty assessment is in danger of becoming over used. Judges complain they have become tax collectors. The concern is fines will be lowered as penalty assessments are calculated as part of the overall fine. Evidence of this concern is that this legislation for the first time expressly permits (authorizes but does not require) judges to determine the amount of financial sanction to be levied against a defendant and then allow the court clerk to determine the appropriate fine, state and local penalty assessments. Heretofore, penalty assessments were typically assessed on top of the fine levied by the judge.

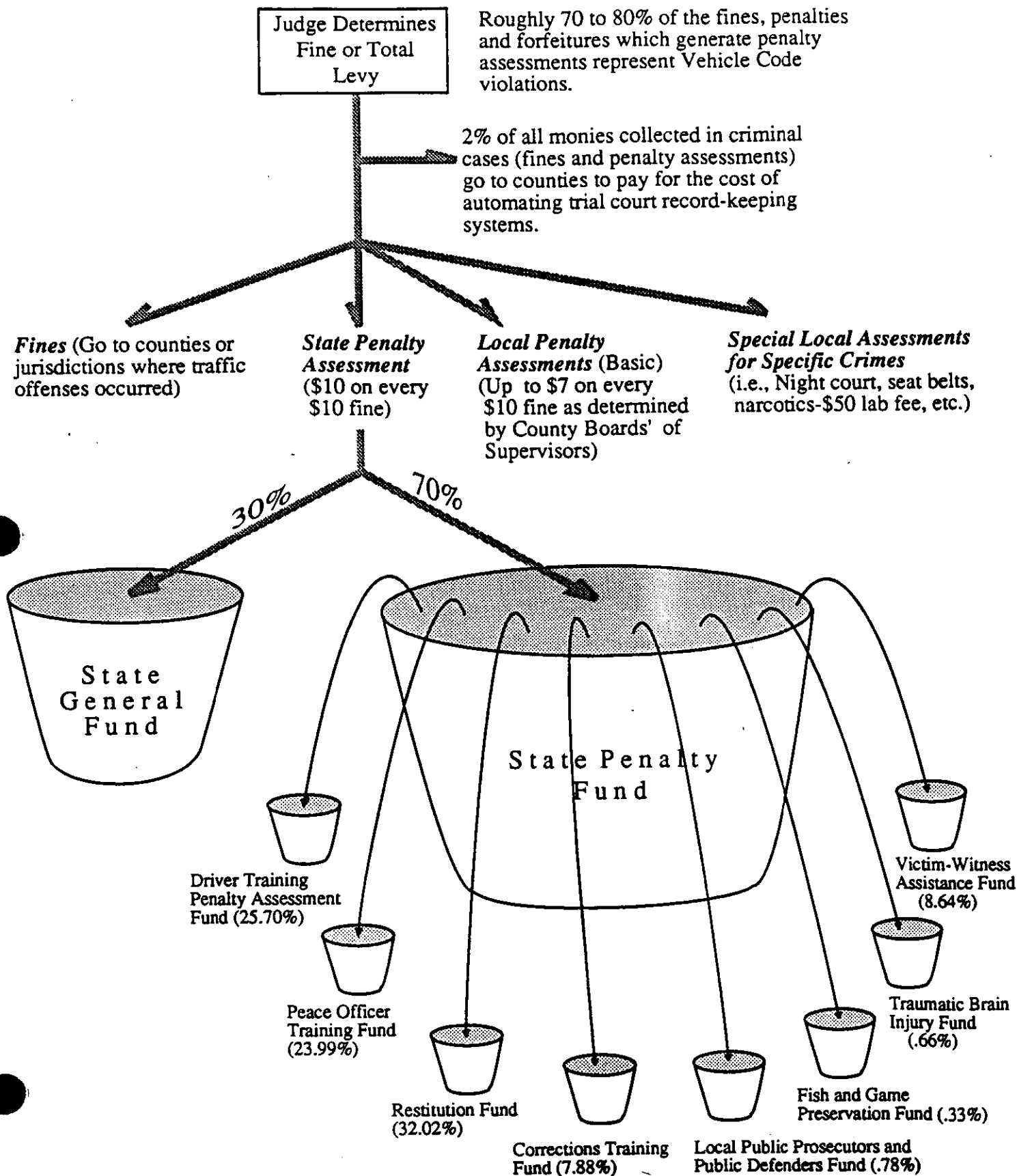
In some ways, the passage of AB 544 and 1297 and other events<sup>1</sup> could be construed as part of a trend eroding the independence of the POTF as a funding source for law enforcement training. Attachment "B" provides a list of the major historical events impacting the POTF. Attachment "C" provides a chart depicting some of the most recently perceived influences which could have an effect on the POTF.

The Commission's Finance and Long Range Planning Committees will meet prior to this meeting to consider this report and any necessary action.

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<sup>1</sup>The State's Legislative Analyst's Office completed a report in January 1988 titled "Penalty Assessments - A Review of Their Use As A Financing Mechanism". The primary recommendation of this report was "to eliminate the percentage allocation requirements and transfer penalty assessment revenue to the General Fund" where the money would be allocated the same as any other state program. POST and law enforcement voiced strong opposition at the time with this recommendation. This most recent legislation could be viewed as a significant step in the direction advocated in this 1988 report.

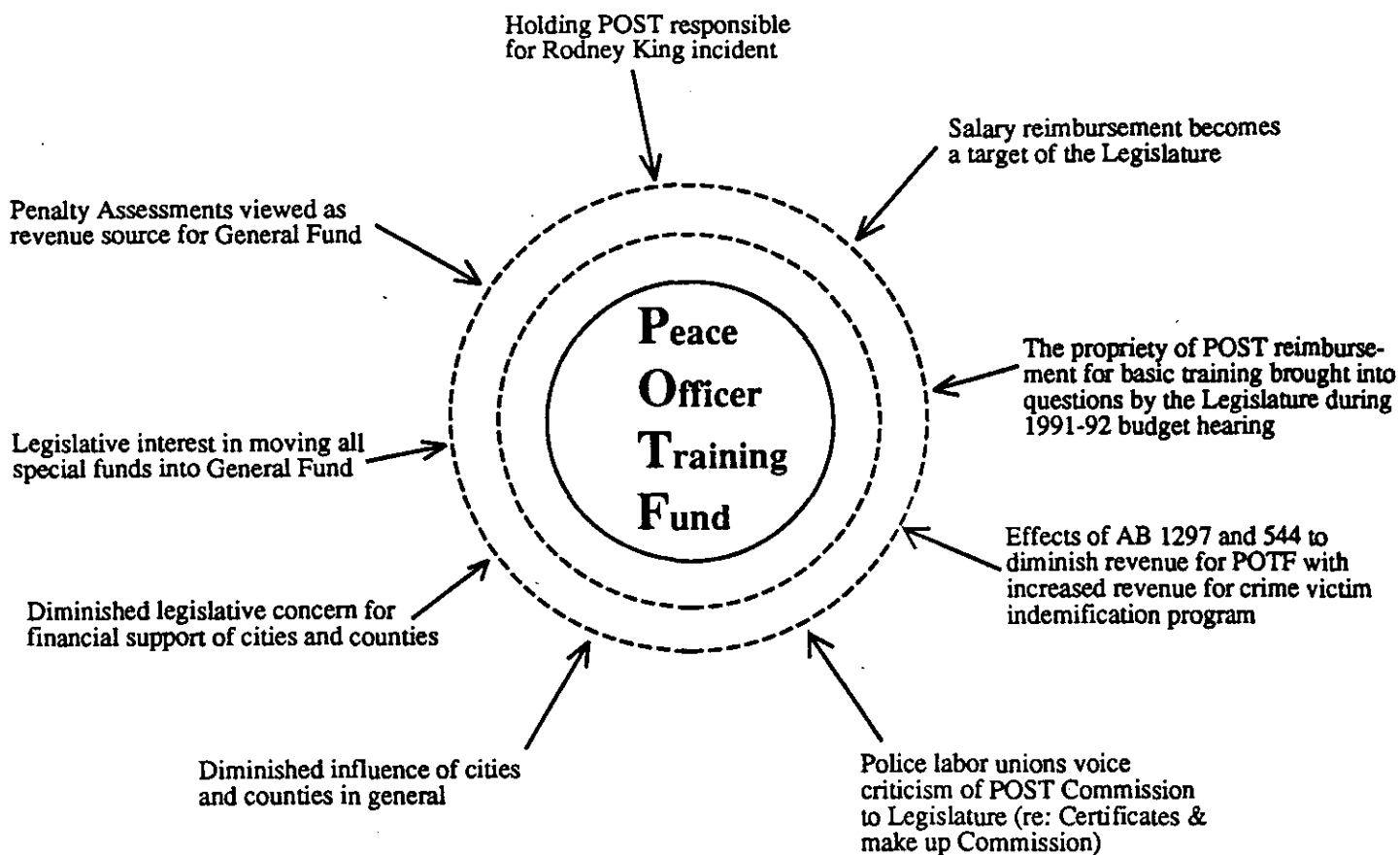
# Distribution of Criminal/Traffic Fines and Penalty Assessments (Revised based upon AB 1297 and 544)



## Major Historical Events for Penalty Assessments

- 1953 - Penalty assessment first imposed to reimburse the state school fund for driver education programs, \$1 for every \$20 of basic fine for most Vehicle Code violations.
- 1959-60 Peace Officer Training Fund (POTF) established for POST to receive penalties (i.e., fines) on criminal convictions.
- 1968-69 New penalty assessment (i.e., fines) on traffic violation convictions increases POTF, criminal penalty assessment increased to \$5.
- 1976-77 Interest income to the POTF from Surplus Money Investment Fund began.
- 1978 - Beginning in 1978, the number and size of assessments grew dramatically (Legislature began to gradually shift intent away from the premise that penalty assessment revenues should be allocated to law enforcement, victims' services and driver training programs and instead as a funding mechanism, regardless of the source which generated the assessment).
- 1981 - POTF becomes part of a newly established Penalty Assessment Fund. Previously it had been an independent, stand-alone fund receiving money directly from the courts.
- 1988 - Legislative Analyst's Report - Penalty Assessments: A Review of Their Use As a Financing Mechanism, recommends penalty assessment revenue be transferred to the General Fund for allocation to programs.
- 1991 - Assembly Bills 1297 and 544 (Trial Court Realignment and Efficiency Act of 1991) increase State Penalty Assessment to \$10 on each \$10 fine with 30% going to General Fund, and other major changes (Legislature expands purpose of penalty assessments to include a general state revenue source, local trial court operations and other criminal justice facilities.).

# Recent Influences Upon the POTF/POST from the Legislature



DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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SACRAMENTO, CA 94244-2550  
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September 13, 1991

**NORMAN C. BOEHM**  
Executive Director  
Peace Officer Standards and Training Commission  
1601 Alhambra Blvd.  
Sacramento, CA 95816-7083

RE: **COUNTY OF SANTA CLARA v. DEPUTY SHERIFFS' ASSN.**  
**Santa Clara County Superior Court Case No. 703066**

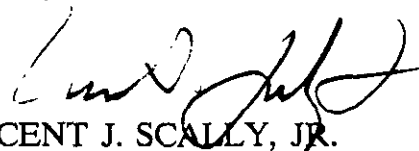
Dear Mr. Boehn:

Enclosed is a copy of the recent decision in Deputy Sheriffs' Association v. Santa Clara County, which may have impact on the P.O.S.T. program and the participation of Santa Clara County correctional officers in the P.O.S.T. program.

If you have any questions regarding this matter, please call me.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

  
VINCENT J. SCALLY, JR.  
Deputy Attorney General

Enclosure

VJS:tf

SEP 18 11 24 AM '91  
RECEIVED FOR

## ADMINISTRATIVE AGENCIES

### *Corrections Department Is Empowered To Confer Limited Peace Officer Status*

Cite as 91 Daily Journal D.A.R. 10823

COUNTY OF SANTA CLARA, et al.,  
Plaintiffs, Cross-Defendants,  
and Respondents,

vs.

DEPUTY SHERIFFS' ASSOCIATION OF  
SANTA CLARA COUNTY, INC.,  
Defendant, Cross-Complainant,  
and Appellant;

SANTA CLARA COUNTY CORRECTIONAL  
PEACE OFFICERS ASSOCIATION, et al.,  
Intervenors and Respondents.

No. H007648

Santa Clara County

Super.Ct.No. 703066

California Court of Appeal

Sixth Appellate District

Filed September 3, 1991

The Deputy Sheriffs' Association of Santa Clara County, Inc. (hereafter, DSA) appeals from a judgment of the Santa Clara County Superior Court declaring that the County of Santa Clara (hereafter, the County) may grant "limited peace officer status" to the custodial officers employed by the County Department of Corrections. We affirm the judgment.

