

JAN 18 1983

11:11 AM

COMMISSION MEETING AGENDA

January 27, 1983, 10 a.m. to 5 p.m.  
Hyatt Islandia Hotel - Islands Room  
On San Diego's Mission Bay  
1441 Quivira Road  
San Diego, CA 92109

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS OF PARTICIPANTS

A. APPROVAL OF MINUTES

Approval of the minutes of the October 22, 1982, regular Commission meeting at the Sacramento Inn.

B. CONSENT CALENDAR

1. Receiving Course Certification Report

Since the October meeting, there have been 49 new certifications and 42 decertifications. Many of the decertifications are as a result of transferring private security baton training to Consumer Affairs.

In approving the Consent Calendar, your Honorable Commission takes official note of the report.

2. Receiving Information on New Entries into POST Reimbursement Program

Procedures provide for agencies to enter the Reimbursement Program if certain requirements are met. The following agencies are eligible for the reimbursable program as a result of recent legislation, have met these requirements, and have been accepted:

Fresno County District Attorney's Office  
Glenn County District Attorney's Office  
Madera County District Attorney's Office  
Modesto Judicial District Marshal

This item is on the Consent Calendar for information. In approving the Consent Calendar, your Honorable Commission takes note of these agencies having met the requirements and having been accepted into the POST reimbursement program.

3. Approving New Category for Specialized Program

California State Fair Police have requested participation in the POST Specialized Program. Four full-time officers are employed with additional officers to be hired in the near future. Commission policy has been to routinely admit law enforcement agencies to the Specialized Program as long as they represent one of several categories of peace officers previously approved by the Commission.

In approving the Consent Calendar, your Honorable Commission approves the category of California State Fair Police for participation in the Specialized Program.

4. Receiving the California State Fair Police into POST Specialized Program

The California State Fair Police meet the requirements to enter the POST Specialized Program and have been accepted.

5. Affirming Policy on Legislation

Consistent with Commission instructions, statements of policy at previous Commission meetings are submitted for affirmation by the Commission at a subsequent meeting. This agenda item covers the policy statement developed at the October 22, 1982 meeting regarding how to deal with legislation on potential new entrants to the POST program. The staff report and complete policy statement is shown under tab B.

In approving the Consent Calendar, your Honorable Commission affirms this policy.

6. Affirming School District Police Reimbursement Eligibility Status

As reported to the Commission at the October 1982 meeting, legislation became effective January 1, 1983, to allow school district police agencies to participate in the POST reimbursement program. The Commission at that meeting approved the scheduling of a public hearing on standards for school police. Staff's subsequent review indicates that only one local school district has expressed interest in joining the program.

Review of duties performed by officers in the Los Angeles City School District indicates that those officers may appropriately be deemed "regular officers" by POST definition (PAM Reg 1001(t)). Staff therefore proposes that school district police, be considered the same as other participating districts and be subject to the same regular standards for employment, training, and certification. If the Commission concurs, no regulation changes will be necessary at this time.

In approving the Consent Calendar, your honorable Commission receives the staff report and concurs in the direction proposed above.

7. Receiving the Quarterly Financial/Reimbursement Report

Financial information covering the 82/83 F.Y. through December 31, 1982, is included under this tab. The report shows that revenue is consistent with projections. The volume of reimbursable trainees has taken an upturn during the second quarter, and is now very close to the volume during the same period in F.Y. 81/82.

As directed by the Commission in October, the salary reimbursement rate has been increased to 45% retroactive to July 1, 1982. Reimbursement expenditures to date are within our projections.

Based upon the significant increase in trainee volume during the 2nd quarter, it is recommended that no additional increases in salary reimbursement be considered at this time.

In approving the Consent Calendar, your Honorable Commission approves the report and recommendation.

C. PUBLIC HEARING - REIMBURSING NON-SWORN OFFICERS FOR MANAGEMENT COURSE

At the October 1982 meeting, the Commission approved a public hearing on the matter of reimbursing for non-sworn managers attending the Management Course. The public hearing was scheduled and proper notice given.

As reported to the Commission in October, the issue was generated as a result of departments using non-sworn personnel in management positions within the department. The Management Course appears to be appropriate for training of non-sworn managers. There is no other certified course available for such personnel, and the use of non-sworn persons to perform management functions seems to be increasing. The issue has generated some pro and con input from the field, but the majority of those providing input, as of preparation of this agenda, favor the change.

Subject to further input at the public hearing, the appropriate action, if the Commission concurs, would be a MOTION to approve regulation changes as proposed.

D. BASIC TRAINING STANDARDS - MARSHALS

The issues of a basic training standard and type of certificate for Marshals were before the Commission at the October meeting but were removed from the agenda. It was understood that the training standard issue was to be reported on for Commission consideration at this meeting. The certificate matter was referred to the Long Range Planning Committee.

Prior to the October meeting, staff had completed a statewide job analysis of the deputy marshals position and correlated job tasks to existing training objectives in the Basic Course. Staff's conclusions at that time were: (1) a substantial portion of the Basic Course is relevant to the duties of deputy marshals; however, (2) a significant portion of the Basic Course need not become mandated training for deputy marshals, and (3) training needs for the entry-level deputy marshal in courtroom security and civil process should be met by the development of new curricula.

Since the October meeting, staff has met with representatives of Marshals' Departments and reviewed with them the results of job analysis and staff conclusions regarding training course content. The overwhelming concern of the Marshals is that the Basic Course should remain the required training standard. They believe that the warrant service/field duties of deputy marshals should be considered of central importance. They hold the view that the uniformed deputy marshal's performance of field duties, including warrant arrests, justifies requirement of the full Basic Course.

Staff's evaluation of training standards criteria has been based upon the same philosophy that has guided development and revisions of the patrol officer-oriented Basic Course. That philosophy has included:

1. Training should be job-related, and to the extent practical, validated.
2. The Commission's mandate to establish "minimum standards" implies that training should be mandated only where clearly needed to perform the job.
3. Training that appears to be desirable should be encouraged and supported, but not mandated.

Following this philosophy, staff proposes the following in the report under this tab:

1. Mandate the minimum content of entry-level deputy marshal training as described in the report (374 hours including courtroom security and civil process).
2. Allow the mandated training to be satisfied by the alternative of completing the regular Basic Course, plus completion of an 80-120 hour marshals module.

It should be observed that a separate Marshals' Course appears feasible for development, should the Commission so direct. However, since Marshals desire to send their trainees to the regular Basic Course, numbers of actual attendees may be small unless the alternative of meeting the standard through attendance at the Basic were prohibited.

The appropriate action, if the Commission concurs, would be a motion to schedule public hearing for the April meeting on establishing a Marshals' training standard.

#### E. BASIC TRAINING STANDARDS - DISTRICT ATTORNEY INVESTIGATORS

The issue of setting a minimum training standard for district attorney investigators is carried over from the October Commission meeting. Staff has previously conducted a statewide job analysis for this position and compared job tasks with existing curricula for the Basic Course and the Specialized Investigators' Basic Course.

A meeting was held with the representatives of district attorneys' offices to review results of the job analysis and curricula proposed by staff.

These representatives unanimously recommend that the Commission require the regular Basic Course for district attorney investigators, plus an 80-hour Investigation and Trial Preparation Course. Their rationale for the Basic Course is that the investigators may be assigned to investigations involving patrol officers and should, therefore, be familiar with patrol officer duties. Additionally, they cite the prevailing practice of District Attorneys to hire as investigators persons who are already trained and experienced peace officers. The philosophy for development of the entry-level training standard proposed by staff is as described under Item D.

Staff proposes the following actions for Commission consideration:

1. Mandate as the minimum entry-level training standards for district attorney investigators the course content described in the report under this tab (350 hours including specialized investigative training).
2. Allow this minimum training content to be satisfied by:
  - a. Completion of the Basic Course, plus completion of an 80-hour Investigation and Trial Preparation Course, or
  - b. Completion of the Specialized Investigators Basic Course, plus completion of an 80-hour Investigations and Trial Preparation Course.

Because the vast majority of newly hired district attorney investigators are already trained in the Basic Course through prior employment as regular officers, staff does not believe that the proposed 350-hour required curricula should be developed as a separate course. Former officers would need only the 80-hour Investigators and Trial Preparation Course to satisfy the 350-hour curricula. The few persons hired without prior training can most feasibly be trained in existing courses.

Appropriate action if the Commission concurs would be a MOTION to set a public hearing on the matter of training standards for district attorney investigators at the April meeting.

F. APPEAL - DENIAL OF CERTIFICATION (BASIC COURSE - NAPA COLLEGE)

Napa Community College has developed a proposal for certification of an Extended Format Basic Course. Staff has thoroughly reviewed the proposal and denied certification because of inadequate justification of the need for an additional basic course in that area.

Napa college itself does not wish to appeal the decision. However, Chief Jennings, Napa Police Department, and Napa County Sheriff Phillip Stewart, have requested an appeal on behalf of themselves and other law enforcement administrators in Napa County. A letter from Chief Jennings and the staff report are enclosed under this tab.

Essentially, existing basic academies in the Napa area provide adequate courses to train officers employed by Napa County agencies. These

academies also graduate substantial numbers of pre-service trainees. The administrators appealing this matter believe that a Napa-based academy would generate a larger local pool of applicants with pre-service training.

The Napa County administrators cite interest in there being a pool of pretrained applicants in Napa Valley, though they have not experienced difficulty in hiring qualified officers (see report under tab).

However, a number of serious points have weighed in favor of caution and careful consideration:

1. The basic training delivery system has been structured on a regional basis to provide an adequate trainee base to support full-time academy operations that are cost-effective. (An academy in Napa would reduce trainees available to surrounding area academies.)
2. The existing delivery system is geared toward the training of employed officers and reserve officers. Training for these officers is adequately met by existing academies.
3. Extended format academies were originally approved by the Commission to meet a legal requirement that all Level I Reserve Officers complete the Basic Course. Recent change in the law has reduced the need for Extended Format Courses to train reserves.
4. The Commission's policy has been to certify Extended Format Basic Courses only to existing presenters of the Intensive Basic Course. The commission has authorized only one exception, and that exception was for purposes of providing reserve officer training under the previous Level I legislative requirement.

If the Commission were to approve certification of the Napa College course, it would be for the expressed purpose of providing pre-service basic training. This would constitute a significant new direction for POST that should perhaps be considered only after a thorough assessment of future impact. Certainly, certification of the proposed Napa course could be cited as a precedent by others statewide. If additional such certifications followed, they would also likely diminish available trainees to existing regional academies.

If the Commission desires to consider this type of direction change at this time, it may wish to do so deliberately from a systemic perspective rather than in response to an event or episode as this request. In that case, the most desirable course would be to take the matter in stages and instruct staff to prepare a report on the elements and dynamics of the present Basic Course delivery system and its alternatives as a first stage.

Under the tab are the staff report and correspondence including letters from the California Academy Directors' Association (CADA) and the President of Santa Rosa College. Both CADA and Santa Rosa are in opposition to certification of the Napa course.

## G. BASIC COURSE PERFORMANCE OBJECTIVES

Revised performance objectives for the Basic Course are recommended in the reports under this tab. A report is also included requesting Commission direction regarding study of the minimum length and maximum reimbursement for the Basic Course.

1. SB 588 requires inclusion in the Basic Course of training concerning child abuse and exploitation. Performance objectives have been developed by staff and academy trainers.

Appropriate action would be a MOTION to approve addition of the proposed training in the Basic Course, effective July 1, 1983.

2. Because of growing concern in the past few years over hazardous materials accidents on highways, staff has worked with academy trainers on the development of training for inclusion in the Basic Course. It is proposed that an existing performance objective relating to radioactive materials be modified to provide for instruction on the recognized range of hazardous materials.

Appropriate action would be a MOTION to approve addition of this training in the Basic Course, effective July 1, 1983.

3. Because the new training described above will require some additional hours in the Basic Course, and because of a long-standing perception by academy directors that the existing 400-hour requirement was too low, it is proposed that staff be directed to study the adequacy of the 400-hour minimum requirement. Concomitantly, it is believed that the maximum reimbursable hours should be assessed.

Appropriate action, if the Commission concurs, would be a MOTION directing staff to study the length of the Basic Course in light of the new inclusions and report back at the April Commission meeting.

## H. PC 832 TRAINING STUDY - APPROVAL OF REPORT TO LEGISLATURE

Senate Concurrent Resolution 52 of 1980, directed POST to initiate a study of the training standards required by Penal Code Section 832. This study has now been completed and the draft report has been forwarded to the Advisory Committee and the Commission for review. A summary report is included under this tab. Each Commissioner has previously received, under separate cover, a copy of the full report.

If the Commission concurs, the appropriate action would be a MOTION to approve the report for transmittal to the State Legislature.

## I. CONTRACTS FOR F.Y. 1983/84

At each January meeting, the Commission receives a report on major contracts planned for the upcoming fiscal year. These contracts are presented for approval to negotiate and return for final approval at the

April 1983 meeting. It is expected that the Contracts Committee will review these proposals prior to the full Commission meeting and may wish to comment. The Committee's full report and recommendations will be when contracts are brought back for action in April. The recommended action would be a MOTION to authorize the Executive Director to negotiate the contracts agreed with in concept, and report back through the Contracts Committee at the April 1983 meeting (a roll call vote is not necessary at this stage.)