#### FACTS

In an election on June 6, 1988, the voters ratified an amendment to the Santa Clara County Charter (hereafter, Charter) which transferred control of the county jails from the sheriff to a county department of correction (hereafter, Department) which the board of supervisors created pursuant to Government Code section 23013.<sup>1</sup>

The new department had two classes of personnel involved in guarding and transporting inmates: peace officers with the titles of "correction deputies (or sergeants or lieutenants)," and non-peace officer "correctional officers."<sup>2</sup>

The first category, correction deputies, sergeants, and lieutenants (hereafter, correction deputies) are deputy sheriffs who staffed the jails when they were operated by the sheriff, but who were reassigned to the Department when it opened. Correction deputies are peace officers pursuant to Penal Code section 830.1 because they were deputized by the sheriff. Section 830.1 defines the authority of deputy sheriffs and certain other peace officers, and authorizes them to carry firearms. Because of this, correction deputies perform all the functions for which armed officers are needed, and because they are peace officers, they supervise the correctional officers.

Correction deputies have dual status: although they are employees of the Department, they remain deputies of the sheriff with the full powers and duties of peace officers. (County Code, § A20-42.1.) They retain the title "deputy sheriff" and have a contractual right to transfer back to the sheriff's department as vacancies arise.

Early in the existence of the Department, the California Commission on Police Officer Standards and Training (hereafter, POST) challenged the right of cor-

rection deputies to continue to operate as peace officers. That right was upheld in Deputy Sheriffs' Association of Santa Clara County, Inc. v. California State Commission on Peace Officers' Standards and Training (Santa Clara Superior Court No. 886871). The court declared that Government Code section 23013 empowered the County of Santa Clara to employ peace officers to perform functions which the county sheriff had performed when the sheriff operated the facilities.<sup>3</sup>

By June 1990, large numbers of correction deputies had transferred back to the sheriff's department. When the number of correction deputies (and therefore, peace officers) fell below the level required by state law, the director of the department, Frank Hall (hereafter, Hall), proposed to confer limited peace officer status on some correctional officers.

Such status would enable them to carry weapons in the performance of certain duties: that is, when transporting and supervising inmates outside of correctional facilities; when carrying out facility entry and perimeter and internal security duty; when investigating crimes and pursuing escapees; when responding to emergencies declared by the director or his designee; when operating emergency vehicles to carry out the functions described above; when temporarily substituting for correction deputies on vacation, sick leave, or on other relief time; and when making detentions or arrests within the facilities upon probable cause.

Hall's proposal to confer limited peace officer status provided the impetus for the present action. The DSA, the employee organization representing deputy sheriffs including correction deputies, objected to the proposal, claiming that correctional officers are custodial officers as defined by Penal Code section 831.<sup>4</sup> That section declares them to be "public officers, not peace officers," and expressly prohibits them from carrying firearms in the performance of their duties.

Additionally, the DSA contended that neither the County nor the director of the Department had the authority to confer limited peace officer status upon anyone.

On July 23, 1990, the County and Hall filed an action for declaratory relief, naming the DSA as defendant. The DSA and Jerry Hall (county resident taxpayer, and president of the DSA) filed a cross-complaint requesting declaratory and injunctive relief. The Santa Clara County Correctional Peace Officers Association, the bargaining unit representing correctional officers, and William Allison Seigling and Alyce Lilley (personally affected correctional officers), sought and received leave to intervene.

All parties agreed that the matter should be heard by Judge James Ware, who had decided the previous suit.

Judge Ware rendered judgment in favor of plaintiffs. He concluded that although the Legislature had preempted the field regarding peace officer status, training, and power to carry firearms or to make arrests, nevertheless, a county which had acted under Government Code section 23013 to divest the sheriff of his law enforcement responsibilities with respect to a county jail, must, of necessity, have the power to bestow some limited peace officer status on its department of correction employees.

He found that correctional officers were custodial officers as defined by Penal Code section 831, but he also found that there was no legal restriction against filling peace officer jobs with individuals also employed as correctional officers, so long as each individual was trained in accordance with POST requirements for use of a fire-

arm, and peace officer duties were restricted to operation of a correctional facility.

Subsequently, as allowed by the judgment, Hall conferred limited peace officer status on certain correctional officers. The DSA's ex parte application for a stay of judgment was denied. On October 25, 1990, this court denied DSA's petition for writs of mandate, supersedeas, or other appropriate relief (no. H007629). This appeal ensued.

#### ISSUES ON APPEAL

In its brief, the DSA states: "Appellants believe this is a relatively simple case presenting issues of statutory construction and interpretation and nothing more. The issues are as follows:

"(1) Has the Legislature, by Penal Code sections 830, et seq., preempted the field of granting, conferring, and limiting 'peace officer' status on the employees of local agencies?"

"(2) If the Legislature has so preempted the field, does the action of Respondents in attempting to bestow 'limited peace officer status' on its correctional officers, and arming those correctional officers, duplicate, contradict, or otherwise intrude into an area fully occupied by the Legislature?"

"(3) If the Legislature has not preempted this field, is this nevertheless an area which is not a 'municipal affair,' and, if so, does the action of the Respondents intrude upon, and into, an area in which general law controls?"

"(4) Even if the answers to any of the issues posed above is 'Yes,' does the County, nevertheless, possess some inherent or implied power (under Government Code section 23013, its Charter or some other rule of necessity) allowing it to grant such 'limited peace officer status' to its correctional officers and to arm those correctional officers, notwithstanding the explicit prohibitions of the Penal Code to the contrary?"

"Appellants believe that the clear answers to Issues (1), (2), and (3) are 'Yes,' and that the answer to Issue (4) is 'No.'

#### SCOPE OF REVIEW

The parties stipulated and the trial court found that the relevant facts were undisputed. "Where the facts are not in conflict and the issue involves the proper application of a statute or administrative regulation, a reviewing court is not bound by the trial court's determination. [Citations.] In the case under review, the cause was submitted on stipulated facts and supplemental documentary and testimonial evidence. There was no substantial conflict in the supplemental evidence bearing upon the interpretation of the regulation. We are, therefore, not bound by the trial court's finding, but must make our own determination . . . (Shoban v. Board of Trustees (1969) 276 Cal.App.2d 534, 541.)

#### PREEMPTION

Appellant claims that "even a charter county possessing 'home rule' powers could not intrude upon, or legislate contrarily to, the Legislature's pronouncements." According to appellant, by adding chapter 4.5, "Peace Officers," section 830 et seq., to the Penal Code, the Legislature preempted the field.<sup>5</sup> Appellant asserts that Chapter 4.5 dealt "explicitly, thoroughly, completely and exhaustively with the subject of who are and who are not (and to what extent) 'peace officers' in this State."

Appellant advises that "[a] thorough understanding of the legislative history behind Penal Code sections 830, 831, and 831.5 is essential to resolution of this appeal." Appellant further notes that "notwithstanding efforts in

the last ten years by various cities and counties to grant (full or 'limited') peace officer status to its detention personnel without incurring the costs and expense of making those employees 'regular' peace officers under Penal Code section 830.1[,] the Legislature has consistently declined to take this step."

Under the doctrine of preemption, local legislation in conflict with general law is void. Conflicts exist if an ordinance duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication. (Western Oil & Gas Assn. v. Monterey Bay Unified Air Pollution Control Dist. (1989) 49 Cal.3d 408, 423, quoting People ex rel. Deukmejian v. County of Mendocino (1984) 36 Cal.3d 476, 484.)

"In determining whether the Legislature has preempted by implication to the exclusion of local regulation we must look to the whole purpose and scope of the legislative scheme. There are three tests: "(1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern; (2) the subject matter has been partially covered by a general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the municipality." [Citations.] (Western Oil & Gas Assn. v. Monterey Bay Unified Air Pollution Control Dist., 49 Cal.3d at p. 423.)

#### THE LEGISLATIVE SCHEME

Relying heavily on section 830, appellant concludes that the "field of granting, conferring, and limiting 'peace officer' status on the employees of local agencies" is contained solely within the confines of Chapter 4.5. We disagree.

Section 830 declares: "Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and withstanding any other provision of law, no person other than those designated in this chapter is a peace officer. . . ." (Emphasis added.)

Section 830 and the detailed provisions of the remainder of Chapter 4.5 are a result of recognition by the Senate in 1967 that "[t]here exists a large body of statutory law in this state describing what persons are or have the powers of peace officers, which body of law has been enacted piecemeal over the years and is dispersed throughout the codes; and [¶] [that] it is essential that the laws be logical and clear with respect to who can act as peace officers, and where, and for what purposes, since the office of peace officer carries with it numerous powers and incidents which are neither desirable nor appropriate outside such office[.]" (Sen. Res. No. 163 (1967 Reg. Sess.))

The declarations "dispersed throughout the codes" that employees performing certain functions are peace officers appear in the substantive laws that confer existence, powers, and duties on state and local departments and agencies. The enactment of Chapter 4.5 did not result in removal of these sections from the substantive codes. Then and now they remain sources of peace officer status.

For example, in 1968, after the enactment of section 830, the Legislature amended a statute granting peace officer status to mental health counselors (Welf. & Inst. Code, § 6778) without thereafter including them in Chapter 4.5.

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Similarly, in 1969, the Legislature left in place a pre-existing statute that granted peace officer powers to the director and the civil executive officers of the state Department of General Services (Gov. Code, § 14614), although members of a division of that department, the California State Police (Gov. Code, § 14613), were listed in section 830.2, subdivision (b).

In many instances, Chapter 4.5 makes specific reference to the substantive codes to identify the employing agency. For example, section 830.34 describes as peace officers "(a) Persons designated as a security officer by a municipal utility district pursuant to Section 12820 of the Public Utilities Code . . ."

Public Utilities Code section 12820 (in ch. 6, "Powers and Functions of District") authorizes a district to "employ a suitable security force. The employees . . . that are designated . . . as security officers shall have the authority and powers conferred by subdivision (a) of Section 830.34 of the Penal Code . . ."

Such dual provisions occur frequently. Indeed, in amendments as recent as 1989 and 1990, both to Chapter 4.5 and to the substantive codes, they are retained. (See, e.g., § 830.6; Ed. Code, § 39671; and Gov. Code, § 14613.)

In some cases, the provisions of Chapter 4.5 do not refer to specific codes authorizing the employment of the listed peace officers, but refer to their employing agency. For example, section 830.3 lists as peace officers investigators of the California Horse Racing Board (subd. (d)), food and drug investigators (subd. (f)), Labor Standards enforcement division investigators (subd. (g)), et cetera.

In other instances, officers are listed without explicit reference to the statutes that create and define their positions. However, these officers (sheriffs, police officers, marshals, constables (§ 830.1)), are solely public officers with no counterpart in the private sector, and recourse to statute must be had to determine their sphere of action.

From the foregoing, it is clear that Chapter 4.5 describes those peace officer functions which members of the various categories may exercise, and that the substantive statutes authorize their existence and set forth their duties. As the court pointed out in *Boxx v. Board of Administration* (1980) 114 Cal.App.3d 79, the functions described in the various provisions of Chapter 4.5 are not exclusive to officers holding the titles listed in those sections. The court stated that "police departments could exist and law enforcement powers be exercised by organizations not named in [Chapter 4.5]." (Id. at p. 85.)

In *Boxx*, the issue was whether, for purposes of retirement status, a particular group of patrolmen in fact exercised the duties and power of peace officers. The court stated that the fact that the particular category was not listed in Chapter 4.5 did not mean that its members were not peace officers.

In *Los Angeles County Safety Police Assn. v. County of Los Angeles* (1987) 192 Cal.App.3d 1378, the issue was whether the County of Los Angeles should be required to rename its security officers as "safety police officers" to conform with the designation used in section 830.4. Although the court ruled for petitioner, it refused to do so on the ground that the officers would lose peace officer status under section 830.

The court stated: "Petitioner erroneously argues that unless respondents rename the employees, those employees will lack authority to exercise peace officer powers pursuant to [Chapter 4.5]. The purpose of [that chapter] is 'to authorize the named persons to exercise the statutory powers of a peace officer.' [Citation.] Fail-

ure of a category of peace officers to appear on any of the lists in Penal Code chapter 4.5, however, does not deprive it of peace officer authority." (192 Cal.App.3d at p. 1384.)

**DUTIES OF THE SHERIFF**

We find that peace officer functions are defined in relation to the peace officer's mission. In connection with county jails, the definitive peace officer is the sheriff.

The duties of the sheriff are listed in Government Code sections 26600 et seq., and expanded in other codes. The sheriff shall take charge of and keep the county jail and the prisoners in it (Gov. Code, § 26600; Pen. Code, § 4000 et seq.), preserve peace (Gov. Code, § 26600), arrest persons who commit public offenses (Gov. Code, § 26601), prevent breaches of the peace and investigate public offenses (Gov. Code, § 26602), attend all superior courts and obey all lawful orders and directions of all courts held within his county (Gov. Code, § 26603), endorse, serve, and certify process (Gov. Code, §§ 26607-26609), et cetera.

The broad mandate to take charge of and keep the county jail and the prisoners in it involves all of the above, and is the subject of further detailed provisions. Generally, the sheriff must treat prisoners humanely and without oppression. (§§ 147, 149.) He must feed, clothe, and house the inmates, maintain their health, and preserve their peace. (§ 4011 et seq.) He must receive and store their personal property upon their arrest and return it on release. (§ 4003; Gov. Code, § 26640.) He must bring inmates before a magistrate after their arrest and as ordered by the court (§§ 145, 849.) He must provide them with rehabilitative services (§§ 4011.8, 4018.5), supervise their work (§§ 4017-4018), and finally, confine or transport them to serve their sentences (§ 4000, subd. 4).