1. Executive Development Course

This course is currently presented by California State Polytechnic University, Pomona, at a cost of \$51,375 for five presentations. Course costs are consistent with POST guidelines and performance of the presenter has been satisfactory. Staff seeks authorization to negotiate a new contract with this presenter for F.Y. 83/84.

2. Management Courses

This course is currently budgeted at \$191,112 for 21 presentations by five presenters:

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

Course costs are consistent with guidelines and performance by all five presenters has been satisfactory. Staff seeks authorization to negotiate new contracts with these presenters for F.Y. 83/84.

3. Department of Justice - Interagency Agreement for Training

The Department of Justice currently presents a variety of certified courses through Interagency Agreement with POST. The current year agreement calls for 154 presentations of 27 separate courses, at a total cost not to exceed \$588,907.

Total annual costs of these agreements are normally less than the maximum amount and are based upon monitored actual expenditures. DOJ has recently completed review of costs for the 81/82 agreement and will return \$23,000 to POST.

Course costs are all consistent with POST guidelines and course quality and demands remain at high levels. Staff seeks authorization to negotiate a new agreement for F.Y. 83/84.

4. Cooperative Personnel Services - Regarding Administration of the Basic Course Proficiency Test

CPS, a unit of the State Personnel Board, has administered this test for POST under Interagency Agreement for the past two



years. CPS has demonstrated ability to effectively administer this test at a cost that is lower than if POST staff actually administered and proctored the examinations.

The current year agreement is for an amount not to exceed \$25,780. Staff seeks authorization to negotiate a new agreement for F.Y. 83/84.

5. Computer Services Contracts

POST has a contract with Four Phase Systems, Inc., for this current year in the amount of \$47,576. The amount provides for equipment rental and maintenance services. It is estimated that existing equipment capacity will reach a saturation point early in the 83/84 F.Y.

It is proposed that existing equipment be upgraded to expand storage and processing capability. It is also proposed that additional terminals be leased to improve staff utilization of information and word processing capability. Staff seeks authority to negotiate a new contract for upgraded equipment. It is expected that proposed upgrade will increase the contract cost to approximately \$67,000 (an increase of approximately \$20,000).

POST currently has additional computer services provided for through the blanket Interagency Agreement with the California State Colleges. Those services are restricted to support of the Standards and Evaluation Bureau's research activities. Costs are approximately \$21,000 annually. Staff proposes that these services be transferred in F.Y. 83/84 to the State's Teale Data Center. Reasons for this proposal are:

- a. A Teale Data Center tie-in will provide capability for the research unit to access and use POST's primary data files.
- b. The Teale Data Center has authority to compel state agencies to use its facilities for computer services and will likely do so in the future.
- c. Costs will be approximately offsetting in the long run.

In addition to providing necessary supplemental capacity, staff is therefore also seeking authority to establish an agreement with the Teale Data Center for F.Y. 83/84. Cost of the Teale agreement is estimated at \$25,000. The effect of these actions will be to bring virtually all POST's data processing within the state system and within state guidelines.

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

Annually, POST establishes an agreement with the State Controller's Office for audits of jurisdictions receiving

POST reimbursements for training. The current agreement is for \$40,000 to conduct field audits of approximately 20 jurisdictions.

Staff seeks approval to negotiate an agreement in a similar amount for F.Y. 83/84.

J. ADVISORY COMMITTEE REPORT

Larry Watkins, Chairman of the Advisory Committee, will report on the January 19-20, 1983, meeting of the Advisory Committee and on other Advisory Committee business.

K. AD HOC COMMITTEE REPORT ON LIAISON WITH ADVISORY COMMITTEE

Robert Vernon, Chairman of the Advisory Liaison Committee, is planning to report on the meetings of the Committee.

L. LONG RANGE PLANNING COMMITTEE REPORT

Nathaniel Trives, Chairman of the Long Range Planning Committee, is planning to report on the Committee's assignments.

M. LEGISLATIVE REVIEW COMMITTEE REPORT

Robert Edmonds, Chairman of the Legislative Review Committee, is planning to report on the Committee Meeting of January 27, 1983.

N. REPORT ON POST FACILITIES

In November 1982, the majority of POST staff moved into the new headquarters facility at 4949 Broadway. As the Commission is aware, the headquarters facility space was not sufficient to house the entire POST staff. Two bureaus, totaling 22% of the total POST staff, are presently housed at the Bowling Drive facility.

This arrangement is undesirable and is working to undermine the "POST team" concept. We also are experiencing loss of staff time in travel back and forth to use the headquarters service activities among other problems, which create unnecessary organizational ineffectiveness.

There has been general recognition by other state agencies that POST would not permanently be housed in two different locations. We feel there is a strong need to be housed in one location and in a facility that will meet our current and future needs as an organization.

If the Commission concurs, the appropriate action would be a MOTION to approve exploring housing alternatives which will reunite POST staff at one location.

O. PROGRESS REPORT - REVIEW OF PROBLEMS ASSOCIATED WITH PROBATIONARY REJECTION OF PEACE OFFICER TRAINEES

Commissioner Vernon reported at the October 1982 Commission meeting that the probationary evaluation period is becoming a focus for validation. A

review of the matter raises the question whether a statewide trend exists towards deferring the final employment decision to the probationary period. As the volume of probationary rejections increases, it seems inevitable that compliance agencies will focus attention on the probationary evaluation.

The trend has practical and economic problems associated with it, notwithstanding the probationary evaluation validation issue. Ideally, the more confidence that can be placed in the pre-screening, remediation, and Basic Course evaluation process, the better. This too should be considered.

If the Commission desires to pursue the matter, the appropriate action would be a MOTION instructing staff to conduct a problem-solving seminar in the near future with representatives of larger agencies in order to better evaluate the issue and examine approaches currently being used for field training and evaluation, and to report back as appropriate.

P. PROGRESS REPORT - FUNDING OF PEACE OFFICER COUNSELING PROGRAM

At the October meeting, the Commission received a report from the Advisory Committee which suggested that the Commission consider funding teams of professionals and peers to counsel officers involved in shootings. Staff has reviewed this suggestion from several standpoints and sees the following as issues:

1. Funding of such a program would be of questionable legality and consistency with POST's legislative mandate.
2. Once established, the program could create pressures to provide POST-funded psychological services for reasons other than officer-involved shootings.
3. The program would require a commitment of staff resources.

Clearly this type of funding would be a marked change in the nature of services provided by the Commission. Its long-range implications, in light of shooting policies and other local issues, should be considered as well.

The Commission has already certified a training course for peer counselors, and a course for stress awareness instructor training. It is believed that these courses will assist departmental personnel in the development of locally based counseling programs.

The training course approach seems a highly appropriate commitment for POST at this time. Should the Commission desire, however, to pursue a changed role in its provision of services to law enforcement, staff can be instructed to further explore the legality and feasibility of this type of program.

Q. OLD/NEW BUSINESS

- o Peace Officers' Legal Sourcebook (Item tabled in October 1982 pending election of a new Attorney General.)
- o Correspondence

R. PROPOSED DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

April 28, 1983, Sacramento Inn, Sacramento  
July 21, 1983, Bahia Hotel, San Diego (joint with Advisory Committee)  
October 20, 1983, Sacramento  
January 27, 1984, San Diego

S. ADJOURNMENT


**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

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

January 27, 1983  
Hyatt Islandia Hotel  
San Diego, California

**COMMISSION MEETING MINUTES**

The meeting was called to order at 10 a.m. by Chairman Jackson. A calling of the roll indicated a quorum was present.

**Commissioners Present:**

Jacob Jackson	- Chairman
Robert Edmonds	- Vice-Chairman
William Kolender	- Commissioner
Jay Rodriguez	- Commissioner
Joseph Trejo	- Commissioner
Nathaniel Trives	- Commissioner
Robert Vernon	- Commissioner
John Van de Kamp	- Attorney General, Member, Ex Officio

**Commissioners Absent:**

Al Angele  
Joe Williams

**Also Present:**

Michael Gonzales, Vice-Chairman, POST Advisory Committee

**Staff Present:**

Norman Boehm	- Executive Director
Glen Fine	- Deputy Executive Director
Don Beauchamp	- Assistant to the Executive Director
Ron Allen	- Senior Project Coordinator
Gene De Crona	- Chief, Training Delivery Services
Bradley Koch	- Chief, Information Services
Ted Morton	- Chief, Center for Executive Development
Harold Snow	- Chief, Training Program Services
Darrell Stewart	- Senior Law Enforcement Consultant
George Williams	- Chief, Management Counseling Services
Imogene Kauffman	- Executive Secretary

Visitors' Roster:

David Allan	- Office of the Attorney General
Richard Allen	- Captain, San Diego Co. Marshal's Office
Barbara Ayres	- Orange County - POST Advisory Committee
Barbara Bare	- President, California Marshals' Assoc.
Bob Blanchard	- Santa Rosa Jr. College
Mike Bradbury	- District Attorney, Ventura County
Ammelo Caddey	- Riverside Co. Marshal's Office
Virgil Carey	- Deputy Marshal, San Bernardino Co.
John Clough	- Deputy Marshal, San Bernardino Co.
Gene Crawford	- Captain, San Bernardino Co. Sheriff's Dept.
Robert Crumpacker	- Captain, San Bernardino Marshal's Office
Ed Doonan	- Sacramento County Sheriff's Dept.
Ray Dorsey	- Deputy Chief, San Bernardino Co. Sheriff's Dept.
Richard Dronenburg	- Assist. Marshal, San Diego Co.
Loren Duchesne	- Chief Investigator, O.C.D.A.
Seth F. Easley	- Calif. State District Attorneys' Assoc.
David Edmondson	- Riverside Co. Marshal's Office
Darla Farber	- Deputy Marshal, Riverside Co. Marshal's Office
Don Fisher	- Lieutenant, Riverside Marshal's Office
Teresa Gersch	- San Diego Marshal's Office
Ron Havner	- Napa College
Ron Hawkins	- San Bernardino Marshal's Office
Lon Hettinger	- Chief of Police & Fire, City of Imperial
Ron Jackson	- San Francisco Police Dept.
Ken Jennings	- Chief of Police, Napa Police Dept.
Vincent Jimno	- Chief of Police, Carlsbad Police Dept.
Jerry Johnson	- Sacramento Co. Sheriff's Dept.
Steve Johnson	- Deputy Marshal, San Diego Co. Marshal's Office
Dan Kelley	- Chief, Admin. Services, San Diego Co. Marshal
Mal King	- Chief Investigator, Ventura District Attorney's Off.
Richard Klapp	- Captain, San Francisco Police Dept.
Thomas Kolb	- Ass't. Marshal, Riverside Co.
Allan Lynch	- Calif. District Attorney Investigators' Assoc.
Jack Mahon	- Los Angeles Co. Marshal
Jim Marron	- Sergeant, San Diego Co. Marshal's Office
Phil Pounders	- Captain, San Bernardino Sheriff's Dept.
R. C. Randolph	- Marshal, San Bernardino County
Don Ross	- Sergeant, San Diego Co. Marshal's Office
Pat Runyon	- Cpl., Riverside Marshal's Office
David Sears	- Deputy Marshal, San Bernardino Co.
Michael Sgobba	- Marshal, San Diego Co.
Phillip Stewart	- Sheriff, Napa Co.
Ray Steward	- Marshal, Riverside Co.
Earl Smith	- Deputy, Riverside Co. Marshal's Office
Ken Smith	- San Bernardino Marshal's Office
Charles Thayer	- Chief of Police, Tustin Police Dept.
Floyd Tidwell	- Sheriff, San Bernardino Co.
Michael Torres	- P.O.R.A.C.
Shelby Worley	- Riverside Sheriff's Dept.

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF PARTICIPANTS

A. APPROVAL OF MINUTES

MOTION - Trives, second - Rodriguez, carried unanimously for approval of minutes of the October 22, 1982, regular Commission meeting at the Sacramento Inn in Sacramento.

B. CONSENT CALENDAR

MOTION - Van de Kamp, second - Trives, carried unanimously for approval of the Consent Calendar as follows:

1. Receiving Course Certification/Decertification Report

Since the October meeting, there were 49 new certifications and 42 decertifications. Many of the decertifications were as a result of transferring private security baton training to Consumer Affairs.

2. Receiving Information on New Entries Into POST Reimbursement Program

Procedures provide for agencies to enter the Reimbursement Program if certain requirements are met. The following agencies were eligible for the reimbursable program as a result of recent legislation, have met these requirements, and have been accepted:

Fresno County District Attorney's Office  
Glenn County District Attorney's Office  
Madera County District Attorney's Office  
Modesto Judicial District Marshal

3. Approving New Category for Specialized Program

California State Fair Police had requested participation in the POST Specialized Program. Four full-time officers are employed with additional officers to be hired in the near future. Commission policy has been to routinely admit law enforcement agencies to the Specialized Program as long as they represent one of several categories of peace officers previously approved by the Commission.