The sheriff must staff the jail with properly qualified and trained personnel. (Cal. Code Regs., tit. 15, § 100 et seq.) There is no single statutory provision which sets forth subcategories of employees whom the sheriff can utilize for these functions. However, from various statutes we glean the possibility of undersheriffs and deputies (§ 830.1 and Gov. Code, § 31470.2), reserve or auxiliary sheriffs (§ 830.6), station officers (unarmed civilian employees who assist peace officers at the jail) and jailers (§ 4021), turnkeys (Gov. Code, § 31470.2), keepers and guards (§ 4020.8), bailiffs employed by the sheriff (Gov. Code, § 20021.10), and county peace officers ("employees of the sheriff employed in a county jail, detention or correctional facility and having as their primary duty and responsibility the supervision and custody of persons committed to such jail or facility, whether or not such employees are deputized. . .") (Gov. Code, § 20021.9).

Of these, only the custodial officers, transportation officers, and the sheriff, his deputies, and reserves are listed in Chapter 4.5. (§§ 830.1, 831, 831.5, 831.6.)

In addition to the provisions for the keeping of the county jail addressed to the sheriff in the Penal Code, the Legislature created a Board of Corrections with responsibility to set standards for local jail facilities and personnel. (§§ 6024-6041.) The standards (published in Cal. Code Regs., tit. 15) are mandatory on any city, county, or city and county receiving state aid. (§ 6035.) Consequently, the sheriff must comply with these standards in staffing and operating the jail.

**AUTHORITY OF COUNTIES TO TRANSFER CONTROL OF THE JAIL**

In 1957, the Legislature gave counties the option of

placing responsibility for jail functions in a county employee, a director of correction. (Gov. Code, § 23013.)

The County invoked that authority in 1987, creating by resolutions the new Department. The action generated considerable controversy, and the county submitted the matter to the voters in the form of a Charter amendment. New section 509 was ratified by the voters and added to the Charter on June 7, 1988. This court upheld the constitutionality of the transfer in *Beck v. County of Santa Clara* (1988) 204 Cal.App.3d 789.

Charter section 509 mandates that the board of supervisors "shall establish" a department of corrections and appoint a chief officer to operate the county jails.<sup>6</sup> It further requires that the board "shall ensure" the availability of law enforcement personnel who are authorized to use firearms to guard and transport prisoners, and directs that the department of corrections and its chief officer report directly to the board.

Enabling ordinances in the County Code declared the existence of "a [county] department of correction" (§ A20-38), gave it jurisdiction over "all county functions, personnel and facilities relating to institutional punishment, care, treatment and rehabilitation of prisoners, both presentenced and sentenced" (excluding the Mountain View Work Furlough Center and juvenile facilities) (§ A20-39), recognized the position of director of the Department (§ A20-40) and declared the director's administrative duties and powers (§ A20-41).

Among other requirements, County Code section A20-41 mandated that the director run the department "in accordance with such rules and regulations as prescribed by state law and by the board of supervisors." (Subd. (a).) It also declared: "(b) The director shall be responsible and legally accountable for administering the county jail system and for performing those duties with respect to receiving and keeping prisoners in the jail and other related jail duties assigned to the sheriff in general law. . . ."

After ratification by the voters, the Charter amendment was filed with the Secretary of State and published in Statutes 1988, Charter Chapter 10. The significance of this step lies in the fact that county charters and amendments which are adopted by majority vote of the electors, filed with the Secretary of State, and published in the official state statutes, "shall supersede . . . all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments." (Cal. Const., art. XI, § 3(a).)

The Legislature recognizes this in Government Code sections 23714 and 23724: charter provisions "become the organic law [of the county] relative to the matters provided therein, . . . and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter."

"[I]f a charter provision is properly authorized, then it supersedes general state laws in conflict, but only to the extent it is not limited by the Constitution. [Citation.] For, it is without dispute that local rules or regulations relating to matters which a county is constitutionally empowered to regulate by charter supersede general state laws on the subject, except as to matters covered by general law where (a) the local legislation attempts to impose additional requirements [citation], or (b) the subject matter is one of state concern, and the general law occupies the entire field [citation], or (c) the subject matter is of such statewide concern that it can no longer be deemed a municipal affair [citation]." (*Younger v. Board of Supervisors* (1979) 93 Cal.App.3d 864, 870, quoting *In re Hubbard* (1964) 62 Cal.2d 119.

127.)

However, our Supreme Court recently cautioned that a court asked to resolve a putative conflict between a state statute and a charter city or county measure "initially must satisfy itself that the case presents an actual conflict between the two." (*California Federal Savings & Loan Assn. v. City of Los Angeles* (July 29, 1991) — Cal.App.3d — [91 D.A.R. 9260, 9263].) "If it does not, a choice between the conclusions 'municipal affair' and 'statewide concern' is not required." (*Ibid.*)

In the instant case, Charter section 509 and the ordinances implementing it are not in conflict with general state laws and do not attempt to impose additional requirements on a subject of state concern. Rather, the local legislation is designed to comply with the legislatively imposed condition precedent to the establishment of a local department of corrections.

First, article XI, section 4 of the California Constitution requires that county charters provide for county officers, set forth their powers and duties, and empower the county board of supervisors to fix and regulate by ordinance the deputies and employees of such officers and prescribe and regulate their powers, duties, and qualifications, and the manner of their appointment and removal.

Such powers and duties of county officers, as fixed by the Charter, are not "subject to and controlled by general laws" . . . [because,] to the extent that they are inconsistent with those fixed by the general laws, they would be ineffective and void. If they did not so conflict with those fixed by the general laws . . . the charter provisions . . . though valid, would simply amount to a re-enactment of that which was already the law — a mere superfluous or idle act. We do not think the framers of the amendment [to the state constitution allowing counties to adopt charters], nor the people of the state who ratified it, contemplated any such absurd result." (*Reuter v. Board of Supervisors* (1934) 220 Cal. 314, 320-321.)

The same year that Government Code section 23013 was enacted, our Supreme Court considered the complaint of a Los Angeles County deputy sheriff who had been removed from office under statutes disqualifying a person convicted of a felony (Gov. Code, § 1028, now § 1029, and hereafter referred to as 1029), and relating to events causing a vacancy in office (Gov. Code, § 1770). The deputy had never received the hearing prior to his removal that the Los Angeles County Charter required.

The Supreme Court stated: "the general laws in question here [sections 1029 and 1770] do not appear to be part of an overall legislative design to occupy an entire field of law in a matter of statewide concern . . . Rather, the statutes here involved relate to but a narrow segment of the field of public employees, a field which the local governments have been granted the constitutional power to regulate.

"It may be conceded that the state has an interest in establishing qualification standards for peace officers at all levels of government, and, as noted hereinabove, the power of the Legislature to prescribe such qualifications, for county officers is specifically preserved by section 5 [now section 1] of article XI. However, as also noted previously, section 7-1/2 [now sections 3 and 4] of article XI authorizes charter provisions which empower 'boards of supervisors, by ordinance' to fix and regulate the manner of appointment and removal of deputies and other attaches, and specifies that such charter provisions, and necessarily the ordinances enacted thereunder, shall control over general laws on the subject which are enacted pursuant to section 5 [now section 1] of arti-

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cle XI." (Pearson v. County of Los Angeles (1957) 49 Cal.2d 523, 535-536.)

Second, the authorization of local departments of correction harmonizes with other actions relating to jails taken by the Legislature in 1957. "[W]e must construe legislation 'in context, keeping in mind the nature and purpose of the statutory act.' [Citation.] In so doing, we consider matters such as '... the object in view, the evils to be remedied, the history of the times and of legislation upon the same subject, public policy, and contemporaneous construction.' " [Citation.] (Jones v. Keppeler (1991) 228 Cal.App.3d 705, 709.)

In the second paragraph of Government Code section 23013, the Legislature authorized counties to form joint departments of correction. Later that same year, the Legislature enacted the Joint County Jail Act which authorized joint county jail districts. (§ 4050 et seq.) Participating counties were empowered to appoint a superintendent of the joint jail district who "has such powers and duties as has a sheriff, with respect to county jails . . ." (§ 4065.) That statute also made the provisions of section 4000 et seq., specifically applicable to such districts.

In authorizing joint jail districts, the Legislature created a public agency run by a public official who was not accountable to either county, but who was responsible to the board of directors created by the counties to run the district. (§ 4065.) Nevertheless, the duties and powers conferred on joint jail district superintendents were well-described in existing law which theretofore had imposed solely on the sheriff the duty of keeping the county jail and the prisoners in it. Consequently, conferring on the superintendent "the powers and duties as has the sheriff, with respect to county jails" was a convenient way of referring to a voluminous body of applicable law.

In contrast, the slightly earlier language of the first paragraph of Government Code section 23013 authorizing county departments of correction spells out in detail that a county department of correction "shall have jurisdiction over all county functions, personnel, and facilities . . . relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including . . . the county jail and . . . [its] functions and personnel."

Nonetheless, as noted above in regard to joint jail districts, these county functions were previously authorized to be carried out only by the sheriff. Therefore, the transfer of "county functions" had the same effect as conferring "the powers and duties as had the sheriff, with respect to county jails." When counties were given the option of transferring the duties from the sheriff to another county officer, it is necessarily implied that the transfer of duties included the transfer of powers to carry them out.

It has long been a rule of statutory construction that "A construction should not be given to a statute, if it can be avoided, which would lead to absurd results or to a conclusion plainly not contemplated by the [L]egislature." [Citation.] (Reuter v. Board of Supervisors, supra, 220 Cal. at p. 321.) The result would be absurd, indeed, if being subject to the requirements of law in operating a county jail, its director was left powerless to carry them out.

"The duties of a public officer include, not only those which lie within the direct definition of the statute, but also those which are necessary to the accomplishment of the purpose of his office where they promote the execution of a mandate of law." (Southern Pacific R. R. Co. v. Stibbens (1930) 103 Cal.App. 664, 673.)

Consequently, we do not believe the Legislature contemplated separating duties from powers (and then, only for county departments of correction), leaving these county officers dependent on the sheriffs they replaced for personnel empowered to perform their duties.

In the instant case, if Chapter 4.5 is held to control valid charter provisions relative to the employment of local peace officers, then notwithstanding Government Code section 23013, that chapter "would render nugatory the constitutional provisions empowering local governments to control the manner of appointment and removal of their officers and employees. It thus follows that insofar as general qualification statutes attempt to regulate appointment and removal of local officials, they are subordinate to provisions of freeholders' charters, and valid ordinances enacted thereunder. [Citation.]" (Pearson v. County of Los Angeles, supra, 49 Cal.2d at p. 536.)

SOURCE OF PEACE OFFICER STATUS

Nevertheless, appellant argues that although the County might be able to create the Department and staff it with custodial officers, Chapter 4.5 limits the status the Department may confer. Appellant concludes that a director of corrections may not employ peace officers with section 830.1 powers independently of the sheriff. Appellant bases this on the omission of "employees of a county department of corrections" from any section conferring peace officer status on corrections workers, and the definition of custodial officers as "public officers, not peace officers," in sections 831 and 831.5.

To bolster its position, appellant recounts several failed recent attempts to amend Chapter 4.5 to grant local correctional personnel full peace officer status. However, unpassed bills "[a]s evidences of legislative intent . . . have little value." [Citations.] (Miles v. Workers' Comp. Appeals Bd. (1977) 67 Cal.App.3d 243, 248, fn. 4.) We are "bound by the statute presently in effect, not by a legislative statement of intent that failed to become law." (Peralta Community College Dist. v. Fair Employment & Housing Com. (1990) 52 Cal.3d 40, 52.)

Thus the crux of the matter lies in the manner in which peace officer status is created and conferred.

Article XI, section 7 of the Constitution provides: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."

That authority is recognized by the Legislature in Government Code section 1029, subdivision (a). That statute lists persons who are disqualified from ". . . holding any office as a peace officer or being employed as a peace officer of the state, county, city, city and county or other political subdivision . . . which confers upon the holder or employee the powers and duties of a peace officer." (Emphasis added.)

Additionally, and more directly, counties are empowered to provide extended police protection services within county service areas established for that purpose (Gov. Code, § 25210.40) and are authorized to perform "all acts necessary to provide adequate police protection in the district." (Health & Saf. Code, § 20331.)

As to the interplay between Chapter 4.5 and Government Code section 23013, it is a standard rule of statutory construction that the repeal of statutes by implication is not favored. (People v. Connor (1984) 229 Cal.App.2d 716, 718.) This is especially true where the prior act has been generally understood and acted on. In the absence of express terms, it will be presumed that the Legislature did not intend by a later act to repeal an earlier one on the same subject if, by a fair and reason-

able construction, effect can be given to both. (Cal. Drive-In Restaurant Assn. v. Clark (1943) 22 Cal.2d 287.) To overcome the presumption, the two acts must be irreconcilable, clearly repugnant, and so inconsistent that they cannot have concurrent operation. (People v. Connor, supra, 229 Cal.App.2d at p. 718.)

Since appellant's interpretation of the operation of Chapter 4.5 would vitiate Government Code section 23013, to give both statutes "a fair and reasonable construction," we briefly look to the legislative provisions relating to the keeping of prisoners in state and local institutions, and the qualifications, training, powers, and authority of those holding them.