In approving the Consent Calendar, the Honorable Commission approved the category of California State Fair Police for participation in the Specialized Program.

4. Receiving the California State Fair Police Into POST Specialized Program

The California State Fair Police met the requirements to enter the POST Specialized Program and were accepted.

5. Affirming Policy on Legislation

The following Legislative Policy was submitted for approval as adopted by the Commission at its regular meeting, October 22, 1982:

The immediate position of the Commission is neutral on legislation making new categories of peace officers eligible for POST reimbursement when there is included in the measure 1) an appropriation from POTF equal to the estimated reimbursement cost of the new category, and 2) legislative intent language that every year thereafter the POST Aid to Local Government budget is to be augmented by the cost of such legislation. This position shall remain in effect only until the next scheduled Commission meeting at which time the legislation will be reviewed and an official Commission position articulated.

6. Affirming School District Police Reimbursement Eligibility Status

Legislation became effective January 1, 1983, to allow school district police agencies to participate in the POST reimbursement program. Review of duties performed by officers in the Los Angeles City School District indicates that those officers may appropriately be deemed "regular officers" by POST definition (PAM Reg 1001(t)). It was proposed that school district police be considered the same as other participating districts and be subject to the same regular standards for employment, training, and certification. No regulation changes are necessary at this time.

7. Receiving the Quarterly Financial/Reimbursement Report

The report on financial information covering the 82/83 F.Y. through December 31, 1982, showed that revenue was consistent with projections. The volume of reimbursable trainees had taken an upturn during the second quarter, and was very close to the volume during the same period in F.Y. 81/82.



As directed by the Commission in October, the salary reimbursement rate was increased to 45% retroactive to July 1, 1982. Reimbursement expenditures to date are within projections.

Based upon the significant increase in trainee volume during the 2nd quarter, it was recommended that no additional increases in salary reimbursement be considered at this time.

C. PUBLIC HEARING - REIMBURSING NON-SWORN OFFICERS FOR MANAGEMENT COURSE

At its October 1982 meeting, the Commission set a public hearing for the January 1983 meeting to receive testimony on the proposal to reimburse non-sworn management employees for attendance at the POST-certified Management Course and the revisions of specific Regulation and Procedure amendments as follows:

Amend Regulation 1014(c), which provides for the reimbursement of non-sworn personnel, to add PAM Procedure E-1-3-f(4), which will allow reimbursement for attendance of the Management Course. PAM Procedure E-1-3-f was previously adopted by reference.

After a report which included summarization of written correspondence received on this issue, Chairman Jackson opened the public hearing and invited those wishing to speak, both in favor and in opposition, to come forward. Chief of Police Charles Thayer, Tustin Police Department, testified in total support of the proposal. No other persons indicated a desire to speak to the subject.

The following action was taken:

MOTION - Edmonds, second - Trives, carried unanimously to approve revision to PAM Section 1014(c) and Commission Procedure E-1-3-f(4) as proposed to allow for non-sworn management employees to be reimbursed for attendance at a POST-certified Management Course. Effective date of these revisions to be courses starting after February 1, 1983.

D. BASIC TRAINING STANDARDS - MARSHALS

The issues of a basic training standard and type of certificate for Marshals were before the Commission at the October meeting but were removed from the agenda for further study. The training standard issue was to be reported on for Commission consideration at this meeting. The certificate matter was referred to the Commission's Long Range Planning Committee.

After receiving the staff report, the following action was taken:

MOTION - Kolender, second - Van de Kamp, carried unanimously for approval of the staff recommendation to approve a public hearing for the April 1983 Commission meeting for the purpose of

receiving testimony on a proposal to revise the basic training requirement of Marshals and Deputy Marshals to include the Deputy Marshals basic training standards as set forth in POST Regulation 1005(a) and PAM Procedure D-1-5, but noting that, for practical training delivery reasons, the requirement may be satisfied by completing the regular Basic Course plus an 80-hour POST-certified Bailiff and Civil Process Course.

Inasmuch as a number of Marshals were in the audience, Attorney General Van de Kamp expressed a desire to hear from them with regard to the staff recommendation on the training standard. Michael Sgobba, Marshal, San Diego County, spoke on the Marshals' behalf and expressed the Marshals' concern with regard to receiving anything less than the Basic Course as a training standard and stated that the California Marshals have unanimously gone on record as desiring the regular basic academy training as their standard. He also expressed their desire that the Marshals receive the regular Basic Certificate.

Since the issue of certificates for Marshals and District Attorney Investigators had been referred to the Commission's Long Range Planning Committee for study and recommendation, Commissioner Trives, Chairman of the Long Range Planning Committee, made the following report, although the Committee's report was shown on the agenda as Item L later on the agenda:

The Committee, including Committee Chairman Trives, Commission Chairman Jackson, and Commissioners Edmonds and Vernon, had met on December 1, 1982, and then again on January 26, 1983. After discussion on the matter of certification, the Committee proposed the following:

The Committee recommends that a public hearing be scheduled for the April, 1983, meeting to determine whether these peace officer categories should be awarded regular certificates or continue to receive specialized certificates.

The Committee desires that it be clearly understood that this recommendation is simply to schedule a public hearing on the proposal of allowing the Marshals and District Attorney Investigators to receive the Basic Certificate provided certain selection, training and longevity criteria were met. Any decisions on the matter, one way or the other, would be made after public testimony is received and deliberated.

MOTION - Trives, second - Edmonds, carried unanimously that the Commission, at its April 1983 meeting, hold a public hearing on the type of certificate to be issued to District Attorney Investigators and Marshals.

E. BASIC TRAINING STANDARDS - DISTRICT ATTORNEY INVESTIGATORS

Although the matter of a public hearing at the April, 1983, Commission meeting had been established, Chairman Jackson invited public input with regard to training standards for District Attorney Investigators.

Michael Bradbury, District Attorney, County of Ventura, and Vice-President of the California District Attorneys' Association, addressed the Commission on behalf of California's District Attorneys and their Chief Investigators, in opposition to the staff recommendation for a training standard. Three main points were stated:

1. The Specialized Investigators' Basic Course (SIBC) is inadequate. The Course was designed and intended for training state agency investigators, not District Attorney Investigators.
2. The Specialized Investigators' Basic Course is impractical because it requires a two-track training system, at added cost to POST and District Attorneys, and it would have a "chilling" effect on the direct recruitment of investigator candidates from sources other than law enforcement agencies. Concern may develop that should peace officer licensing become a reality, S.I.B.C. graduates might not be entitled to receive the same license as a police officer or sheriff.
3. The S.I.B.C. is undesirable from a public policy viewpoint. At a time when law enforcement resources and strength are being reduced, it is especially important that all law enforcement personnel with general peace officer powers be trained to assume even the most mundane enforcement tasks in emergency situations.

In conclusion, the staff recommendation presents a disturbing anomaly for POST - to advocate lowering standards for a group of peace officers when those peace officers insist the standards not be lowered.

Charles Thayer, Chief of Police, Tustin Police Department, addressed the Commission in support of the training standard and further stated the recommended training is not a lowering of training standards but a clarification of what training is needed by what classes. There is a need to look at the entire process of certification and identify the appropriate levels, i.e., who gets training and how much. He expressed the belief that police chiefs throughout the State would desire input at the public hearing in April.

Roy Stewart, Marshal, County of Riverside, addressed the Commission to state the only applications accepted by his jurisdiction are graduates from the basic academy.

MOTION - Van de Kamp, second - Trives, carried unanimously, that the same two issues for the Marshals -- training standards and certificates -- be addressed for the District Attorney Investigators at a public hearing at the April, 1983, Commission meeting.

F. APPEAL - DENIAL OF CERTIFICATION (BASIC COURSE - NAPA COLLEGE)

Napa Community College developed a proposal for certification of an Extended Format Basic Course. Staff reviewed the proposal and denied certification because of inadequate justification of the need for an additional Extended Format Basic Course in that area.

Essentially, existing basic academies in the Napa area provide adequate courses to train officers employed by Napa County agencies. These academies also graduate substantial numbers of pre-service trainees. The administrators appealing this matter believed that the pool of applicants desiring pre-service training should be trained at Napa College.

Following the staff report, Kenneth Jennings, Chief of Police, Napa Police Department, and Phillip Stewart, Sheriff, Napa County, addressed the Commission in support of the request for certification of the Extended Format Basic Course at Napa College.

Under discussion, it was pointed out by POST staff that they had reviewed NAPA's application for a Basic Course on two or three occasions but had never given an official go-ahead; in fact, had cautioned that need for an academy in that area would be a major factor in determining certification. Napa officials allowed that their staff scheduled for Basic Course work could be used in other training duties. The Executive Director recalled that certification for the 200-hour Level I Reserves had been given to Napa College. The Commissioners expressed concern over the issue and the dilemma but reaffirmed its stand supporting the regionalized training concept, and expressed opinions against proliferating the Basic Course unless great need was evident.

After discussion, the Commission took this action:

MOTION - Rodriguez, second - Edmonds, motion carried (Van de Kamp - No) that the Commission confirm the denial of the Extended Format Basic Course certification of Napa College.

G. BASIC COURSE PERFORMANCE OBJECTIVES

MOTION - Edmonds, second - Trejo, carried unanimously for approval of performance objectives for the Basic Course relating to sexual exploitation and sexual abuse of children, effective July 1, 1983.

MOTION - Vernon, second - Edmonds, carried unanimously to approve the revision of Basic Course Performance Objective 8.39.4 to include training in the managing of accident scenes involving hazardous materials.

MOTION - Trives, second - Van de Kamp, carried unanimously to direct staff to study the length of the Basic Course in light of the new inclusions and report back at the April Commission meeting.

H. P. C. 832 STUDY

Senate Concurrent Resolution 52 of 1980 directed POST to initiate a study of the training standards required by P. C. Section 832. This study was completed and the draft report forwarded to the Advisory Committee and the Commission. This item was to approve the completed staff work prior to finalizing the report for transmittal to the Legislature. It is

anticipated that the Legislature will consider the report and then initiate any action relating to actual implementation of the proposed P. C. 832 training standard.

MOTION - Vernon, second - Rodriguez, carried unanimously to approve the final report relating to Senate Concurrent Resolution 52 (1980) and authorize staff to transmit the report to the Legislature.

I. CONTRACTS FOR F.Y. 1983/84

The Commission received a report on major contracts planned for the upcoming fiscal year. These contracts were presented for approval to negotiate and return for final approval at the April 1983 meeting.

MOTION - Kolender, second - Trives, motion carried, (Vernon abstaining from Contracts #1 and #2, and Van de Kamp abstaining from Contract #3) to authorize the Executive Director to negotiate the following contracts for Commission approval at the April, 1983, meeting:

1. Executive Development Course

Currently presented by California State Polytechnic University, Pomona, at a cost of \$51,375 for five presentations.

2. Management Courses

Currently budgeted at \$191,112 for 21 presentations by five presenters:

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

3. Department of Justice - Interagency Agreement for Training

The Department of Justice currently presents a variety of certified courses through Interagency Agreement with POST. The current year agreement calls for 154 presentations of 27 separate courses, at a total cost not to exceed \$588,907.

Total annual costs of these agreements are normally less than the maximum amount and are based upon monitored actual expenditures. DOJ has recently completed review of costs for the 81/82 agreement and will return \$23,000 to POST.

4. Cooperative Personnel Services (CPS) - Regarding Administration of the Basic Course Proficiency Test

CPS, a unit of the State Personnel Board, has administered this test for POST under Interagency Agreement for the past two years. CPS has demonstrated ability to effectively administer this test at a cost that is lower than if POST staff actually administered and proctored the examinations.

The current year agreement is for an amount not to exceed \$25,780.

5. Computer Services Contracts

POST has a contract with Four Phase Systems, Inc., for this current year in the amount of \$47,576 for equipment rental and maintenance services. It is estimated that existing equipment capacity will reach a saturation point early in the 83/84 F.Y.

It is proposed that existing equipment be upgraded to expand storage and processing capability and that additional terminals be leased to improve staff utilization of information and word processing capability. A new contract is needed for upgraded equipment. It is expected that the proposed upgrade will increase the contract cost to approximately \$67,000 (an increase of approximately \$20,000).

POST currently has additional computer services provided for through the blanket Interagency Agreement with the California State Colleges. Those services are restricted to support of the Standards and Evaluation Bureau's research activities. Costs are approximately \$21,000 annually. Staff proposes that these services be transferred in F.Y. 83/84 to the State's Teale Data Center. Cost of the Teale agreement is estimated at \$25,000.

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

Annually, POST establishes an agreement with the State Controller's Office for audits of jurisdictions receiving POST reimbursements for training. The current agreement is for \$40,000 to conduct field audits of approximately 20 jurisdictions.

J. ADVISORY COMMITTEE REPORT

Chairman Jackson announced that Alice Lytle, a public member of the Advisory Committee, had submitted a letter of resignation. As agreed by the Commission, nominations to fill public member slots would be submitted by the Commission. Chairman Jackson requested that any nominations be presented to him within the next two weeks (February 11), and he would submit the names to the Commission.