California's system of "institutional punishment" falls into two main categories: state and local. There are two statewide agencies, the Department of Corrections, the prison system for adults under the control of the Director of Corrections (§ 5000 et seq., and numerous entries under "correctional institutions, generally"), and the Department of the Youth Authority for juveniles (Welf. & Inst. Code, § 1700 et seq.). Discharged adults and juveniles are both subject to parole supervision. On the local level, counties and some cities maintain jails and their satellites: work furlough programs, road camps, et cetera, for adults, and juvenile halls and ranches for minors. Counties and cities also operate community facilities for state prisoners and parolees and certain juvenile offenders under contract to the Department of Corrections or the Youth Authority (see below).

Of those staffing these facilities, correctional, parole, and probation officers of the Department of Corrections, the Department of the Youth Authority, and the Youthful Offender Parole Board are peace officers and may carry firearms under certain terms and conditions. (§ 830.5.) Transportation officers and employees having custodial responsibilities in an institution operated by a probation department are also deemed peace officers and may carry firearms if authorized by their employing agency. (§ 830.5.)

Correctional officers employed in Substance Abuse Community Correctional Detention Centers (§ 6241 et seq.) or local facilities for state prisoners and parole violators (§ 2910 et seq.) operated by cities and counties under contract with the Department of Corrections or the Department of the Youth Authority are peace officers (§ 830.55). They may possess fire-arms in the course of their duties "under the direction of the superintendent of the facility, while engaged in transporting prisoners, guarding hospitalized prisoners, or suppressing riots, lynchings, escapes, or rescues in or about a detention facility . . ." (§ 830.55, subd. (b).)

Custodial officers in a county with a population of less than 425,000 are public officers, but may carry firearms if authorized by the sheriff or chief of police if transporting prisoners, quelling jail riots, et cetera. (§ 831.5.) Transportation officers under contract to a peace officer may carry firearms while transporting prisoners for the duration of the contract. (§ 831.6.)

The only officers who have "the authority and responsibility for maintaining custody of prisoners and [who] perform[] tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence therein[.]" who are denied the "right to carry or possess firearms in the performance of [their] prescribed duties[.]" are custodial officers employed by law enforcement agencies of cities or of counties with

populations greater than 425,000 (§ 831.)

If section 831 officers were the only custodial staff a county director of correction could employ, section 831 would clearly be irreconcilable with Government Code section 23013. Not only would the director be unable to comply with both state and local requirements for the operation of the jail, but, "[a]s the First District Court of Appeal has noted: 'It cannot be seriously contended that the supervision of prison inmates is any less hazardous than the supervision of the general public by policemen. Detection of criminal activity within the walls of a prison cannot be functionally distinguished from the detection of criminal activity in society. Fellow correctional officers and prison inmates are entitled to the same expectation as the general public with respect to protection against criminal attack.'" (People v. Garcia (1986) 178 Cal.App.3d 887, 895-896, quoting Kimball v. County of Santa Clara (1972) 24 Cal.App.3d 780, 785.)

Since those who ultimately reside in prison sojourn first in the county jail, it cannot seriously be contended that supervision of county jail inmates is any less hazardous than the supervision of prison inmates.

In our survey of the body of law relating to corrections in the State of California, we have seen that the Legislature has clearly intended to provide for the practical realities of day-to-day operations. Furthermore, when we recall our examination of the relationship between Chapter 4.5 and the substantive codes, we saw that Chapter 4.5 is not an exclusive list of the personnel that a county sheriff, state Department of Correction, or any other law enforcement agency may employ.

Consequently, we conclude that Chapter 4.5 does not limit the County director of correction in staffing his department, a law enforcement agency (People v. Garcia, supra, 178 Cal.App.3d at p. 895), consistently with the requirements of law, and that Government Code section 23013 and section 831 may operate concurrently.

Therefore, as the trial court found, and we agree, the director of correction may confer limited peace officer status on qualified and properly trained officers for the performance of their duties in their operation of the county jail.

**DISPOSITION**

The judgment is affirmed.

We Concur:  
COTTLE, J.  
ELIA, J.

PREMO, Acting P.J.

1. Government Code section 23013 provides, in relevant part: "The board of supervisors of any county may, by resolution, establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail and industrial farms and road camps, their functions and personnel."

2. In its judgment, the trial court referred to the "Department of Corrections" and "(1) custodial deputies, sergeants and lieu-tenants and (2) correctional officers." Although section 509 of the Charter provided for the establishment of a "department of corrections," it was ultimately called "Department of Correction" in the Santa Clara County Code (hereafter, County Code). (County Code, § A20-38, et seq.) Furthermore, the County Code calls the employees referred to by the

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court as "custodial deputies," "correction deputies." (County Code, §§ A20-41, A20-42.1.) This opinion will conform to the nomenclature of the County Code.

3. The decision was appealed to this court (no. H006904), but the appeal was abandoned May 22, 1990.

4. Penal Code section 831 provides, in part: "(a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city or county who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of servicing a sentence therein. (b) A custodial officer shall have no right to carry or possess firearms in the performance of his prescribed duties. . ."

"(b) A custodial officer shall have no right to carry or possess firearms in the performance of his prescribed duties. . ."

5. Further statutory references are to the Penal Code unless otherwise indicated. "Chapter 4.5" refers to Penal Code chapter 4.5, section 830 et seq.

6. The complete text of section 509 provides: "The board of supervisors shall establish a department of corrections and appoint a chief officer to operate the county jails for sentenced and unsentenced prisoners and to carry out such other functions of a department of corrections as the board determines.

"The board shall ensure that there are at all times an adequate number of trained law enforcement personnel who are authorized to use firearms to guard and transport prisoners.

"The savings of public funds generated by creation and operation of the department of corrections shall be used for other essential governmental services.

"The board shall honor the memorandum of understanding between the Deputy Sheriff's Association, Inc., of Santa Clara County and the county, effective September 21, 1987, and shall engage in good faith negotiations for successor memoranda. The department of corrections and chief officer thereof shall report directly to the board of supervisors."

Trial Court:  
Santa Clara County Superior Court

Trial Judge:  
Hon. JAMES WARE

Attorneys for Appellant,  
Defendant, and Cross-  
Complainant:  
CHRISTOPHER D. BURDICK, KATHLEEN M.  
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Los Gatos, California 95030

### MODIFICATION

Cite as 91 Daily Journal D.A.R. 10829

### CRIMINAL LAW AND PROCEDURE

*Reliance on Hearsay Evidence  
At Preliminary Hearing Is Upheld*

ALFREDO MONTEZ,  
Petitioner,

v.

SUPERIOR COURT OF THE STATE OF  
CALIFORNIA FOR THE COUNTY OF  
LOS ANGELES,  
Respondent,

THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
Real Party in Interest.

No. B052892  
California Court of Appeal  
Second Appellate District  
Division Five  
Filed September 3, 1991

The above-captioned opinion, filed on August 27, 1991, is modified in the following particular:

The language "Office of the District Attorney, Patricia Myers, Deputy District Attorney for Real Party in Interest," is deleted and replaced with the following language:

"Office of the District Attorney, Robert W. Carney, Deputy District Attorney for Real Party in Interest."

In all other respects, the opinion remains as originally filed.

\* See Daily Appellate Report on page 10559, column 1, line 5 after the file date: August 29, 1991.

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\* LEGI-TECH10/15/91  
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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE -INFO LEG  
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BILL NO	AUTHOR	TITLE	TYPE	POSIT
AB 183	FERGUSON 04/25/91	LAW ENFORCEMENT: PAIN ENFORCEMENT TECHNIQUES	INFO LEG	NONE
ASSEMBLY COMMITTEE ON WAYS & MEANS				
AB 192	KATZ 09/04/91 CHAPTERED	GANG RISK INTERVENTION PROGRAMS 91-0641	INFO LEG	NONE
AB 761	HORCHER	PENALTY ASSESSMENTS: AUTOMATED IDENTIFICATION SYSTEMS	INFO LEG	NONE
ASSEMBLY COMMITTEE ON PUBLIC SAFETY				
AB 1114	ARCHIE-HUDSON 09/05/91 VETOED	CRIMES	INFO LEG	NONE
AB 1180	MURRAY 07/01/91	PRIVATE INVESTIGATORY AND SECURITY SERVICES	INFO LEG	NONE
SENATE COMMITTEE ON BUSINESS & PROFESSIONS				
AB 1297	ISENBERG 06/09/91 CHAPTERED	TRIAL COURT FUNDING 91-0090	INFO LEG	NONE
AB 1301	KLEHS	PEACE OFFICER TRNG: PREJUDICE- BASED INCIDENTS	INFO LEG	NONE
ASSEMBLY COMMITTEE ON PUBLIC SAFETY				
AB 1364	CORTESE 04/23/91	DEPARTMENT OF FISH AND GAME: DIVERSION OF WATER	INFO LEG	NONE
ASSEMBLY COMMITTEE ON WAYS & MEANS				
AB 1871	BURTON 07/01/91 IN ASSEMBLY--INACTIVE FILE	COMMUNITY CORRECTIONS	INFO LEG	NONE
AB 2022	COSTA 08/28/91 CHAPTERED	CORRECTIONAL FACILITIES 91-1100	INFO LEG	NONE

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\* LEGI-TECH  
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10/15/91

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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE -INFO LEG  
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BILL NO	AUTHOR	TITLE	TYPE	POSIT
AB 2175	BOLAND 05/15/91 CHAPTERED	COUNTY PAROLE OFFICERS  91-0229	INFO LEG	NONE
ACR 67	TUCKER  SENATE COMMITTEE ON JUDICIARY	LOS ANGELES POLICE DEPARTMENT	INFO LEG	NONE
SB 150	DEDDEH 06/03/91 CHAPTERED	CUSTODIAL OFFICERS: SAN DIEGO AND FRESNO COUNTIES.  91-0265	INFO LEG	NONE
SB 189	DILLS  WAYS AND MEANS SUSPENSE FILE	DRIVER TRAINING	INFO LEG	NONE
SB 191	MCCORQUODALE 07/01/91 CHAPTERED	CRIMINAL FINES: DAY-FINE SYSTEM  91-0909	INFO LEG	NONE
SB 198	DILLS 04/22/91 WAYS AND MEANS SUSPENSE FILE	DRIVER TRAINING	INFO LEG	NONE
SB 208	KOPP 05/30/91 SENATE COMMITTEE ON APPROPRIATIONS	RECORDS	INFO LEG	NONE
SB 313	PRESLEY 06/13/91 CHAPTERED	LOCAL PUBLIC EDUCATIONAL AGENCIES  91-0409	INFO LEG	NONE
SB 421	WATSON 07/18/91 CHAPTERED	PEACE OFFICER TRAINING: DOMESTIC VIOLENCE  91-0912	INFO LEG	NONE
B 513	WATSON 09/03/91 VETOED	CRIMES	INFO LEG	NONE
SB 528	DILLS	DRIVER TRAINING PENALTY	INFO LEG	NONE

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LEGI-TECH  
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10/15/91

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BILL-FILE - COMMISSION ON POST-MASTER  
TYPE -INFO LEG  
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BILL NO	AUTHOR	TITLE	TYPE	POSITI
	09/09/91	ASSESSMENT FUND		
	FAILED PASSAGE			
SB 671	MORGAN 07/10/91 CHAPTERED	CITIES: POLICE  91-0523	INFO LEG	NONE
SB 885	LOCKYER 08/27/91 VETOED	JUSTICE SYSTEM CHARGES	INFO LEG	NONE
SB 998	ROSENTHAL	PEACE OFFICERS: CITIZENS' COMPLAINTS	INFO LEG	NONE
	SENATE COMMITTEE ON JUDICIARY			
SB 1014	CALDERON 05/08/91	LAW ENFORCEMENT: AUTOMATED TELLER MACHINES	INFO LEG	NONE
	APPROPRIATIONS SUSPENSE FILE			
SB 1149	PRESLEY 09/11/91 VETOED	CORRECTIONS	INFO LEG	NONE

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Commission on Peace Officer Standards and Training  
Advisory Committee Meeting  
October 30, 1991, 10 a.m.  
Pan Pacific Hotel - Topaz Room  
402 West Broadway  
San Diego, CA 92101  
(619) 239-4500

AGENDA

- |    |  |               |
|----|--|---------------|
| A. | Call to Order                                | Chair         |
|    | o. Roll Call                                 |               |
|    | o. Introductions                             |               |
| B. | Approval of Minutes of July 17, 1991 Meeting | Chair         |
| C. | Review of Commission Meeting Agenda          | Staff         |
| D. | Advisory Committee Member Reports            | Members       |
| E. | Commission Liaison Committee Remarks         | Commissioners |
| F. | Old and New Business                         |               |
|    | o. Update on Cultural Awareness Training     | Staff         |
| G. | Election of Officers for 1992                | Chair         |
| H. | Adjournment                                  | Chair         |

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**1601 ALHAMBRA BOULEVARD  
SACRAMENTO, CALIFORNIA 95816-7083POST Advisory Committee Meeting  
July 17, 1991  
Marriott Mission Valley Hotel  
San Diego, California**MINUTES****CALL TO ORDER**

The meeting was called to order at 10:00 a.m. by Committee Member Donald Forkus.

**ROLL CALL OF ADVISORY COMMITTEE MEMBERS**

Present: Charles Brobeck, California Police Chiefs' Association  
Don Brown, California Organization of Police & Sheriffs  
Jay Clark, California Association of Police Training  
Officers  
Donald Forkus, California Peace Officers' Association  
Derald Hunt, California Association of Administration  
of Justice Educators  
Marcel Leduc, Peace Officers' Research Association  
of California  
Carolyn Owens, Public Representative  
Cecil Riley, California Specialized Law Enforcement  
Judith Valles, Public Representative

Absent: Cois Byrd, Calif. State Sheriffs' Association  
John Clemons, Calif. Highway Patrol  
Dolores Kan, Women Peace Officers' Association  
Joe McKeown, Calif. Academy Directors' Association

Commission Advisory Liaison Committee Members present:

Commissioner Edward Maghakian  
Commissioner C. Alex Pantaleoni

POST staff present:

Norman C. Boehm, Executive Director  
Glen Fine, Deputy Executive Director  
John Berner, Bureau Chief, Standards and Evaluation  
Ken O'Brien, Bureau Chief, Training Programs Services  
Otto Saltenberger, Bureau Chief, Administrative  
Services  
Hal Snow, Assistant Executive Director  
Vera Roff, Executive Secretary

## INTRODUCTIONS

Newly appointed Advisory Committee Member, Joe Flannagan, who will represent the Peace Officers' Research Association after September, was introduced and welcomed.

## APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION - Brown, second - Valles, carried unanimously to approve the minutes of the April 17, 1991 Advisory Committee Meeting held at the Holiday Inn Holidome in Sacramento.

## APPRECIATION

Hal expressed appreciation to all those present and those associations who were so supportive of POST's efforts to retain the \$5 million the Legislature reduced from the Aid to Local Government budget during the recent state budget crisis. It is anticipated the Governor will veto this action before the budget is signed and, in effect, restore the \$5 million to POST's reserve funds.

## REVIEW OF COMMISSION AGENDA

Staff reviewed the July 18, 1991 Commission meeting agenda and responded to questions and discussion on the issues.

Agenda Item I. was discussed, "Changing POST Regulations to Allow Reimbursement for Satellite Receiving Antennas", and the following action was taken:

MOTION - Clark, second - Riley, carried unanimously to recommend to the Commission to support the proposal to reimburse law enforcement agencies and basic academies for the purchase of satellite receiving antennas, and the use of satellite technology training in a variety of areas.

Agenda Item K. was discussed, "Cultural Awareness Training and Guidelines and Authorization of a Contract for One Pilot Course", and the following action was taken:

MOTION - Valles, second - Brobeck, carried unanimously to encourage the Commission to consider mandating the eight-hour Cultural Awareness Training Course, for Law Enforcement Executives, which has been developed in partial response to SB 2680.

## ADVISORY COMMITTEE MEMBER REPORTS

California Police Chiefs' Association - Charles Brobeck reported the annual conference will be held in February in Concord. Chief Bob Vernon, Assistant Chief of LAPD, and Karel Swanson, Chief of Walnut Creek, will host the conference, which will focus on the ethical role of first-line supervisors. Cal Chiefs next board

meeting will be held August 21 in Visalia.

Jim Nunes, Chief of Pleasant Hill, is the new chairman of the Cal Chiefs Training Committee.

California Association of Police Training Officers - Jay Clark reported that Nadine Davanis, Sergeant with the San Francisco Airport Police Department, has been elected CAPTO president for the new fiscal year. She is married to Sergeant Mike Davanis, San Bruno Police Department, who developed the Reserve Officer Standards and Programs publication. He will be acknowledged for his contributions during the July Commission meeting.

President Davanis plans to continue organizational efforts to help improve the quality of training for California Law Enforcement and continue working with POST.

CAPTO is looking at the possibility of forming a scholarship fund to assist non-affiliated students entering a Police Academy.

The annual conference will be held in October in Santa Rosa.

California Association of Administration of Justice Educators - Derald Hunt distributed the June Newsletter which included highlights of the annual conference held in April. He expressed appreciation to POST for assistance and its presentations at the conference.

CAAJE is working with the Chancellor's Office on a college survey to determine which courses are required for the Criminal Justice AA degree. Since there appears to be no statewide criminal justice curriculum standard for all colleges, the purpose would be to develop one after the surveys have been analyzed.

California Organization of Police and Sheriffs - Don Brown reported that COPS annual conference to be held in Ventura in June 1992 will include a trade show demonstrating the latest technology in law enforcement. The major emphasis will be "Challenges Facing Law Enforcement in the 21st Century."

#### Public Representative

Judith Valles attended the recent Command College graduation in Pomona, and particularly enjoyed the presentation by Leland Russell of the GEO group who spoke on the major emerging change forces of globalization, empowerment, and orchestration of technology. There was also a GEO film which she recommended to all members of the Advisory Committee.

California Peace Officers' Association - Don Forkus reported plans are underway to hold the CPOA annual leadership seminar to review the long range plan within the next few months. Plans are also being finalized for the mid-winter conference to be held in November.

## OLD AND NEW BUSINESS

### o Update on Impact of ADA Growth Cap on Law Enforcement Training

The Commission previously instructed staff to monitor the impact of the Community College ADA cap on the availability of POST-certified courses for law enforcement trainees. AB 990, currently before the Legislature, would require a study of the feasibility of an ADA cap exemption for state-mandated public safety courses. After it has passed the Senate floor, it will go to the Governor. If passed, the study would be conducted by the Chancellor's Office in cooperation with POST and CADA. It was reported that there currently are pressures to shift training course presentation costs from departments and community colleges to POST. The ADA cap for community colleges and budgetary problems in law enforcement agencies stimulate greater interest in tuition reimbursable courses. Shifting of costs to POST is being resisted, and staff will report back if magnitude of the problem increases.

### o Update on Recruitment Project

It was reported that POST is continuing to work on a number of recruitment projects, including an evaluation of alternatives with respect to possible POST involvement in a statewide image building/recruitment campaign. The fellowship consultant, assigned to the project, was promoted and has returned to his department, but the work is ongoing. Specifically, a one-year pilot program involving the collaboration of POST and 16 Contra Costa County law enforcement agencies, designed to assess the utility of regional recruitment and pre-employment testing (using the POST reading and writing test), will conclude in January 1992; and a nationwide review of high school law enforcement magnet programs has been completed, with plans underway to host a workshop on the topic in late September.

It was recommended that the matter be referred to the Long Range Planning Committee for discussion and recommendation at the October 31, 1991 meeting.

It was requested that the Advisory Committee continue to be apprised of the progress.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:20 p.m.

## DEPARTMENT OF CALIFORNIA HIGHWAY PATROL



P. O. Box 942898  
Sacramento, California 94298-0001  
(916) 445-9236

August 29, 1991

File No.: 30.3540.A9091.0963L

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

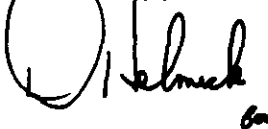
Dear Chairman  Lowenberg:

As you probably know, Chief John Clements of this Department has voluntarily transferred to our Coastal Division Field Office located in San Luis Obispo where he has assumed the position of Division Commander. As a result of this reassignment, John will be resigning his position on the Peace Officer Standards and Training (POST) Advisory Committee effective November 1.

I have nominated Chief Jack Healy to replace John on the POST Advisory Committee. Jack has a wealth of law enforcement experience totalling over 31 years and is presently serving as the Commander of our Personnel and Training Division. I am confident that he will serve with the same level of enthusiasm and commitment that John has displayed while serving on this worthwhile committee. As you know, the Highway Patrol truly values its membership on the POST Advisory Committee and hails the ongoing efforts of the POST Commission towards the betterment of California law enforcement.

Thank you for your consideration in this matter and please feel free to contact me regarding this or any other issue you may wish to discuss.

Sincerely,



M. J. HANNIGAN  
Commissioner

AUG 30 6 50 AM '91  
COMMUNICATIONS SECTION

CHANCELLOR'S OFFICE

CALIFORNIA COMMUNITY COLLEGES

1107 NINTH STREET

SACRAMENTO, CALIFORNIA 95814  
16) 445-87

AUG 13 8 52 AM '91



August 7, 1991

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

Dear Mr. Boehm:

In July of this year Doug Burris retired as Deputy Chancellor for the Chancellor's Office of the California Community Colleges. Dr. Ernest R. Leach has subsequently replaced Mr. Burris as Deputy Chancellor and it is my pleasure to appoint Dr. Leach to the POST Advisory Committee; upon approval from your Commission.

Ernie will assume all responsibilities as they pertain to the POST Advisory Committee and all correspondence, meeting agendas, or materials should be addressed to him directly.

If you have further questions or concerns, please contact me at (916) 445-4004.

Sincerely,

*David Mertes*

David Mertes  
Chancellor

DM/EL/met





the State regulatory system between the years 1958 and 1989. Reform legislation of 1989 has not yet been implemented. Optional considerations were described in the July staff report.

Following discussion at its July the meeting, the Commission requested that this item be brought back for action at the October 31, 1991 Commission meeting. Staff was directed to bring back for consideration the possibility of provisional approval for August Vollmer University while they are seeking approval under the proposed new State approval rules and regulations.

Staff has met with Dr. Kenney of August Vollmer University at POST during this most recent interim. The discussion focused on the issue in question, the interpretation of the Commission's intentions during the continuance from the July meeting, and his seeking staff's intentions with respect to a recommendation for the October meeting. Subsequent correspondence was received from Dr. Kenney. Both Dr. Kenney's correspondence and Staff's replies are included as Attachment B.

#### ANALYSIS

The recognition of August Vollmer University, pending its evaluation under the new rules of the State regulatory system (to occur by January 1, 1994), is the specific consideration the Commission requested staff to examine.

If the Commission were so moved, the process for according provisional approval to August Vollmer University would be the revision of POST Regulations 1001 and Commission Procedure F-1-4 as shown in Attachment C of this report. A Public Hearing and approval by the State Office of Administrative Law would be required in order to effect the change of regulations.

Regulation changes to effect provisional recognition would include the following elements:

- \* Accept non-accredited but State approved institutions that are approved under regulations adopted by the State to implement the Private Postsecondary and Vocational Education Reform Act of 1989 (SB 194).
- \* Grant provisional recognition to institutions provisionally approved by the State pending their acceptance under the new rules to be adopted pursuant to SB 194.
- \* Limit such recognition and provisional recognition to non-accredited institutions specializing in criminal justice education.
- \* Place a maximum of 3 years time limit for provisional approval.

Provisional recognition of August Vollmer University could have the affect of attracting increased numbers of law enforcement officers to higher education because the university's programs would satisfy POST's educational requirements for the award of professional certificates.

However, the Commission may wish to consider issues before acting on provisional recognition.

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

If the Commission wishes to consider a change in POST Regulations to grant provisional recognition a public hearing should be scheduled to act upon proposed regulations as described in Attachment C.

Should the Commission decide not to pursue this course, remaining apparent options are as follows:

- \* Deny August Vollmer University's request and stand on the current regulation.

This would serve to best preserve the integrity and stability of the POST certificate program by continuing to recognize only educational attainments from accredited institutions. The Commission would still retain the prerogative to change its regulation if the new State approval rules and processes meet expectations in the future.

This action would be counter to the interests of August Vollmer University and its students. But, the action might also be consistent with the statewide interest of guarding against acceptance of less than quality educational credentials and serving to preserve the integrity of the certificate program.

- \* Change the current regulations to recognize any non-accredited but State approved educational institutions.

This would accommodate August Vollmer University and its students as well as those non-criminal justice specialty institutions. It would preclude challenges that might be expected if exceptional recognition were granted to criminal justice specialty institutions. But, there would be reason for concern that recognition would be granted to one or more institutions whose programs lack educational quality. Commission action could stimulate enrollments in those programs.

- \* Modify regulations to recognize non-accredited institutions meeting criteria to be adopted by the Commission.

This would require increases in current staff and expertise as described in previous reports to the Commission. It would also duplicate the approval process of another State agency.

- \* Defer a decision on these options pending receipt of input at a public hearing.

Should Commissioners wish to receive field input before deciding this issue, the proposal for provisional recognition and the related potential for recognizing all non-accredited degree-granting institutions could be scheduled for hearing in January. The views of the law enforcement community could then be considered as final judgments are made.

This matter will have been discussed by the Long Range Planning Committee which may offer recommendations. The matter is before the Commission for resolution.



## ANALYSIS

In April, 1991, the California Postsecondary Education Commission (CPEC) finalized a report to the Legislature on the subject of accreditation by professional accrediting bodies and the state approval processes. The report draws attention to legislation in 1958 which changed the Education Code to permit for-profit, degree-granting colleges and universities to operate in the State without monitoring by the state. As the result of the 1958 legislation, incidence of fraudulent activities increased in this segment of proprietary education. New institutions with marginal assets were able to operate due to the lack of regulations and adequate consumer protection laws under the State regulatory system. The 1958 legislation introduced all of the various terms such as approved, licensed, authorized, and accredited without making clear distinction among them.