MOTION - Trives, second - Rodriguez, carried unanimously to accept the resignation of Alice Lytle from the POST Advisory Committee and that a resolution of commendation be prepared for presentation to Ms. Lytle for her services to the Commission.

Michael Gonzales, Vice-Chairman of the Advisory Committee, reported that the Advisory Committee had met on January 19-20, 1983, in San Diego. The agenda for the January 27 Commission meeting was reviewed, and a presentation on the Executive Development Center and Command College was received. One thing brought out by the Advisory Committee was that the research part of this program (two-year program with three core courses) be the sort of program that could be implemented.

The Advisory Committee was divided into four small groups who will be working with their constituents to develop proposed goals and concerns that the Advisory Committee would like to see the Commission address in the future. The small group meetings will be followed with a special Advisory Committee meeting on March 7 at which time the recommendations will be finalized. These will be presented at the April Commission meeting.

MOTION - Kolender, second - Trejo, carried unanimously to accept the Advisory Committee report.

K. AD HOC COMMITTEE REPORT ON LIAISON WITH ADVISORY COMMITTEE

Commissioner Robert Vernon, Chairman of the Advisory Liaison Committee, reported as follows:

The first meeting the Liaison Committee had with the Advisory Committee was on December 1, 1982. Two general themes emerged:

1. The desirability of more direct communication between the Advisory Committee and members of the Commission, and
2. A general feeling on the part of individual members of the Advisory Committee that some future-oriented issues be identified, specifically, 5- or 10-year goals for POST. The Advisory Committee was asked to develop an agenda highlighting the issues it views important which would be forwarded to the Commission for its consideration, and it was agreed that the Advisory Committee would be meeting later on to develop some of these.

There were six basic recommendations from the Liaison Committee that emerged from that meeting:

1. That the Advisory Committee constitutes a valuable resource for the Commission and should be continued, and the relationship between the Commission and its Advisory Committee should be enhanced.
2. That a permanent Advisory Liaison Committee of the Commission be formed with members appointed to overlapping terms so that the three or four Committee members, for example, would not be replaced at one time, but there would be a rotating continuity of Commission membership over the years with the Advisory Committee.

3. That the Advisory Liaison Committee be permanently assigned to attend the Advisory Committee meetings.
4. That as Advisory Committee vacancies occur in the future, the Commission Chairman consider appointment from a list of several nominees suggested by participating organizations.
5. That increasing opportunities for service and familiarity with POST by the field be one of the factors to be considered in future appointments.
6. That the present policy for the role of the Advisory Committee be reaffirmed. The three key purposes of the Advisory Committee specified by the policy are:
  - a. Receive briefings on POST's programs, projects, and major issues.
  - b. Call to the attention of the Commission any suggestions or concerns of members' associations and organizations and the Advisory Committee collectively.
  - c. Formulate specific recommendations for the Commission's consideration when directed by the Commission.

MOTION - Vernon, second - Trives, carried unanimously to accept the Advisory Liaison Committee's report.

L. LONG RANGE PLANNING COMMITTEE REPORT

Commissioner Trives, Chairman of the Long Range Planning Committee, stated that in addition to the Committee's recommendation presented to the Commission earlier in the meeting under Item D -- Basic Training Standards, Marshals and District Attorney Investigators -- the following recommendation was made:

That staff communicate to the field that the Commission is considering the issue of certification enhancement and contemplates action to:

- Expand certificate revocation to include selected misdemeanor convictions, and
- Require refresher training for certificated officers who have a three-year or more break in service.

The communication should request field input in the form of a questionnaire and determine whether interest exists in a series of public meetings on the subject. It should be noted that in any case, a formal public hearing will be required before any change could be implemented.



Commissioner Trives requested that Ted Morton, Chief of the Center for Executive Development, repeat the presentation on the Center and the Command College which he had made to the Long Range Planning Committee the previous evening.

Following Mr. Morton's presentation,

MOTION - Trives, second - Kolender, carried unanimously to accept the report and recommendations of the Long Range Planning Committee.

M. LEGISLATIVE REVIEW COMMITTEE REPORT

Commissioner Robert Edmonds, Chairman of the Legislative Review Committee, reported that the Committee met prior to the general session of the Commission with Commissioners Edmonds, Kolender, and Jackson in attendance. The Committee discussed the following newly introduced bill and recommended the Commission take no position on the bill:

A.B. 165 - Reopens the grandfather clause for the reissuance of a POST Reserve Officer Certificate.

Staff gave a brief report on bills POST is following.

MOTION - Edmonds, second - Trives, carried unanimously to approve the report of the Legislative Review Committee.

N. REPORT ON POST FACILITIES

It was reported that the current situation involving the housing of POST staff at two different locations is highly undesirable and should be remedied as soon as possible.

MOTION - Van de Kamp, second - Kolender, carried unanimously that the Commission direct staff to explore housing alternatives which will reunite staff at one location.

O. PROGRESS REPORT - REVIEW OF PROBLEMS ASSOCIATED WITH PROBATIONARY REJECTION OF PEACE OFFICER TRAINEES

It was reported at the October 1982 meeting that the probationary evaluation period is becoming a focus for validation. The question rises whether a statewide trend exists towards deferring the final employment decision to the probationary period. As the volume of probationary rejections increases, compliance agencies will focus attention on the probationary evaluation.

The trend has practical and economic problems associated with it. Ideally, the more confidence that can be placed in the pre-screening, remediation, and Basic Course evaluation process, the better. This, too, should be considered.

MOTION - Vernon, second - Trives, carried unanimously that staff be instructed to conduct a problem-solving seminar in the near future with representatives of larger agencies in order to better evaluate the issue and examine approaches currently being used for field training and evaluation, and to report back to the Commission in April.

P. PROGRESS REPORT - FUNDING OF PEACE OFFICER COUNSELING PROGRAM

At the October 1982 meeting, the Advisory Committee reported on the rising number of stress injuries in law enforcement. Frequently the stress experienced by officers results from traumatic incidents involving shootings. The Committee requested that the issue be considered.

Staff reviewed the proposal that POST provide, upon request, teams of practitioners -- psychologists and counselors -- to assist officers who had been involved in shootings to address the stress experienced by officers in the field. The following concerns were identified:

1. POST funding of such a program would be of questionable legality.
2. Psychological counseling services funded for this purpose could generate pressure to provide such services for job-stress problems generally.
3. An investment of staff time would be required to administer the program.

While there is great merit in the direct provision of professional counseling services, staff believes the training of peer counselors is the most appropriate approach for POST at this time.

MOTION - Vernon, second - Trives, carried unanimously for approval of staff recommendation to continue to present appropriate training courses only, and assess over time the effectiveness of such training as an aid to the development of locally based counseling programs.

Q. OLD/NEW BUSINESS

1. Peace Officers' Legal Sourcebook

At the October 1982 meeting, the agenda item "Peace Officers' Legal Sourcebook" was tabled.

MOTION - Van de Kamp, second - Trives, carried unanimously that the Peace Officers' Legal Sourcebook be taken off the table for consideration at this meeting.

The Attorney General stated that it is desired that the Commission approve the recommendation of the Budget Committee developed on November 3, 1981, funding the publication of up to 5,000 copies of the

Sourcebook at a cost to POST not to exceed \$40,000. This amount includes the purchase of binders and tabs from Correctional Industries, printing by the Office of State Printing, and original distribution. Additional costs of approximately \$71,000 will be absorbed by the Department of Justice as outlined in the backup document on file.

If the funding is approved, the document will be published by September 1, 1983.

Distribution and evaluation of the document would be undertaken by the Attorney General's Office through a process mutually agreed upon between POST and the Attorney General's Office. The process would include distribution to supervisors and managers in all "regular" law enforcement agencies and to the 32 POST-certified basic academies. It will include an evaluation component to determine the Sourcebook's value and usefulness. One year following initial publication is anticipated for the evaluation.

In answer to the inquiry regarding POST's getting recognition on this publication, it was stated that the Attorney General's Office and the Commission would share credits on the Sourcebook.

MOTION - Edmonds, second - Rodriguez, a roll call vote was taken and was unanimous (Van de Kamp abstaining) that as a pilot program, the Commission provide authorization to fund the cost of binders, tabs, printing, and original distribution of 5,000 copies of the California Peace Officers' Legal Sourcebook at a cost not to exceed \$40,000, with the understanding that the Attorney General's Office will provide timely revision, evaluation, and distribution of all updates in accordance with a plan mutually agreed upon by POST and the Attorney General.

2. Appointment of Nominating Committee for 1983/84 Officers

Chairman Jackson appointed a Committee of the Commission to submit at the April meeting candidates for Chairman and Vice-Chairman until April 1984. Commissioner Trives is to Chair the Committee, with Commissioners Kolender and Van de Kamp serving as members.

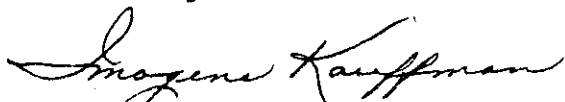
Additionally, Chairman Jackson requested that this Committee consider and present a recommendation in April for the officers' terms to be for a period of two years as opposed to one.

R. PROPOSED DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

April 27-28, 1983, Holiday Inn - Holidome, Sacramento  
July 21, 1983, Bahia Hotel, San Diego (joint with Advisory Committee)  
October 20, 1983, Sacramento  
January 27, 1984, San Diego

S. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 3 p.m.



Inogene Kauffman  
Executive Secretary

# BILL ANALYSIS

State of California

Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
7100 Bowling Drive, Sacramento, CA 95823

TITLE OR SUBJECT

Reserve Officer: Certificates

AUTHOR

Assemblyman Nolan

BILL NUMBER

AB 165

SPONSORED BY

Los Angeles Sheriff's Department

RELATED BILLS

DATE LAST AMENDED

12-23-82

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

## GENERAL

Assembly Bill 165 would:

1. Provide that Level I reserve officer certificates may be issued to reserves who were qualified for such issuance on January 1, 1981, but failed to obtain the certificate prior to that deadline. This deadline extension shall expire on July 1, 1984.

## ANALYSIS

The purpose of this bill is to allow qualified Level I reserve officers who did not obtain their reserve certificate prior to January 1, 1981 under a previous training standard, to have until July 1, 1984 to obtain such certificate. This certificate is necessary if the Level I reserve officer is to exercise Penal Code Section 830.1 powers without meeting the new training standard which consists of completing the regular peace officer basic course.

This bill essentially reopens a previous grandfathering period which expired January 1, 1981. This new open period would extend from the effective date of this legislation (probably January 1, 1984) until July 1, 1984. This six month period should allow all Level I reserves who missed the first cutoff date to obtain the Level I reserve officer certificate without having to meet the new higher training standard.

No new reserve officers would become eligible for grandfathering with this bill. It only extends to those previously qualified for exemption.

## RECOMMENDATION

Because of the obvious arguments both for, and against grandfathering, it is recommended the Commission take no position on AB 165.

OFFICIAL POSITION

ANALYSIS BY

*D. Beauchamp*

EXECUTIVE DIRECTOR

*William W. Becken*

DATE

1-5-83

DATE

1-6-83

REVIEWED BY

DATE

COMMENT

**ASSEMBLY BILL**

**No. 165**

**Introduced by Assemblyman Nolan**

**December 23, 1982**

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An act to amend Section 832.6 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 165, as introduced, Nolan. Peace officers.

Existing law provides that a person who has been issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer, if so designated by local ordinance or resolution, if the appointing authority determines the person is qualified to perform general law enforcement duties.

This bill would provide that persons who were eligible to be issued the level I reserve officer certificate before January 1, 1981, but who were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984, which certificate would have the same effect as if issued prior to January 1, 1981.

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

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

- 1 SECTION 1. Section 832.6 of the Penal Code is
- 2 amended to read:
- 3 832.6. (a) On or after January 1, 1981, every person
- 4 deputized or appointed as described in subdivision (a) of
- 5 Section 830.6 shall have the powers of a peace officer only
- 6 when such person is:
- 7 (1) Deputized or appointed pursuant to paragraph (1)

1 of subdivision (a) of Section 830.6 and is assigned to the  
2 prevention and detection of crime and the general  
3 enforcement of the laws of this state, whether or not  
4 working alone, and the person has completed the basic  
5 training prescribed by the Commission on Peace Officer  
6 Standards and Training.

7 A person deputized or appointed pursuant to  
8 paragraph (2) of subdivision (a) of Section 830.6 shall  
9 have the powers of a peace officer when assigned to the  
10 prevention and detection of crime and the general  
11 enforcement of the laws of this state, whether or not  
12 working alone, and the person has completed the basic  
13 training course for deputy sheriffs and police officers  
14 prescribed by the Commission on Peace Officer  
15 Standards and Training; or

16 (2) Assigned to the prevention and detection of crime  
17 and the general enforcement of the laws of this state  
18 while under the immediate supervision of a peace officer  
19 possessing a basic certificate issued by the Commission on  
20 Peace Officer Standards and Training, the person is  
21 engaged in a field training program approved by the  
22 Commission on Peace Officer Standards and Training,  
23 and the person has completed the course required by  
24 Section 832 and such other training prescribed by the  
25 commission; or

26 (3) Deployed only in such limited functions as would  
27 not usually require general law enforcement powers and  
28 the person has completed the training required by  
29 Section 832 and such other training prescribed by the  
30 commission.