As reported by CPEC, the Private Postsecondary Act of 1977, as amended in 1986 was legislative effort to foster greater integrity in postsecondary education, but as noted by the author of the CPEC report, Chief Policy Analyst, William Haldeman, "the lack of a sympathetic administrative structure" hampered the implementation of significant changes.

The CPEC report also described the State regulatory system as "notoriously ineffective" between the years 1958 to 1989, when the Private Postsecondary and Vocational Education Reform Act was enacted. The 1989 legislation, which took effect January 1, 1991, establishes an independent council to administer the State regulatory system; strengthens the licensing laws; provides for closer monitoring; increased the measures to insure the financial stability of institutions; tougher consumer protection standards regarding false advertising, ambiguous enrollment contracts and tuition refund policies, and other requirements. However, it is important to note that this new State regulatory system, pursuant to the 1989 Reform Act, is not operative at this time, pending the development and adoption of required rules and regulations.

August Vollmer University, which was first "Authorized to Operate" in 1986 is now a "Candidate for Approval" under the new State regulatory system. The university must undergo an appraisal under the new rules and regulations prior to January 1, 1994.

The Western Association of Schools and Colleges (WASC) is the most widely recognized voluntary accrediting body in this region of the country. The State delegates authority to WASC and exempts it from State supervision. Government Code Section 1031 (e), in addressing the minimum education standard for peace officers, specifies that a two-year or four-year degree from a college or university accredited by WASC is acceptable in lieu of high school graduation.

Voluntary accreditation and the processes proposed under the new State system may appear similar on the surface. Both are based on a comprehensive set of standards that must be met by institutions, including a site visit, to determine compliance. The differences in the systems revolve around the source of authority, primary emphasis and the consequences of decisions.

For example, the primary emphasis of accreditation is to promote integrity and quality of the educational experience among postsecondary institutions. These associations establish threshold standards that must be met for membership. A certain sameness in the membership enables members to carry out peer evaluations, self evaluations and provides for transferability among similar institutions. Units, credits and degrees from non-accredited colleges and universities are not recognized or accepted by accredited institutions.

On the otherhand, the primary objective of State licensure is to ensure that institutions and the individuals employed by them comply with minimum standards relating to consumer protection.

Since the April Commission meeting, in addition to conducting more research in the interest of clarity, staff has sought alternatives for the Commission to consider with respect to this pending issue, and has had discussions with Dr. Kenney. He has submitted additional information which is included as Attachment A. The materials provide an explanation of his rationale in support of this appeal, as well as his explanation of the processes of accreditation and State approval/authorization.

He describes in Attachment A substantial similarities in the processes of accreditation and State approval/authorization. Staff is not in disagreement with his description of the processes per se. However, other available information from CPEC establishes that there are substantial differences behind the surface of these processes. As noted earlier, the Chief Policy Analyst for CPEC recently described, in an April, 1991 report to the Legislature, that the State regulatory system was "notoriously ineffective" between the years 1958 to 1989. Further, that which transpires after the 1989 Postsecondary Education Reform Act becomes effective depends on the future success of the newly designated State regulatory body and the effectiveness of the implementation of the pending new rules and regulations.

Dr. Kenney's proposal to limit POST recognition to non-accredited institutions that specialize in criminal justice/criminology curriculum was evaluated. August Vollmer University may be the only private non-accredited institution now specializing in criminal justice education. Certainly, POST does not wish to discourage higher education for the criminal justice field.

However, should the Commission give recognition to August Vollmer University as requested, there is some likelihood that other non-accredited institutions could move into this area. Impetus would also be given to other non-accredited institutions to seek POST approval of their programs. Additionally, while staff admires Dr. Kenney personally, staff has no basis for opinion as to the quality of degrees and units awarded by August Vollmer University. If this option were to be pursued, the Commission probably should establish its own approval criteria by which August Vollmer and potentially others would be evaluated.

According to the CPEC representative there are approximately 200 private postsecondary degree-granting institutions in the State. POST currently has requests from students for recognition of three other State approved non-accredited institutions, Columbia Pacific University, of San Raphael, Sierra University, of Costa Mesa and California Coast University, of Santa Ana. These types of requests are received with some frequency. It would be anticipated that these requests would be intensified if the Commission decides to recognize non-accredited institutions. POST lacks the staff expertise and the necessary resources to evaluate postsecondary degree-granting programs. There also would be difficulty in promulgating criteria that would serve this POST evaluation process.

As another alternative, the Commission could accept the State approval process either in whole or in part. Blanket recognition of all State approved non-accredited institutions would entail the recognition of some 2,500 to 3,000 institutions, including vocational institutions. The partial recognition consisting of only the degree-granting institutions was discussed in the previous paragraph. The down side of blanket recognition would be the potential risk of greatly reducing the quality control of education credits now afforded by the accrediting body that POST now recognizes. There could be an adverse impact upon the credibility of POST professional certificates.

Still another alternative could be that Dr. Kenney of August Vollmer University apply for accreditation through WASC. If he were successful with his application for accreditation, the issue before the Commission would be resolved.

Dr. Kenney has drawn attention to Education Code Section 94301. This statute, as revised effective January 1, 1991, expresses legislative intent to establish minimum standards for education quality and the ethical and business practices of postsecondary educational institutions. The intent is also to encourage recognition of coursework and degrees issued by private institutions. A copy of Education Code Section 94301 is included as Attachment B.

Although the intentions expressed in Education Code Section 94301 are commendable, it appears premature to consider changing POST Regulations based upon the creation and potential of a new State regulatory agency which is still evolving. Moreover, the university which is the subject of this appeal was originally authorized to operate in 1986 under a system which has been described by CPEC as ineffective in assuring the integrity of its non-accredited units. As of January 1, 1991, the State's regulatory system, resulting from the 1989 Reform Act, requires a newly designated independent council and the development of rules and regulations to improve the system. As previously noted, these legislatively required changes have yet to be realized.

In summary, based on the foregoing, the options before the Commission appear to be the following:

- (1) Deny the appeal for POST to change its regulations to allow for the recognition of non-accredited units, courses and degrees toward the award of professional certificates.
- (2) Change POST Regulations to place reliance for recognition upon the State approval process.
  - (a) Blanket approval of all State regulated institutions, including vocational institutions.
  - (b) Recognition of only the degree-granting institutions.
  - (c) Recognition of only those State approved/authorized programs that specialize in criminal justice curriculum.
- (3) Change POST Regulations to allow for POST to establish and adopt standards for the recognition and approval of educational institutions.

In conclusion, because of reliable input regarding the inadequacies of the State regulatory system between the years 1958 and 1989, it would not seem prudent to rely on the authorization/approval process at this time. Further, it is premature to make an assessment as to the eventual success of the new State regulatory system that is currently under development.

It is believed that the option of requiring POST to develop its own approval standards would be unduly costly and would require new staff expertise.

Because of these findings it is felt the current POST Regulation



requiring units, credits, and degrees from accredited institutions for the award of professional certificates is appropriate.

The staff report, prepared for the April 18, 1991 Commission meeting, is included as Attachment C. Regulation Section 1001 (a) and Commission Procedure F-1-4 (b) are included as Attachment D. The latter two documents articulate the current requirement of the Commission's recognition of only units awarded by accredited colleges and universities toward the award of POST professional certificates.

RECOMMENDATION

Deny the request for recognition of non-accredited units, credits and degrees toward the award of POST professional certificates.

DEPARTMENT OF JUSTICE

DANIEL E. LUNGREN, Attorney General

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October 8, 1991

John P. Kenney, Ph.D.  
President  
August Vollmer University  
765 The City Drive, Suite 260  
Orange, California 92668-4942

Dear Dr. Kenney:

In your letter of October 3, 1991, you continue to express concern about the Commission's direction to staff. If we understand you correctly, you believe that the Commission decided to grant provisional recognition and directed staff to propose the means of implementing that decision. We believe the Commissioners were interested in provisional recognition, but delayed a decision pending the submittal of a staff report for the October 31st meeting. As we are all aware, a quorum of the Commission was not present when your issue was heard. Please be assured that the question of provisional recognition will be placed before the Commission on October 31st.

You raise several other issues and concerns which are summarized and addressed below.

Quality of Education V.S. Consumer Protection

We have consistently been advised by knowledgeable persons that WASC and the State regulatory agencies are interested in both. However, the State's primary interest and focus has been consumer protection and WASC's has more of a focus on educational quality. Based upon the 1989 Reform legislation, the State regulatory body intends to operate more like an accrediting agency, but with increased emphasis on consumer protection. Expression of this intent comes not from POST staff but from staff of the Council for Private Postsecondary and Vocational Education. The Reform legislation requires that minimum standards for State approval shall not exceed accreditation standards. The legislation, however, does not call for standards equal to those of accrediting bodies. As we have also noted in previous correspondence with you, it is premature to make an assessment as to the eventual success of the new State regulatory system that is currently under development.



### Life Experience Credits

Education Code Section 94310 (7) is quoted as follows: ".....The Council shall develop specific standards regarding the criteria for awarding credit for prior experiential learning at the graduate level, including the maximum number of hours for which credit may be awarded." It therefore would appear that as the new Council develops its operating rules and regulations, this area will be made more specific.

Regarding this area of Life Experience, our attention is drawn to related information contained in your institution's published catalog. According to the August Vollmer University document, credit can be allowed by your institution in the following areas:

- (a) Life Experience Credit
- (b) Participation in Organized Training
- (c) Corporate Training
- (d) Military Courses
- (e) Teaching and Research Experience
- (f) Professional Experience
- (g) Independent Study and Other Experience

### Quality Of Education Best Assured By Relying On Accredited Institutions

Our past conclusion in this regard is simply an outgrowth of inputs received from knowledgeable others as described above. All lawfully operating degree-granting institutions are state approved. State approval is granted with an emphasis on assuring consumer protection. Accredited institutions first obtain this State approval, and then meet the requirements of the accrediting body which focuses more strongly on educational quality assurances.

Our conclusion appears sound as generalized observation. We do not assert that the absence of accreditation means an individual institution offers inferior programs, nor do we assert that the mere fact of accreditation assures quality in all offerings of an individual institution.

### Need-Benefit Conclusion

Our past remarks in this area perhaps have not been clear enough to reflect the real intent. Apparently, they cause you to believe that we lack appreciation of

the benefit that your programs have for your law enforcement officer students. We assure you that is not the case.

Our remarks in this regard relate only to the larger issue of the existing POST Regulation and whether it should be changed. If the regulation were changed as you request, the benefit to your university and your students is clear. But, there is uncertainty as to the prospects for effecting the change as you propose. Further, there is uncertainty regarding the statewide, long term benefits for law enforcement if the current regulation is abandoned.

We hope that the foregoing addresses your concerns and clarifies our past positions. Please contact us if there are remaining questions.

Sincerely,



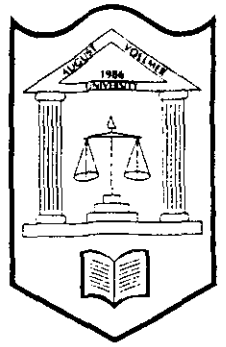
NORMAN C. BOEHM  
Executive Director

October 3, 1991

COMMISSION ON POST

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

OCT 7 8 43 AM '91



Dear Norm,

I am prompted to respond to several issues you raised in your letter of September 21 since Ron Lowenberg, Chairman, decreed that no public testimony will be taken at the October meeting. I reiterate that Ron's directive to the staff at the July meeting was to prepare a recommendation for recognition of August Vollmer University (AVU) programs in a provisional status until it is subjected to the approval process by the Council of Private Postsecondary and Vocational Education prior to January 1, 1994. In a recent conversation with Ron following receipt of a letter I'd sent him asking for clarification of his directive he emphatically confirmed my understanding of his directives. Paraphrasing my recollection, Sherm Block concluded the discussion at the July meeting with, Let's get on with the business of provisional recognition until approval is received by AVU from the Council.

With respect to WASC emphasis on quality and integrity of education in contrast to the primary objective of State licensure focus on consumer protection, staff conclusions just do not square with the Legislature's requirements for degree-granting institutions in both prescribed standards and evaluation processes which has been effect since 1977. There was no substantive changes in the 1990 legislation nor is there in S.B.494 proposed February 26, 1991. The fact that private degree-granting institutions have been associated with Vocational education institutions for administrative purposes taints them with the Legislature's stated concerns over malpractices of vocational education institutions for which large amounts of federal and state money is involved, hence the consumer protection focus.

I take issue with the "collective wisdom" that included input from officials of WASC and the State regulatory system upon which the staff assessments were made. The blanket "indictment" of degree-granting institutions in the California Postsecondary Education Commission report along with vocational education institutions just does not square with facts. I am amazed that officials of the "State regulatory system" did not differentiate between their agencies requirements and processes for degree-granting institutions and vocational education institutions. For over ten years I have been a member of evaluation teams and have reviewed self-studies for accredited and approved institutions and AVU has endured the State

# AUGUST VOLLMER UNIVERSITY

Department of Education process twice in the past four years. I can assure you that the process and evaluation dealt with the quality and the integrity of the educational experience. In fact that was the primary concern.

How can you conclude "that based upon the new laws, the State intends in the future to grant approval more akin to accreditation"? As stated above there has been no substantive change in the laws relating to degree-granting institutions, since 1977. Private Postsecondary degree-granting institutions are required by law (Education Code Section 94310) to meet standards equal to, but may not exceed those of WASC and have been and must continue to undergo an on-site qualitative review.

The Legislative intent (Education Code Section 94301(a)) emphasizes that "instructional quality and institutional stability" is to be insured "to the end that students will be provided equal opportunities for equal accomplishments and ability". AVU certainly fulfills this expectation of the Legislature and to not be recognized is discrimination against our students.

The staff's adoption of "the position that educational quality is best assured by recognizing only those institutions which have attained accreditation" just does not reflect an understanding of the accrediting processes nor the objectives of the State licensure processes.

The issue of life experience credits is easily laid to rest. The Education Code, 94310(7) states that minimum standards for degree-granting institutions shall not exceed those of WASC; therefore, the WASC limits of 30 units for undergraduate degrees must be adhered to. The Council may permit life experience for graduate degrees but without doubt such will be very limited and AVU has no intentions of awarding any.

Tom Tremblay's comment on "buy a degree program" was taken out of context as he previously had stated that he had "examined several colleges and universities and accelerated programs". I happen to know that he included accredited institutions in those he examined.

I am baffled by the "need-benefit" conclusion of the staff, Obviously, it did very little research on the subject. I'm sure you recall the hey-day of the "GI" Bill and the opportunities it provided peace officers to pursue higher education. While I was on the faculty at U.S.C. in the Post WWII era literally hundreds of peace officers in L.A. County were afforded an opportunity to pursue degrees because we offered courses at convenient times and locations. There was a need and the benefits which accrued to many leaders in law enforcement is well known. Today few universities and colleges in the State provide such opportunities, and the budget situation further limits opportunities.

AVU is meeting a definite need otherwise why would Ron Lowenberg, Don Burnett, Sherm Block among other leaders in law enforcement encourage their officers to take advantage of the educational opportunities AVU provides? The benefit is that we offer courses at convenient times and locations, we have a quality program and our students have reaped the benefits attested to by their successes in promotions, employment as college and university faculty members and personal gratification from completing degrees.

P.O.S.T. must change its position on "needs-benefits" in order to maximize opportunities for peace officers to pursue higher education. Higher education in criminal justice is an important component of requirements for professional certificates, highly prized by the officers. It is also time for P.O.S.T. to recognize relevance and applicability of education for the profession to advance.

The P.O.S.T regulation change requested by AVU should not be complex. Recognize as equal, not special and not exceptional, degree-granting institutions offering course work and degrees in criminal justice and law enforcement. The recognition should also include a "retroactive" clause to cover our AVU students. That's what the commission has asked staff to prepare for its Oct. 31st meeting.

Best personal regards,



John P. Kenney, Ph.D.  
President

JPK/wdh

cc: Ronald Lowenberg, Chairman

DEPARTMENT OF JUSTICE

DANIEL E. LUNGREN, Attorney General

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September 24, 1991

John P. Kenney, Ph.D.  
President  
August Vollmer University  
765 The City Drive, Suite 260  
Orange, CA 92668-4942

Dear Dr. Kenney:

This is a response to the issues raised in your correspondence of September 19, 1991.

The review of the tapes and minutes of the July Commission meeting reveals that at the time of the hearing of your appeal, there was not the necessary quorum which would enable the Commission to render a decision. Hence, official action on your matter was held over until the October meeting. In the meantime, POST staff was directed by the Chairman of the Commission to submit at the October meeting a proposal regarding provisional approval for August Vollmer University while the institution seeks approval under the new rules and regulations, to be promulgated under the newly designated State regulatory system. We believe the minutes accurately reflect that direction.

In our report to the Commission for its July meeting, it was noted that WASC, as an accrediting body, placed its emphasis on the promotion of integrity and quality of the educational experience among postsecondary institutions. It was also noted that the primary objective of State licensure, as a contrast, is to ensure that institutions and the individuals employed by them comply with minimum standards relating to consumer protection. These observations reflect the collective wisdom of those in a better position that we to make such assessments. Included in the input were officials of WASC and the State regulatory system. We agree, and have stated that based upon the new laws, the State intends in the future to grant approval more akin to accreditation.

We are aware of and have previously reviewed the Education Code statues you refer to. You previously





September 24, 1991  
Page 2

called to our attention that you are exempt from certain consumer protection laws by virtue of non-profit status. We have not used consumer protection as the basis for our past recommendations to deny your request for POST recognition. Rather, we have assumed that the State approval processes adequately protect consumers and that this area constitutes the State's focus. Instead, we have adopted the position that educational quality is best assured by recognizing only those institutions which have attained accreditation.

The issue of life experience credits, I am told, was raised in conversation with you from an information-seeking standpoint. It was known that WASC limits the number of such units for degree-granting purposes. It was not known whether non-accredited institutions operated under any limitations. I have been informed by staff that under the provision of SB 190, the new Council is charged with the development of specific standards regarding the criteria for awarding credit for prior experiential learning at the graduate level, including the maximum number of hours for which credit may be awarded. The Education Code Section that you reference regarding a specified limit for experiential learning credit (94310.5) was repealed by Statute, 1989, c. 1307.


We have repeatedly expressed our support for higher education programs for law enforcement personnel. But we have cautioned the Commission with the view that the current regulation ought not to be changed unless there appears to be a clear need for and benefit from the change. By that, we have meant that the advantages/disadvantages analysis should clearly show wisdom in the change. We have had difficulty coming to such a conclusion.

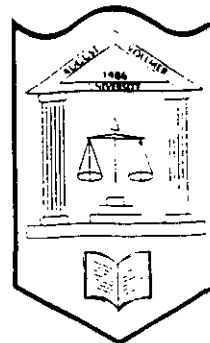
Tom Tremblay's presentation to the Commission was impressive. His remarks are thoughtful and articulate, as you know. We note, however, that he, as a student, points out that there are "buy-a-degree" programs in existence, and that he advocates August Vollmer University be recognized on some type of waiver or exceptional basis. We, as you know, have had difficulty arriving at a POST regulation change that would provide recognition for August Vollmer University on an exceptional basis while meeting the State rule-making process requirements.

September 24, 1991  
Page 3

I hope these remarks provide for a better understanding of our position and concerns with respect to this matter.

Sincerely,

  
NORMAN C. BOEHM  
Executive Director



September 10, 1991

Mr. Norman C. Boehm, Executive Director  
Commission on Police Officer Standards and Training  
1601 Alhambra Boulevard  
Sacramento, California 95816-7083

Dear Norm;

It is my understanding that Ronald Lowenberg, Chair of the Commission, with your concurrence at the July 18th meeting directed the staff to prepare a recommendation for action by the Commission at its October 31st. meeting which would recognize August Vollmer University (its units, course work and degrees) in a provisional status until the University was subjected to the approval process and approved by the Council for Private Postsecondary and Vocational Education prior to January 1, 1994. This is at variance with the minutes of the meeting, a copy of which Mr. Fine provided me on August 28th.. The minutes state, "Staff was directed to review the possibility of provisional approval for August Vollmer University while they are seeking approval under proposed new state approval rules." The difference is important since my understanding, concurred in by my staff present at the July meeting, calls for a positive recommendation from the P.O.S.T. Staff be presented for action by the Commission.

In my meeting August 28 with Mr. Fine and Mr. Williams there was obviously confusion. Issues which I thought had been resolved were raised and some new ones introduced. Some clarification follows for some of the issues.

The staff interpretation that accrediting associations focus upon quality of education whereas state approving entities focus more on consumer protection has not considered the Legislature's mandated focus of the New Council for private postsecondary education degree-granting and non-profit institutions. Chapter 3, article 2.5 STUDENT PROTECTION addresses the issues of consumer protection, past improper conduct and remedies, and the institutions to which the article applies. However, section 94316.1 specifically exempts from the article's provisions institutions which are incorporated and lawfully operate as nonprofit public benefit corporations pursuant to the Corporations Code or which exclusively confer degrees as specified. The implications of this section are that the Council must focus on the quality of education in evaluating degree granting institutions. A copy of the pertinent code sections is enclosed. Please note the findings, declarations and intent of the Legislature from which non-profit and degree-granting institutions are exempt.

## **AUGUST VOLLMER UNIVERSITY**

August Vollmer University meets both criteria for the exemption from the Article, therefore I do not know how the staff can use consumer protection as caveat emptor for denying A.V.U. and other degree-granting institutions recognition. I have provided the staff ample evidence that the evaluation process of the State Department in the past and the new Council henceforth will be as rigorous as that of accrediting associations. Please note that the substantive issues to be evaluated for approving degree-granting institutions are incorporated in the law. The Council's Private Postsecondary Education Regulations will operationalize the procedures for evaluation.

Based on section 94316.1, operable January 1, 1990, and the evidence provided your office relating to the rigorous evaluation processes applied to the private postsecondary degree-granting education institutions, it appears to me that the suggested "provisional status" for A.V.U. is unnecessary. A.V.U. was reauthorized in 1990. The Legislature in its "infinite wisdom" has determined that private postsecondary degree-granting institutions are legitimate institutions of higher education.

I am perplexed by the staff raising the issue of life experience credits which are granted by both accredited and private postsecondary degree-granting institutions. The established requirements are set further in the book, Collegial Assessment of Experiential Learning (C.A.E.L.) and the number of units which may be granted is limited. The Western Association of Schools and Colleges (W.A.S.C.) permits 30 units and the California Education Code, chapter 1298, SEC 1, Section 94310.5 limitation was set at 20% (24 units) of the credit toward a degree from non accredited institutions for the bachelor degree. A.V.U. limits its award to 18 and relatively few students apply for the credit.

It is incomprehensible that the staff's reviews do not disclose that need or benefit exists for recognition of A.V.U.. No where in California are there any accredited senior universities and colleges which offer upper division and graduate course work providing adequate opportunities for professional peace officers to pursue their quests for higher education. I have enclosed the presentation which one of our students, Mr. Tom Tremblay, gave at the July 18th Commission meeting for your review. Additionally, A.V.U. is the only institution which offers a Doctor of Criminology degree for the practitioner in the criminal justice field. In this era of "budget crunches" the opportunities are even more limited. The benefits are self evident.

I reiterate that August Vollmer University is committed to providing quality education for professional peace officers in California. Its programs are made available at convenient times and locations making it possible for many officers who would otherwise be unable to pursue their higher education and receive their professional P.O.S.T. certificates in a timely manner.

I am looking forward to working with you and your staff in bringing to a positive resolution the University's request.

Best personal regards,



John P. Kenney, Ph.D.  
President

JPK/mmc

Enclosures:

- 1) Copy of West's ANNOTATED CALIFORNIA CODES
- 2) Copy of Mr. Tom Tremblay's POST presentation on July 18, 1991

SPEECH TO POST COMMISSION

MARRIOTT MISSION VALLEY HOTEL - SAN DIEGO

JULY 18, 1991

by THOMAS A. TREMBLAY

Chairman and Commissioners, it is my pleasure to address you today - in fact, I had to take time off from my work schedule to be here. That is how important I feel this issue is. I feel compelled to appeal to you regarding the subject of POST accepting units and degrees from August Vollmer University for professional certification.

My name is Thomas Tremblay and I have been a police officer for 6 1/2 years, and I have been with the City of Huntington Beach for the past 3 1/2. I am a recent graduate of August Vollmer's Bachelor of Science in Criminology program. I would like to share my thoughts about the program and, to start, I would like you to know a little background. After High School, I was appointed as a Midshipman to the United States Naval Academy in Annapolis, Maryland, with the goal of becoming a Naval Aviator. After a year and a half, I was unfortunately discharged for medical reasons.

Since I had no money to continue with college, I hen-pecked my way through numerous courses offered by universities and colleges throughout California while I worked. I entered the Police Academy with about 50 units under my belt. I graduated from this academy first in my class. As a police officer, I continued with sporadic studies until a year and a half ago when I made the decision to finally complete my bachelor's degree.

I examined several colleges and universities and accelerated programs. Although I felt I could do well anywhere, I had some concerns, such as: how would this education relate to and help me in my occupation, how could I work a college schedule into my already limited time, and how could I receive quality education. After reviewing many programs and having reservations about all of them, I was introduced to August Vollmer University.

August Vollmer University offered quality, convenient and relevant education. Quality is assured through instructors who are professionals and leaders in their fields, through texts which are up-to-date and pertinent, and through a staff committed to providing quality instruction.

The program is convenient because it is accelerated and came to City Hall during hours I could work around. And it is relevant in that the curriculum is designed specifically for professional law enforcement personnel. The bachelor program is essentially the final or senior year of undergraduate studies - which was exactly what I needed.

What I would like to attest to, more than anything, is the fact that this was not a "buy-a-degree" program as many are. On the contrary. It was challenging, motivating and enriching. We covered such issues as leadership, crime causation, police management and problems plaguing law enforcement today. Though some courses were harder than others, all were comprehensive and relevant. A statistics and research course was especially challenging in that we read the entire book cover-to-cover, had a mid-term and final and presented a group research project at the last class, all within the eight meetings each class had. During the same time, we were involved in researching and writing practicums.