31 (b) Notwithstanding the provisions of subdivision (a),  
32 a person who is issued a level I reserve officer certificate  
33 before January 1, 1981, shall have the full powers and  
34 duties of a peace officer as provided by Section 830.1 if so  
35 designated by local ordinance or, if the local agency is not  
36 authorized to act by ordinance, by resolution, either  
37 individually or by class, if the appointing authority  
38 determines the person is qualified to perform general law  
39 enforcement duties by reason of the person's training and  
40 experience. *Persons who were qualified to be issued the*

1 *level I reserve officer certificate before January 1, 1981,*  
2 *but who were not issued the certificate before January 1,*  
3 *1981, may be issued the certificate before July 1, 1984. For*  
4 *purposes of this section, certificates so issued shall be*  
5 *deemed to have the full force and effect of any level I*  
6 *reserve officer certificate issued prior to January 1, 1981.*

7 (c) In carrying out the provisions of this section, the  
8 commission:

9 (1) May use proficiency testing to satisfy reserve  
10 training standards.

11 (2) Shall provide for convenient training to remote  
12 areas in the state.

13 (3) Shall establish a professional certificate for reserve  
14 officers as defined in paragraph (1) of subdivision (a) of  
15 this section, and may establish a professional certificate  
16 for reserve officers as defined in paragraphs (2) and (3)  
17 of subdivision (a) of this section.

18 (d) In carrying out paragraphs (1) and (3) of  
19 subdivision (c), the commission may establish and levy  
20 appropriate fees, provided the fees do not exceed the cost  
21 for administering the respective services. These fees shall  
22 be deposited in the Peace Officers' Training Fund  
23 established by Section 13520.

24 (e) The commission shall include an amount in its  
25 annual budget request to carry out the provisions of this  
26 section.



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>Course Certification/Decertification Report</b>		Meeting Date <b>January 27, 1983</b>
Bureau <b>Training Delivery Services</b>	Reviewed By <i>[Signature]</i> <b>Gene DeCrona, Chief</b>	Researched By <b>Rachel S. Fuentes</b>
Executive Director Approval <b>Norman C. Boehm</b>	Date of Approval <b>1-6-83</b>	Date of Report <b>January 4, 1983</b>
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

The following courses have been certified or decertified since the October 22, 1982 Commission meeting.

CERTIFIED

<u>Course Title</u>	<u>Presenter</u>	<u>Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
1. Security Guard Baton Trng. (Side Handle)	Cosumnes River College	Approved	N/A	0
2. Security Guard Baton Trng. (Straight & Side Handle)	San Joaquin Delta College	Approved	N/A	0
3. Security Guard Baton Trng. (Straight & Side Handle)	Napa College	Approved	N/A	0
4. Private Security Baton Trng. (Straight & Side Handle)	Allan Hancock College	Approved	N/A	0
5. Private Security Baton Trng. (Side Handle)	The Fire-Line	Approved	N/A	0
6. Security Guard Baton Trng. (Side Handle)	College of the Canyons	Approved	N/A	0
7. Private Security Baton Trng. (Straight & Side)	Excel Security Academy	Approved	N/A	0
8. Security Guard Baton Trng. (Straight Baton)	Martinez Adult School	Approved	N/A	0
9. Security Guard Baton Trng. (Straight Baton)	NCCJTES, Santa Rosa Center	Approved	N/A	0
10. Private Security Baton Trng. (Straight Baton)	Pacific Gas & Electric Co.	Approved	N/A	0
11. Assertive Management Skills	Southwest RTC	Mgmt Seminar III		\$28,800
12. Supervisory Seminar	San Bernardino Co. S.D.	Supervisory IV		2,003.40
13. Special Weapons & Tactics	NCCJTES, Butte Center	Technical IV		6,479

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Im</u>
14.	Reserve Training-Module C	Napa College	Approved	N/A	0
15.	Reserve Training-Module C	Kern Co. Peace Ofr. Trng. Academy	Approved	N/A	0
16.	Peer Counseling Trng. Program	CSU, Long Beach	Technical	III	\$24,000
17.	Supervisory Seminar	Rio Hondo College	Supervisory	IV	8,414
18.	Traffic Accident Inv. Skidmark Analysis	Rio Hondo College	Technical	IV	3,250
19.	Special Weapons & Tactics, Advanced	Rio Hondo College	Technical	IV	3,715
20.	Law Enforcement Executive Seminar	POST-Center for Executive Development	Exec. Seminar	IV	0
21.	Law Enforcement Management Seminar	POST-Center for Executive Development	Mgmt Seminar	IV	0
22.	Field Training Officer	San Bernardino Co. S.D.	Technical	II	6,192
23.	Police Video Workshop-Basic	Rio Hondo College	Technical	IV	1,548
24.	Sex Crimes Investigation	Rio Hondo College	Technical	IV	8,359
25.	Complaint Dispatcher	Rio Hondo College	Technical	IV	4,953
26.	Advanced Officer Trng.	Ventura Co. Police & Sheriff's Academy	AO	II	27,010
27.	Crime Scene Investigation	NCCJTES, Los Medanos College	Technical	IV	9,360
28.	Reserve Training-Module C	Grossmont College	Approved	N/A	0
29.	Baton Instructors Trng. (PR-24)	Sacramento Center NCCJTES	Technical	IV	2,575
30.	Reserve Training-Module C	Santa Clara Valley CJTC	Approved	N/A	0
31.	Statistics for Non-Mathematical Managers	Law Enforcement Management Center	Mgmt Seminar	III	22,590
32.	Cost & Budget Analysis	Law Enforcement Management Center	Mgmt Seminar	III	22,590

CERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
33.	Television Workshop - "How to Make a Trng. Film"	CSU - San Jose	Technical	III	\$12,566.25
34.	Rifle Marksmanship & Sniper	FBI, San Francisco	Technical	IV	11,352
35.	Creative Problem-Solving as a Mgmt Tool	Justice Research Associates	Mgmt Seminar	III	9,684
36.	Officer Safety: Field Tactics	Downey-Roth System	Technical	II	34,920
37.	Reserve Training-Module C	Los Angeles Harbor College	Approved	N/A	0
38.	Reserve Training-Module C	Alameda Co. S.D	Approved	N/A	0
39.	Custody Officers Training	Los Angeles S.D.	Technical	N/A	0
40.	Reserve Training-Modules A, B, C	Rio Hondo College	Approved	N/A	0
41.	Reserve Training-Module B	Rio Hondo College	Approved	N/A	0
42.	Jail Operations	Central Coast Counties Police Academy	Technical	II	36,014
43.	Crime Prevention, Adv.: Electronic Security	Sacramento Center, NCCJTES	Technical	IV	7,533
44.	Special Weapons & Tactics	Modesto CJC	Technical	III	6,320
45.	Reserve Training-Module C	Fullerton College	Approved	N/A	0
46.	Defensive Tactics	FBI, Los Angeles	Technical	IV	4,000
47.	Officer Safety: Field Tactics	Law Enforcement Research Assoc.	Technical	III	73,200
48.	Officer Safety: Field Tactics	College of the Sequoias	Technical	IV	477
49.	Reserve Training-Module C	College of San Mateo	Approved	N/A	0

DECERTIFIED

1.	Reserve Training-Module B	Fullerton College	Approved	N/A	0
2.	Cargo Theft Investigation	DOJ Trng. Center	Technical	IV	0
3.	Drug/Alcohol Recognition: DUI	DARTS Associates	Technical	IV	0

DECERTIFIED - Continued

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
4.	Security Guard Baton Trng. (Straight Baton)	Public Safety Trng. Association, Inc.	Approved	N/A	0
5.	Security Guard Baton Trng. (Side Handle)	Powers Security Training School	Approved	N/A	0
6.	Security Guard Baton Trng. (Side Handle)	Glendale Community College	Approved	N/A	0
7.	Private Security Baton Trng. (Side Handle)	California Security Training Schools	Approved	N/A	0
8.	Security Guard Baton Trng. (Side Handle)	Alan Cotton & Associates	Approved	N/A	0
9.	Private Security Baton Trng. (Side Handle)	Evans Security Training Academy	Approved	N/A	0
10.	Private Security Baton Trng. (Straight & Side Handle)	Ventura College	Approved	N/A	0
11.	Security Guard Baton Trng. (Straight & Side Handle)	Gendarme Ltd.	Approved	N/A	0
12.	Security Guard Baton Trng. (Straight & Side Handle)	California Security Training Academy	Approved	N/A	0
13.	Security Guard Baton Trng. (Straight Baton)	California Academy Inv. Sciences	Approved	N/A	0
14.	Security Guard Baton Trng. (Straight & Side Handle)	College of the Sequoias	Approved	N/A	0
15.	Security Guard Baton Trng. (Straight Baton)	Kings River Comm. College	Approved	N/A	0
16.	Security Guard Baton Trng. (Straight and/or Side Handle)	Modesto CJTC	Approved	N/A	0
17.	Security Guard Baton Trng. (Straight Baton)	Palomar College	Approved	N/A	0
18.	Security Guard Baton Trng. (Straight & Side Handle)	Security Training Academy	Approved	N/A	0
19.	Security Guard Baton Trng. (Straight & Side Handle)	National Careers Institute	Approved	N/A	0
20.	Security Guard Baton Trng. (Straight & Side Handle)	United States School of Law Enforcement	Approved	N/A	0

DECERTIFIED - Continued)

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Impact</u>
21.	Security Guard Baton Trng. (Straight & Side Handle)	West Coast School	Approved	N/A	0
22.	Security Guard Baton Trng. (Side Handle)	International Assoc of Sec. Prof., Inc.	Approved	N/A	0
23.	Security Guard Baton Trng. (Straight & Side Handle)	San Diego Miramar College	Approved	N/A	0
24.	Security Guard Baton Trng. (Straight & Side Handle)	Golden West College	Approved	N/A	0
25.	Security Guard Baton Trng. (Straight & Side Handle)	Private Patrol Off. Specialized Trng.	Approved	N/A	0
26.	Security Guard Baton Trng. (Straight Baton)	Pacific Training Institute	Approved	N/A	0
27.	Security Guard Baton Trng. (Straight & Side Handle)	Security Designs, Inc.	Approved	N/A	0
28.	Security Guard Baton Trng. (Straight & Side Handle)	Security Six Trng. Institute	Approved	N/A	0
29.	Security Guard Baton Trng. (Straight & Side Handle)	John Taylor Guard Training Academy	Approved	N/A	0
30.	Security Guard Baton Trng. (Straight Baton)	College of San Mateo	Approved	N/A	0
31.	Security Guard Baton Trng. (Straight & Side Handle)	Security Training Institute	Approved	N/A	0
32.	Security Guard Baton Trng. (Side Handle)	Cosumnes River College	Approved	N/A	0
33.	Security Guard Baton Trng. (Straight & Side Handle)	San Joaquin Delta College	Approved	N/A	0
34.	Security Guard Baton Trng. (Straight & Side Handle)	Napa College	Approved	N/A	0
35.	Private Security Baton Trng. (Straight & Side Handle)	Allan Hancock College	Approved	N/A	0
36.	Private Security Baton Trng. (Side Handle)	The Fire-Line	Approved	N/A	0
37.	Security Guard Baton Trng. (Side Handle)	College of the Canyons	Approved	N/A	0
38.	Private Security Baton Trng. (Straight & Side Handle)	Excel Security Academy	Approved	N/A	0

DECERTIFIED - Contined

	<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Annual Fiscal Imp.</u>
39.	Security Guard Baton Trng. (Straight Baton)	Martinez Adult School	Approved	N/A	0
40.	Security Guard Baton Trng. (Straight Baton)	NCCJTES, Santa Rosa Center	Approved	N/A	0
41.	Private Security Baton Trng. (Straight Baton)	Pacific Gas & Electric Co.	Approved	N/A	0
42.	Security Guard Baton Trng. (Straight & Side Handle)	Martial Arts Sec. Training Academy	Approved	N/A	0

TOTAL CERTIFIED 49

TOTAL DECERTIFIED 42

TOTAL MODIFICATIONS 45

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>Fresno County District Attorney Investigators</b>		Meeting Date <b>January 27, 1983</b>
Bureau <b>Compliance &amp; Certificates</b>	Reviewed By <i>[Signature]</i> <b>Brooks W. Wilson</b>	Researched By <b>George Fox</b> <i>[Signature]</i>
Executive Director Approval <i>[Signature]</i>	Date of Approval <b>12-17-82</b>	Date of Report <b>December 10, 1982</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

ISSUE

The Fresno County District Attorney has requested that the agency's Investigations Unit be included in the POST Reimbursement Program.