My work stands on its own - I could confidently put any of my exams or papers up for review against any others at any institution. In fact, as I was involved in this course work, I had the opportunity to look back at some of the undergraduate work I had done in English, History and Humanities while at the Naval Academy and other work in Psychology and Administration of Justice studies at other colleges, and I can honestly say that some of the studies and products from even the Naval Academy can't hold a candle to some of those at August Vollmer University. Even though this institution is not yet accredited, I am very proud of the education I received and work I did.

I know that the acceptance by POST of units and degrees from a non-accredited university is in violation of POST regulations and by accepting them, the POST Commission could be setting precedent and developing more work for itself. However, as suggested in the past, the Commission could adopt a "waiver" policy in which certain educational institutions' credits could be accepted once benefit, need and quality were established for the Commission. This should only be done on a case-by-case basis and only after the institution has provided sufficient and concrete evidence of quality.

As it is, you will probably only hear from those institutions which are unique and striving for excellence. The mere fact that the staff of August Vollmer is here today and is continually striving for POST and WASC accreditation attests to their resolve to provide the best for their students.

The commission has written that they find no need or benefit provided by August Vollmer University. But in reality, this is the only program extending a year's worth of full-time studies into a ten month part-time schedule, expressly tailored for the development of law enforcement personnel. I feel that POST, by its very mission, is compelled to examine this unique system. Though this may require some work, for what better purpose should the POST Commission be used, than to find new and better ways to promote excellence in future law enforcement personnel?

I challenge you to examine this issue for myself, my colleagues, for those who will be fortunate enough to attend August Vollmer University, but especially for the profession.

Thank you.

  
Thomas A. Tremblay



**AUGUST VOLLMER UNIVERSITY**  
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(714) 740-1011

West's  
**ANNOTATED  
CALIFORNIA CODES**

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**EDUCATION CODE**

**Sections 92000 to End**

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Volume 28B  
Part 2

1991  
**Cumulative Pocket Part**

Replacing 1990 Pocket Part in back of volume

**Includes laws through the 1990 portion  
of the 1989-1990 Regular and  
First Extraordinary Sessions**

ST. PAUL, MINN.  
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61 Cal.Code-1  
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shall not be interpreted to mean, and it shall be unlawful for \* \* \* any institution to expressly or impliedly represent by any means whatsoever, that the State of California, or the Council for Private Postsecondary and Vocational Education, has made any evaluation, recognition, accreditation, approval, or endorsement of the institution or the education offered.

red to be

(c) This section does not apply to education with an educational, professional, technological, or vocational objective which is subject to approval pursuant to Section 94311. Institutions or continuing education courses accredited by a national or applicable regional accrediting agency recognized by the United States Department of Education, or accredited or approved by a California state agency for that education, are exempted from this section. Also exempted from this section are remedial and tutorial education, as determined by the council, any education which is offered \* \* \* at a total charge of less than three hundred dollars (\$300) and which makes no employment or job opportunity claims, as determined by the council, and any education offered by nonprofit entities, including national or statewide professional and occupational organizations and public benefit corporations.

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(Added by Stats.1989, c. 1307, § 4, operative Jan. 1, 1991. Amended by Stats.1990, c. 1479 (S.B.194), § 10.)

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94316.6.

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Historical and Statutory Notes

1989 Legislation

Former § 94315 was repealed by Stats.1989, c. 1307, § 3.3, operative Jan. 1, 1991.

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ARTICLE 2.5. STUDENT PROTECTIONS

Section

- 94316. Short title; findings and declaration.
- 94316.05. Legislative findings, declarations and intent. [New]
- 94316.1. Institutions to which article applies.
- 94316.2. Definitions and provisions.
- 94316.3. False, deceptive, misleading, or unfair statements or acts; liability of institutions; recruitment.
- 94316.4. Student recruitment at places other than institution's premises; disclosures; waiting period for instruction agreement and loan or grant application.
- 94316.5. Course performance standards.
- 94316.6. Financial resources.
- 94316.7. Violations resulting in closure of institution; liability for damages.
- 94316.8. Branch or satellite campuses.
- 94316.9. Suspension or revocation of approval to operate; grounds. [New]
- 94316.10. Agreements for courses of instruction; disclosures required before execution; completion rate and placement information.
- 94316.12. Differences between course of instruction and minimum requirements for licensing by a state agency; disclosure requirements.
- 94316.14. Periodic reports; contents; compliance reviews.
- 94316.15. Increases in specified financial obligations of institutions; notice requirements.
- 94316.16. Disclosure of institutional records.
- 94316.18. Agent for service of process.
- 94316.20. Notice of student rights; right to cancel contract.
- 94316.22. Financial information required from institutions; return and report of wages; audit report of financial statements.
- 94316.24. Payments to agents or agencies failing to comply with permit requirements; agreements for courses of instruction with students recruited by unpermitted agents.
- 94316.26. Successor institutions; application of enrollment, course completion and employment data.
- 94317. Agreement for course of instruction; cancellation rights and responsibilities.
- 94317.5. Cancellation forms; format and contents.
- 94318. Withdrawal from course of instruction; refund of tuition.
- 94318.5. Calculation of refund.
- 94319. Written agreement for course of instruction required; contents.
- 94319.2. Entrance tests.
- 94319.4. Sequence of classes or modules in course of instruction; changes in schedule after enrollment.
- 94319.5. Records to be maintained by institution; access to records; confidential investigations; penalties for willful failure to comply.
- 94319.6. Instruction and materials appropriate to program; performance standards.

Additions or changes indicated by underlining; deletions by asterisks \* \* \*

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Section

- 94319.7. Flight instructors; application of chapter.
- 94319.8. Waiver of article provisions by students.
- 94319.9. Violations of article; enforcement of agreements; damages; civil penalties; limitation of actions; assignment of cause of action; grievance procedures; actions pending on effective date of section.
- 94319.10. Approval to offer course of instruction; suspension or revocation of approval; penalties; independent determination by council.
- 94319.11. Additional actions to suspend or revoke approval to operate.
- 94319.12. Emergency suspension of approval to operate; notice; permanent suspension or revocation; penalties; probation; other judicial relief.
- 94319.13. Schools offering instruction for civil service examinations; application of article.
- 94319.14. Definitions; penalties; limitations of action.
- 94319.16. Regulations authorized.
- 94319.18. Severability of provisions.

*Article 2.5 was added by Stats.1989, c. 1239, § 4, operative Jan. 1, 1990. Under the terms of Stats.1989, c. 1239, § 12, Article 2.5 is to remain in full force and effect following the repeal of Chapter 3, Private Postsecondary Institutions, by Stats.1989, c. 1307, § 3, operative Jan. 1, 1991. See Historical and Statutory Notes under §§ 94300 and 94316.*

Repeal

*Chapter 3 becomes inoperative on June 30, 1996 and is repealed Jan. 1, 1997 under the terms of § 94350.*

§ 94316. Short title: findings and declaration

(a) This article shall be known and may be cited as the Maxine Waters School Reform and Student Protection Act of 1989.

(b) The Legislature finds and declares that students have been substantially harmed and the public perception of reputable institutions has been damaged because of the fraudulent, deceptive, and unfair conduct of some institutions that offer courses of instruction for a term of two years or less that are supposed to prepare students for employment in various occupations. Students have been induced to enroll in these schools through various misrepresentations including misrepresentations related to the quality of education, the availability and quality of equipment and materials, the language of instruction, and employment and salary opportunities. Some of the most egregious misrepresentations are made by representatives who recruit students at places other than the institution's premises. Some students have been enrolled who do not have the ability to benefit from the instruction. In addition, the quality of the education offered is often inadequate to enable students to obtain jobs after the completion of instruction.

(c) The Legislature further finds and declares that many students who enroll in these schools pay their tuition from the proceeds of loans and grants guaranteed or provided by the state and federal governments. Students who leave schools before the completion of instruction, often because of misrepresentations and inadequate instruction, do not receive adequate refunds of tuition for the instruction not received. Students remain liable to repay student loans but are frequently unable to do so in part because they were unable to obtain the proper educational preparation for jobs. Students are also harmed by the closure of institutions, often caused by the fraud or mismanagement of the institution's operators, because the students neither obtain the education promised nor a refund of tuition and the cost of materials. As a result of all of the foregoing, the state and federal governments spend many millions of dollars annually to satisfy loan guarantees for often inadequate and misrepresented vocational school courses.

(d) It is the intent and purpose of this article to protect students and reputable institutions, assure appropriate state control of business and operational standards, assure minimum standards for educational quality, prohibit misrepresentations, require full disclosures, prohibit unfair dealing, and protect student rights. It is the intent and purpose of this article to save millions of dollars of taxpayer's funds from being misused to underwrite the activities of institutions that depart from the standards of fair dealing and the requirements of this article.

(e) This article shall be liberally construed to effectuate its intent and achieve its purposes.

(Added by Stats.1989, c. 1239, § 4, operative Jan. 1, 1990.)

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## Historical and Statutory Notes

1989 Legislation

Section 12(b)(4) of Stats.1989, c. 1239 provides:

"(b) If this bill and SB 190 [Stats.1989, c. 1307] are both enacted before January 1, 1990, then the following shall occur regardless of the order of enactment:

"(4) Section 4 of this bill shall become operative on January 1, 1990, and shall remain in effect notwithstanding Section 3 of SB 190 [Stats.1989, c. 1307]."

## Cross References

Failure to comply with this article, see § 69507.7.

## § 94316.05. Legislative findings, declarations and intent

(a) The Legislature further finds and declares that students have been harmed by some institutions because of the financial improprieties and mismanagement of those institutions, their failure to fully disclose the student's financial and contractual obligations, and their failure to have sufficient resources to provide the promised training. The Legislature also finds that the tuition refund policies of institutions often encourage unfair practices by creating a financial benefit to the institution if a student drops out, and do not encourage institutions to provide adequate counseling or to adopt policies designed to curb student dropouts. In addition, the Legislature finds that many institutions have poor records of student completion and job placement, even though these institutions expressly or implicitly represent that students will receive sufficient training and skills to obtain well paid employment in the field that is the subject of the training, and that a reputable institution is one that complies with this chapter. Consequently, the Legislature finds that the business of providing occupational training, instruction, and related equipment by commercial enterprises has a substantial impact on the economy of this state and the welfare of its citizens.

(b) It is the further intent and purpose of this article to establish incentives to reduce student dropouts, minimum fiscal standards, minimum standards for admission based on the student's ability to be successfully trained, and minimum standards for institutional accountability for course completion and student employment in the occupations or job titles to which the training is represented to lead. The Legislature finds that the accountability standards for completion and employment reflect a reasonable tolerance for factors outside of an institution's control. It is also the intent and purpose of this article to assure that the cost to taxpayers of loans and grants for vocational instruction is commensurate with the benefits obtained by students and flowing to the state's economy.

(Added by Stats.1990, c. 1476 (A.B.4052), § 2, eff. Sept. 30, 1990.)

## § 94316.1. Institutions to which article applies

(a) This article applies to private postsecondary educational institutions other than institutions that (1) are incorporated and lawfully operate as nonprofit public benefit corporations pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code and are not managed or administered by any entity for profit, or (2) either exclusively confer degrees upon the completion of a course of study of two or more years or regularly confer degrees such as master or doctorate on students who have completed an undergraduate course of study of two or more years at a college or university. Except as otherwise provided, this article also applies to schools subject to Section 94319.13.

(b) Section 94312 shall not apply to institutions subject to this article. In the event of a conflict between any other provision of this chapter and this article, this article applies.

(Added by Stats.1989, c. 1239, § 4, operative Jan. 1, 1990.)

## § 94316.2. Definitions and provisions

The following definitions and provisions apply to this article:

(a) "Class" means a subject, such as English or mathematics, that is taught as part of a course of instruction. "Class session" means the part of a day in which an institution conducts instruction or training in a particular class, such as an hour of instruction in English or mathematics offered on a particular day of the week.

(b) "Council" means, on and after January 1, 1991, the Council for Private Postsecondary and Vocational Education established pursuant to Section 94304. Until January 1, 1991, the word "council" means the Superintendent of Public Instruction with respect to the approval, authorization, licensure, regulation, or oversight of, or any other duty or function relating to, postsecondary educational institutions.

(c) "Course" or "course of instruction," except as otherwise provided, means the program of instruction, training, or education represented to lead to an occupation or job title.

Additions or changes indicated by underlining; deletions by asterisks \* \* \*

COMMISSION PROCEDURE F-1

F-1-4 (b)

Such units of credit shall have been awarded by:

- \* an accredited college or university, or
- \* a non-accredited but State approved college or university approved under regulations adopted by the Council for Private Postsecondary and Vocational Education pursuant to the Private Postsecondary Vocational Education Reform Act of 1989 (SB194), or
- \* a non-accredited college or university that has provisional State approval to operate pending final approval under regulations to be adopted pursuant to the Reform Act of 1989.

Recognition of units from non-accredited colleges and universities that operate under provisional approval only shall be limited to a time period of no more than 3 years.

Recognition of units from non-accredited colleges and universities for these purposes shall be restricted to those colleges and universities that specialize in criminal justice education.

REGULATIONS

CALIFORNIA CODE OF REGULATIONS

1001. Definitions

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