BACKGROUND

The agency has participated in the Specialized Program since August 11, 1970. Necessary documents have been submitted and adequate selection standards are employed.

ANALYSIS

All concerned investigative personnel possess Basic Certificates.

RECOMMENDATION

The Commission be advised that the Fresno County District Attorney's Investigations Unit has been admitted into the POST Reimbursement Program consistent with Commission policy.

FISCAL IMPACT

The estimated fiscal impact is less than \$2,500 annually.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Glenn County District Attorney Investigators		Meeting Date January 27, 1983
Reviewed By Brooks W. Wilson	Researched By George Fox	
Executive Director Approval <i>Morgan C. Becken</i>	Date of Approval 12-17-82	Date of Report December 9, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

ISSUE

The Glenn County District Attorney has requested that the agency's Investigations Unit be included in the POST Reimbursement Program.

BACKGROUND

The agency has participated in the Specialized Program since February 13, 1979. Necessary documents have been submitted and adequate selection standards met.

ANALYSIS

All concerned investigators possess Basic Certificates.

RECOMMENDATION

The Commission be advised that the Glenn County District Attorney Investigations Unit has been admitted into the POST Reimbursement Program consistent with Commission policy.

FISCAL IMPACT

The estimated fiscal impact is less than \$500 annually.



COMMISSION AGENDA ITEM REPORT

Agenda Item Title Madera County District Attorney Investigators		Meeting Date January 27, 1983
Reviewed By <i>BW</i> Brooks W. Wilson	Researched By George Fox <i>fx</i>	
Executive Director Approval <i>Morgan C. Becker</i>	Date of Approval 12-17-82	Date of Report
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact		<input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE

The Madera County District Attorney has requested that the agency's Investigations Unit be included in the POST Reimbursement Program.

BACKGROUND

The agency has participated in the Specialized Program since March 18, 1972. Necessary documents have been submitted and adequate selection standards are employed.

ANALYSIS

All concerned investigators possess Basic Certificates.

RECOMMENDATION

The Commission be advised that the Madera County District Attorney's Investigations Unit has been admitted into the POST Reimbursement Program consistent with Commission policy.

FISCAL IMPACT

The estimated fiscal impact is less than \$500 annually.

COMMISSION AGENDA ITEM REPORT

Item Title Modesto Judicial District Marshal		Meeting Date January 27, 1983
Bureau Compliance & Certificates	Reviewed By <i>BW</i> Brooks W. Wilson	Researched By George Fox <i>fx</i>
Executive Director Approval <i>Monica C. Belton</i>	Date of Approval 12-17-82	Date of Report
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact		<input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE

The Modesto Judicial District Marshal has requested that the agency be included in the POST Reimbursement Program.

BACKGROUND

The agency has participated in the Specialized Program since September 3, 1981. Necessary documents have been obtained and adequate selection standards are employed.

ANALYSIS

Concerned sworn personnel have obtained POST Basic Certificates.

RECOMMENDATION

The Commission be advised that the Modesto Judicial District Marshal's Department has been admitted into the POST Reimbursement Program consistent with Commission policy.

FISCAL IMPACT

The fiscal impact is estimated to be about \$2,500 annually.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title California State Fair Police - new category, Specialized Program		Meeting Date 1-27-83
Bureau Field Services Bureau	Reviewed By <i>BW</i> Brooks W. Wilson	Researched By George Fox <i>GF</i>
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 11/18/82	Date of Report 10-8-82
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		

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

ISSUE

With the new provisions of Section 830.3(j) Penal Code, should the California State Fair Police be admitted as a new category within the Specialized Program?

BACKGROUND

By legislation effective August 24, 1982, Section 3332 of the Food and Agricultural Code and Section 830.3(j) of the Penal Code were amended to allow the California Exposition and State Fair to employ peace officers.

ANALYSIS

The State Fair Police Department presently employs four full-time peace officers. This staffing is expected to increase to fifteen full-time officers during the next four years. In addition, because the nature of the agency's duties are seasonal, the agency is authorized to employ part-time officers having POST Basic Certificates, Level I Reserve Certificates and/or Basic Course training. These part-time officers would not be a part of or included in any action certifying the State Fair Police Department by POST. The duties of full-time officers include the full range of law enforcement services within the facility.

RECOMMENDATION

The recommended action of the Commission is a motion to include the California State Fair Police as a category that may participate in the Specialized Program.

Note: The background and analysis for this item is covered on the Agenda Item Report, tab B. 3., "Approving New Category for Specialized Program.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Policy Statements for Commission Policy Manual		Meeting Date January 27, 1983
Bureau Information Services	Reviewed By	Researched By Bradley W. Koch
Executive Director Approval <i>Merran C. Boehm</i>	Date of Approval 12-28-82	Date of Report 12-6-82
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                    Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		

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

ISSUE

A policy statement is being submitted for approval as adopted by the Commission at its regular meeting, October 22, 1982.

BACKGROUND

The Commission has directed that Staff shall submit policy matters for affirmation by the Commission prior to inclusion in the Commission Policy Manual. The policy statement below is being submitted for such affirmation.

RECOMMENDATION

Affirm the following policy statement for inclusion in the Commission Policy Manual.

LEGISLATIVE POLICY

The immediate position of the Commission is neutral on legislation making new categories of peace officers eligible for POST reimbursement when there is included in the measure 1) an appropriation from POTF equal to the estimated reimbursement cost of the new category, and 2) Legislative intent language that every year thereafter the POST Aid to Local Government budget is to be augmented by the cost of such legislation. This position shall remain in effect only until the next scheduled Commission meeting at which time the legislation will be reviewed and an official Commission position articulated.

Commission Meeting    10/23/81

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>School District Police - Reimbursement</b>		Meeting Date <b>January 27, 1983</b>
Bureau <b>Compliance &amp; Certificates</b>	Reviewed By <i>[Signature]</i> <b>Brooks W. Wilson</b>	Researched By <b>George Fox</b>
Executive Director Approval <i>[Signature]</i>	Date of Approval <b>12-29-82</b>	Date of Report <b>December 23, 1982</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 per details) <input type="checkbox"/> No		

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

ISSUE

Pursuant to recent legislation, school district police are eligible for participation in the POST Reimbursement Program.

BACKGROUND

Section 13507 of the Penal Code was amended to include "A school district." The amendment is effective January 1, 1983 when the section will read:

13507. As used in this chapter, "district" means any of the following:

- (a) A regional park district
- (b) A district authorized by statute to maintain a police department
- (c) The University of California
- (d) The California State University and Colleges
- (e) A community college district
- (f) A school district

This change effectively includes school district police with agencies falling into Section 13510 of the Penal Code and they are therefore eligible for state aid and the POST Reimbursable Program.

ANALYSIS

At the present time, there is only one school district, Ontario-Montclair, participating in the POST Specialized Program. Using the California School District Peace Officers' Association as a source, there are approximately 740 peace officers who could potentially be included in the POST Program. The largest agency is the Los Angeles School District with 307 sworn personnel. At this time, no district has made a formal request to participate in the Reimbursement Program. Although the Los Angeles Unified School District has expressed an interest in doing so.

A review of the Los Angeles School District Police reveals that they

(cont'd on next page)

perform a full range of general law enforcement functions. They patrol, perform investigations, deal with both adults and juveniles, and handle their own reporting and complaints. They, therefore, may be classified as regular officers under POST Regulation 1001(t) as are other district police. Unless otherwise directed by the Commission, staff will assume that the standards for School District Police Departments who participate in the Reimbursement Program should be identical to other Section 13507 P.C. districts. In addition, those officers participating in the POST Program would be eligible to receive the POST general certificates.

#### FISCAL IMPACT

The exact number of school districts who will desire to participate in the POST Program is unknown. Assuming that 740 officers are eligible, the fiscal impact is estimated to be about \$175,000 annually.

#### RECOMMENDATION

That the Commission, unless desiring additional study, receive this report and the information as submitted.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title <b>QUARTERLY FINANCIAL REPORT AND REIMBURSEMENT REVIEW</b>		Meeting Date <b>January 27, 1983</b>
Bureau <b>Administrative Services</b>	Reviewed By <i>[Signature]</i> <b>John B. Davidson</b>	Researched By <b>Staff</b>
Executive Director Approval <i>[Signature]</i> <b>Morgan C. Boehm</b>	Date of Approval <b>1-10-83</b>	Date of Report
Purpose: <input type="checkbox"/> Decision Requested <input checked="" type="checkbox"/> Information Only <input checked="" type="checkbox"/> Status Report                    Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

This report provides financial information relative to the local assistance budget through December 31, 1982. Revenue which has accrued to the Peace Officer Training Fund is shown as are expenditures made from the fund to California cities, counties, and districts.

COMPARISON OF REVENUE BY MONTH

This report, shown as Attachment #1, identifies monthly revenues which have been transferred to the Peace Officer Training Fund. Through December 31, 1982, we have received \$9,912,418.00. This amount does not include interest and is very close to the \$10,000,000.00 estimation made at the beginning of the year.

REIMBURSEMENT BY CATEGORY OF EXPENSE

This report, identified as Attachment #2, lists the reimbursement paid so far in each course category at a salary reimbursement rate of 45%. The graph shown as Attachment #2A shows not only the present reimbursement at 45% of salary, but also shows the amount we would have reimbursed if we had retained the salary reimbursement base at 30% and compares this with last years reimbursement, also at 30%. This reimbursement level is well within our annual estimation.

NUMBER OF REIMBURSED TRAINEES BY CATEGORY

This report (Attachment #3) shows the number of trainees reimbursed this fiscal year and compares that number with the number which occurred over the same period of time last year. Based on this comparison, it can be shown that the number of trainees has increased significantly since last quarter. As of September 30, 1982, we had reimbursed 26% fewer trainees than in 1981-82 FY. By December 31, 1982, this figure had been reduced to 1%. (See Attachment #3A).

EVALUATION OF SALARY REIMBURSEMENT RATE

The experience of the last quarter in terms of numbers of trainees reimbursed has been extraordinarily high. This is atypical and reduces confidence in the anticipated volume of trainees based upon the first quarter statistics. Based on this fact, it is recommended that no additional increase be made in the basic salary reimbursement rate at this meeting.

Attachments



Comparison of Revenue by Month

Fiscal Years 1981-82 and 1982-83

December 31, 1982

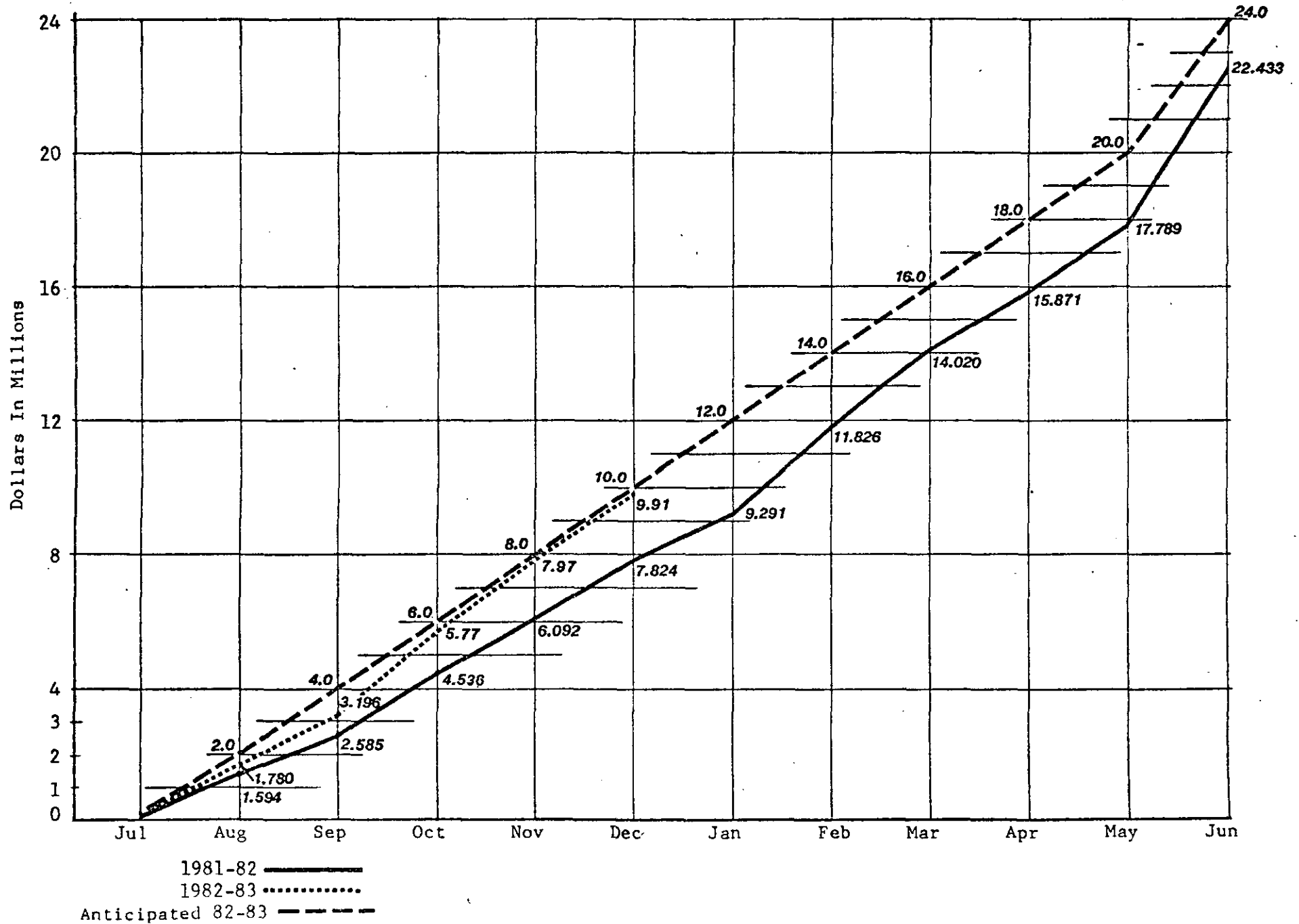
Attachment 1

Month	<u>1981-82</u>		<u>1982-83</u>				
	Monthly Total	Cumulative Total	Cumulative Monthly Estimated	Penalty Assessment Fund	Other	Total	Cumulative Total
July	\$ 88,731	\$	\$	\$ -0-	\$ 1,891	\$ 1,891	\$ 1,891
Aug	1,505,802	1,594,533	2,000,000	1,780,464	0	1,780,464	1,782,355
Sep	990,799	2,585,332	4,000,000	1,413,290	375	1,413,665	3,196,020
Oct	1,951,656	4,536,988	6,000,000	2,574,708	300	2,575,008	5,771,028
Nov	1,555,125	6,092,113	8,000,000	2,189,350	5,160	2,194,510	7,965,538
Dec	1,732,083	7,824,196	10,000,000	1,946,800	80	1,946,880	9,912,418
Jan	1,467,623	9,291,819	12,000,000				
Feb	2,534,885	11,826,704	14,000,000				
Mar	2,193,611	14,020,315	16,000,000				
Apr	1,851,083	15,871,398	18,000,000				
May	1,918,325	17,789,723	20,000,000				
Jun	4,644,015	22,433,738	24,000,000				
	<b>\$22,433,738</b>	<b>\$22,433,738</b>	<b>\$24,000,000</b>	<b>\$9,904,612</b>	<b>\$7,806</b>	<b>\$9,912,418</b>	<b>\$9,912,418</b>

Monthly %  
of Estimation  
97.3%

Cumulative  
% of  
Estimation  
99.1%

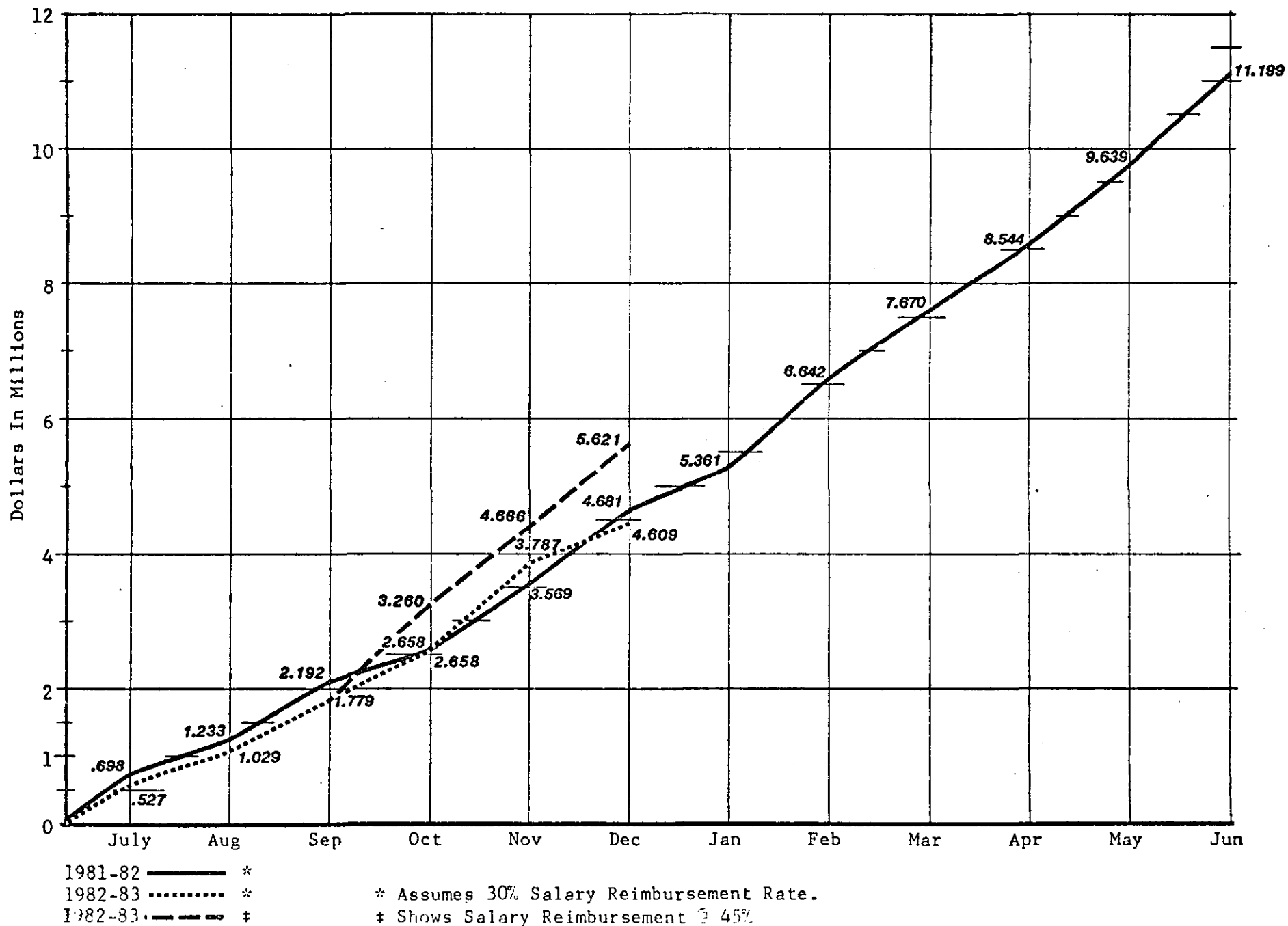
COMPARISON OF REVENUE BY MONTH  
 Fiscal Years 1981-82 and 1982-83  
 Also Shows Projected Revenues For 1982-83



REIMBURSEMENT BY CATEGORY OF EXPENSE

Code	COURSE CATEGORY	Resident Suballotment	%	Commuter Reimbursement Allowance	%	Travel	%	Tuition	%	Salary	%	TOTAL	%	
A	BASIC COURSE	Total this Month	20,207.60		2,226.78		6,451.90		5,888.00		77,760.13	112,536.41		
		Previous Months	226,740.69		37,695.28		71,673.25		137,917.50		1,825,796.20	2,299,822.92		
		Total to Date	246,950.29	10	39,922.06	02	78,125.15	03	143,805.50	06	1,903,556.33	79	2,412,359.33	43
B	SPECIALIZED BASIC INVESTIGATORS COURSE	Total this Month												
		Previous Months												
		Total to Date												
C	ADVANCED OFFICER COURSE	Total this Month	4,370.24		1,125.69		2,896.66		0		140,609.25	149,001.86		
		Previous Months	7,678.06		2,771.39		6,473.40		7,578.78		246,821.74	271,323.37		
		Total to Date	12,048.30	03	3,897.08	01	9,370.08	02	7,578.78	02	387,430.99	92	420,325.23	05
D	SUPERVISORY COURSE (MANDATED)	Total this Month	11,362.56		913.16		3,750.86				47,977.50	64,004.08		
		Previous Months	38,039.75		3,129.54		11,629.29				82,736.04	135,534.62		
		Total to Date	49,402.31	24	4,042.70	02	15,380.15	08			130,713.54	66	199,538.70	04
G	SUPERVISORY SEMINARS AND COURSES	Total this Month	1,911.86		521.43		832.53		6,341.00		0	9,606.87		
		Previous Months	4,899.09		2,437.03		3,476.43		25,860.00			36,722.55		
		Total to Date	6,810.95	15	3,008.51	06	4,308.96	09	32,201.00	70			46,329.42	01
E	MANAGEMENT COURSE (MANDATED)	Total this Month	17,122.54		165.00		3,923.99		0		21,735.56	42,947.09		
		Previous Months	36,631.47		663.34		7,894.86		0		39,868.67	85,058.34		
		Total to Date	53,754.01	43	828.34	0	11,818.85	09			61,604.23	43	128,005.43	02
H	MANAGEMENT SEMINARS AND COURSES	Total this Month	25,517.84		507.46		10,765.36		20,704.00		0	57,494.66		
		Previous Months	42,973.40		1,143.87		20,293.81		42,810.75			107,226.83		
		Total to Date	68,491.24	42	1,656.33	01	31,059.17	19	63,514.75	38			164,721.49	03
F	EXECUTIVE DEVELOPMENT COURSE	Total this Month	7,757.08				2,713.16					10,470.24		
		Previous Months	10,697.11				2,200.01					12,897.12		
		Total to Date	18,454.19	79			4,913.17	21					23,367.36	0
I	EXECUTIVE SEMINARS AND COURSES	Total this Month	0		0		0		0		0	0		
		Previous Months	425.19		88.75		688.47		2,125.75			3,328.16		
		Total to Date	425.19	12	88.75	03	688.47	21	2,125.75	64			3,328.16	0
J	JOB SPECIFIC COURSES	Total this Month	91,354.54		3,575.12		28,631.65		26,351.00		122,627.44	272,539.75		
		Previous Months	304,159.37		8,387.20		89,545.97		69,269.50		432,619.13	904,481.17		
		Total to Date	395,513.91	34	12,462.32	01	118,177.62	10	95,620.50	03	555,246.57	47	1,177,020.92	21
K	TECHNICAL SKILLS AND KNOWLEDGE COURSES	Total this Month	118,475.13		6,123.41		45,299.17		63,497.75		0	233,395.46		
		Previous Months	379,793.77		15,455.35		152,132.29		135,520.72			732,952.13		
		Total to Date	498,268.90	52	21,578.76	02	197,481.46	20	249,018.47	26			966,347.59	17
L	FIELD MANAGEMENT TRAINING	Total this Month	942.45				742.35		0		0	1,684.80		
		Previous Months	3,638.68		58.00		2,626.13					6,322.81		
		Total to Date	4,581.13	57	58.00	01	3,368.48	42					8,007.61	0
M	TEAM BUILDING WORKSHOPS	Total this Month	0		0		0		0		0	0		
		Previous Months	18,973.13		1,095.35		1,344.66		37,687.50			59,100.64		
		Total to Date	18,973.13	32	1,095.35	02	1,344.66	02	37,687.50	64			59,100.64	01
N	POST SPECIAL SEMINARS	Total this Month	1,137.60		143.58		1,521.87		0		0	2,803.05		
		Previous Months	4,093.38		295.87		4,442.43					8,831.63		
		Total to Date	5,230.98	45	439.45	04	5,964.30	51					11,634.73	0
O	APPROVED COURSES	Total this Month	0		115.50		109.50		0		0	225.00		
		Previous Months			94.73		231.27					326.00		
		Total to Date			210.23	38	340.77	62					551.00	0
TOTAL FOR MONTH			300,161.44		15,417.18		107,639.02		122,781.75		410,702.88	956,709.27		
TOTAL FOR PREVIOUS MONTHS			1,078,743.09		73,370.70		374,702.27		508,770.50		2,627,041.70	4,663,928.34		
GRAND TOTAL TO DATE			1,378,904.53	25	88,787.88	102	482,341.29	09	631,552.25	11	3,038,544.66	54	5,620,637.61	100

TOTAL TRAINING REIMBURSEMENT  
Fiscal Years 1981-82, 1982-83



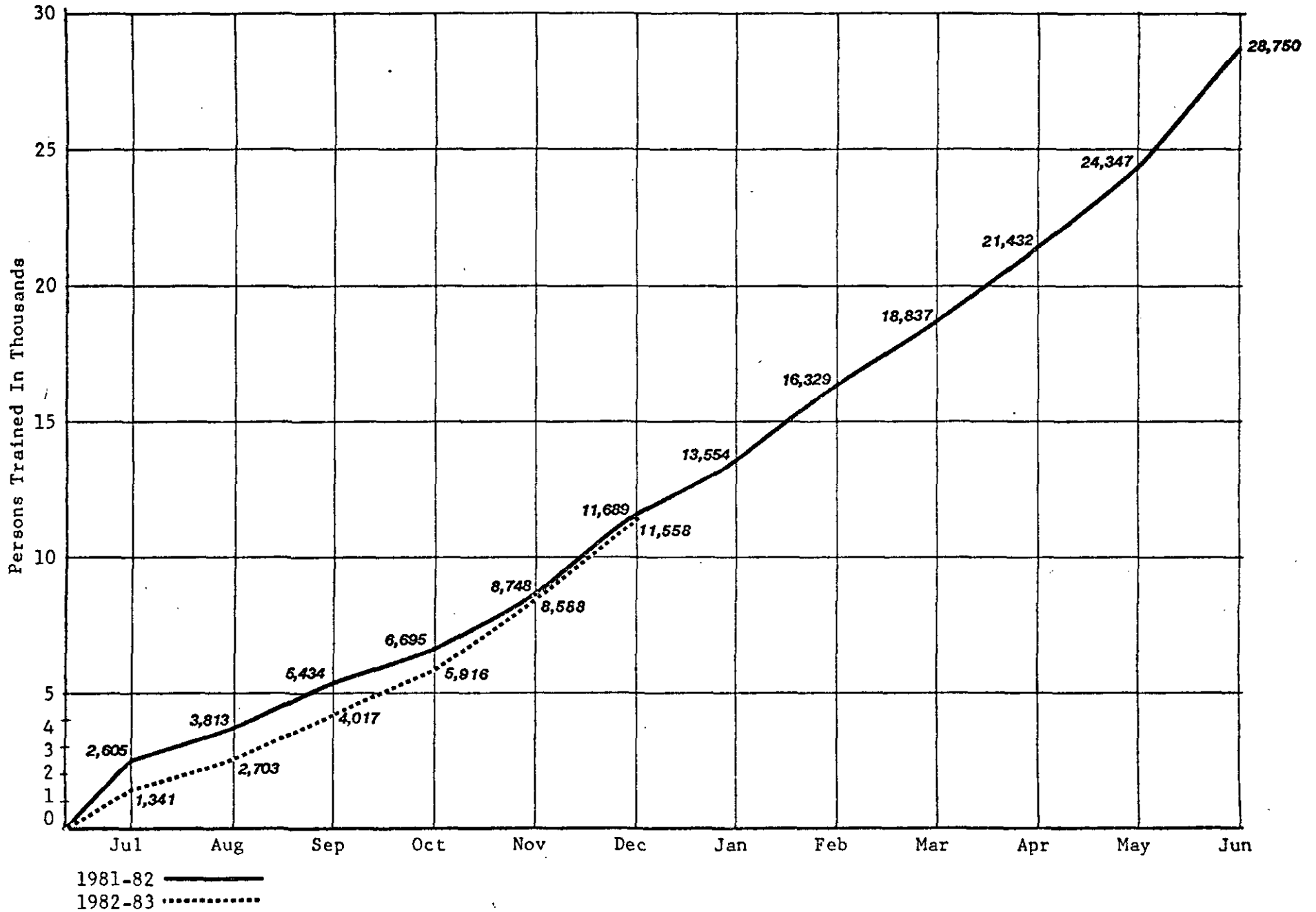
## COMMISSION ON POST

## Number of Reimbursed Trainees by Category

December 1982

Course Category	Actual Total <sup>1</sup>	1981-82		Projected Total For Year	1982-83	
		Actual July-December	% of Total		Actual July-December	% of Projection
Basic Course	3,580	1,601	.45	3,300	1,205	.37
Specialized Basic Investigators Course				100		
Advanced Officer Course	6,755	2,890	.43	9,122	2,343	.26
Supervisory Course (Mandated)	716	299	.42	804	279	.35
Supervisory Seminars and Courses	316	97	.31	296	307	1.04
Management Course (Mandated)	281	88	.31	329	146	.45
Management Seminars and Courses	1,232	446	.36	1,346	560	.42
Executive Development Course	80	27	.34	75	34	.45
Executive Seminars and Courses	1,792	437	.24	1,610	30	.02
Job Specific Course	5,625	2,444	.43	5,164	2,323	.45
Technical Skills and Knowledge Courses	7,286	2,999	.42	7,817	3,950	.51
Field Management Training	86	42	.49	76	39	.51
Team Building Workshops	464	180	.39	663	209	.32
POST Special Seminars	504	130	.26	586	117	.20
Approved Courses	33	9	.27	42	16	.38
<b>Totals</b>	<b>28,750</b>	<b>11,689</b>	<b>.41</b>	<b>31,330</b>	<b>11,558</b>	<b>.37</b>

TOTAL TRAINEES REIMBURSED  
Comparison Between 1981-82 and 1982-83



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Reimbursing Non-Sworn Management Employee-Mgmt Course		Meeting Date January 27, 1983
Bureau Center for Exec Development	Reviewed By	Researched By Ted Morton
Executive Director Approval <i>Murray C. Bechtel</i>	Date of Approval 1-3-83	Date of Report December 28, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

Issue

A public hearing on the proposal to reimburse non-sworn management employees for attendance at the POST-certified Management Course has been scheduled for the January 27, 1982 Commission meeting.

Background

Due to fiscal restraints and organizational reviews, law enforcement agencies are evaluating traditional non-sworn management roles. Where studies indicate the appropriateness, full-time non-sworn employees are replacing sworn peace officer managers. Although the present number of affected non-sworn managers appears to be small, the practice is gaining popularity.

Analysis

Commission policy reflected in PAM Regulations and Procedures now precludes reimbursement of non-sworn employees attending the Management Course. Since no other POST-certified course is available; and since the curricula for the Management Course seems reasonably appropriate, staff believes that the policy should be reconsidered.

There is a lack of available data to accurately estimate the fiscal impact. General awareness of the fairly low number of civilian managers in participating agencies indicates that the impact on the POTF would be nominal. Cost per trainee is approximately \$1500.00 including costs of contracts with presenters. Ten to 20 trainees per year would cost \$15,000 to \$30,000.

If the Regulations are changed to allow reimbursement for civilian managers, staff could monitor volume, costs and other factors; and report back to the Commission after a one-year trial period.

Recommendation

Subject to input at the public hearing, approve revisions to PAM Sections 1005 and Commission Procedures E1 (see attachment) to allow for non-sworn management employees to be reimbursed for attendance at a POST-certified Management Course. Effective date of these revisions to be courses starting after February 1, 1983.

DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, Attorney General

## COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

9 BROADWAY, BUILDING E, SECOND FLOOR  
BOX 20145  
SACRAMENTO, CA 95820-0145



December 8, 1982

BULLETIN: 82-18

SUBJECT: PUBLIC HEARING - REIMBURSEMENT OF NON-SWORN PERSONNEL  
ATTENDING THE MANAGEMENT COURSE

A Public Hearing on the subject of reimbursing full-time, non-sworn personnel for attendance at the POST-certified Management Course has been scheduled in conjunction with the Commission's January 27, 1983 meeting, in San Diego.

Currently, persons in non-sworn management positions may attend the Management Course, but the employee's agency cannot be reimbursed. Where studies indicate the appropriateness, full-time, non-sworn employees are replacing peace officer managers. At this time, POST does not certify separate training courses for the non-sworn manager. It is believed that the POST Management Course provides appropriate instruction for the non-sworn manager.

The proposed change in Commission Regulations will:

- Allow non-sworn managers who successfully complete the POST Management Course to be reimbursed the same as regular peace officer managers.

The attached Notice of Public Hearing, required by the Administrative Procedures Act, provides details concerning the proposed changes and provides information regarding the hearing process. Inquiries concerning the proposed action may be directed to Patricia Cassidy at (916) 739-5348.

NORMAN C. BOEHM  
Executive Director



Commission on Peace Officer Standards and Training

PUBLIC HEARING ON REIMBURSEMENT OF NON-SWORN  
PERSONNEL ATTENDING THE MANAGEMENT COURSE

January 27, 1983

Statement of Reasons

Law enforcement agencies have requested reimbursement for full-time, non-sworn management employees who attend the Management Course. Because of fiscal restraints and organizational reviews, law enforcement agencies are evaluating traditional peace officer management roles. Where studies indicate the appropriateness, full-time, non-sworn employees are replacing peace officers at middle management and higher levels. At this time, POST does not certify training that would meet the needs of the non-sworn manager. It is believed that the Management Course for peace officers would provide the appropriate instruction.

Currently, persons in non-sworn management positions may attend the Management Course, but the employee's agency cannot be reimbursed. The changes proposed for this hearing are for the purpose of amending regulations affecting the reimbursement of law enforcement non-sworn employees to allow non-sworn managers, filling positions previously occupied by peace officer ranks of lieutenant or higher, to be reimbursed for their attendance at the POST-certified Management Course. These proposed changes will assist law enforcement agencies in fulfilling their organizational responsibilities. The assignment of non-sworn personnel to management positions reduces the total costs to cities and counties through the reduction of salary, pension and other benefits. The present number of civilian managers is low, but preliminary studies indicate that their numbers will increase in the future.

The following are specific Regulation and Procedure amendments proposed to implement the reimbursing of non-sworn managers:

Amend Regulation 1014, which provides for the reimbursement of non-sworn personnel, to add PAM Procedure E-1-3-f(4), which will allow reimbursement for attendance of the Management Course. PAM Procedure E-1-3-f was previously adopted by reference.

Amend Procedure E-1-3-f to include new subparagraph 4. Procedure E-1-3-f(4) is added for the purpose of authorizing reimbursement of non-sworn middle management employees upon successful completion of the POST Management Course. This subsection also requires prior approval from the Commission, on an individual basis, before attendance and reimbursement will be approved.

Proposed Language  
Commission Regulations

1014. Training for Non-Sworn and Paraprofessional Personnel (continued)

(c) Reimbursement

Reimbursement for non-sworn and paraprofessional personnel is computed in the same manner (except as noted below) as for sworn personnel according to the reimbursement plan for each course appropriate for the employee's classification as set forth in the POST Administrative Manual, Section E-1-3-f, (adopted effective April 15, 1982), herein incorporated by reference.

~~Note:~~ No reimbursement is provided for the training of non-sworn personnel for expenses associated with courses enumerated in Regulation 1005(a)(b)(c)(d)(e), except as provided in PAM, Section E-1-3-f (3) and (4).

Proposed Language  
Commission Procedures

E-1-3-f. Requirements Relating to Reimbursement (continued)

1. The training shall be specific to the task currently being performed by an employee or may be training specific to a future assignment which is actually being planned.
2. Non-sworn personnel may attend the courses identified in Section 1005 (a)(b)(c)(d)(e), but reimbursement shall not be provided except as indicated in ~~sub-paragraph 3 below~~ sub-paragraphs 3 and 4 below.
3. Paraprofessional personnel in, but not limited to, the classes listed below may attend a certified Basic Course and reimbursement shall be provided to the employing jurisdiction in accordance with the regular reimbursement procedures. Prior to training paraprofessional personnel in a certified Basic Course, the employing jurisdiction shall complete a background investigation and all other provisions specified in Section 1002(a) (1) through (7) of the Regulations.

Eligible job classes include the following:

Police Trainee  
Police Cadet  
Community Service Officer  
Deputy I (nonpeace officer)

4. A full-time, non-sworn employee assigned to a middle management or higher position may attend a certified management course and the jurisdiction may be reimbursed the same as for a regular officer in an equivalent position. Prior approval from the Commission, on an individual basis, must be obtained. Request for approval must include such information as specified in Section 1014 of the Regulations.
- (5) ~~4.~~ For attendance of a course with reimbursement for training which is not specific to one of the job classes enumerated in the next paragraph, the employing jurisdiction must obtain prior approval from the Commission on an individual basis, providing such information as specified in Section 1014 of the Regulations.
- (6) ~~5.~~ Non-sworn persons performing police tasks who are to be assigned or are assigned to the following job classes are eligible, without prior approval from POST, to attend training courses, as provided by Regulation Section 1014, that are specific to their assignments. Job descriptions shall be used to determine those positions eligible:

Administrative Positions  
Communications Technician  
Complaint/Dispatcher  
Criminalist  
Community Service Officer  
Evidence Technician

Proposed Language  
Commission Procedures

E-1-3-f. Requirements Relating to Reimbursement (continued)

Fingerprint Technician  
Jailer and Matron  
Parking Control Officer  
Polygraph Examiner  
Records Clerk  
Records Supervisor  
School Resource Officer  
Traffic Director and Control Officer

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>BASIC TRAINING REQUIREMENT FOR DEPUTY MARSHALS</b>		Meeting Date <b>January 27, 1983</b>
Bureau <b>Training Program Services</b>	Reviewed By	Researched By <b>Hal Snow 9/8</b>
Executive Director Approval <i>William C. Becken</i>	Date of Approval <b>12-29-82</b>	Date of Report <b>December 22, 1982</b>
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE:

Should a public hearing be scheduled for the April 1983 Commission meeting for the purpose of revising the basic training requirement of Marshals and Deputy Marshals?

BACKGROUND

As a result of Senate Bill 210 of 1981, making counties that employ Marshals and Deputy Marshals eligible for POST reimbursement, the Commission directed, at its January 1982 meeting, that staff conduct a job analysis in order to determine the appropriate basic training requirement. The results of the job analysis were reported at the October 1982 Commission meeting. Staff's preliminary analysis at that time revealed differences and similarities between the tasks performed by patrol officers of police/sheriffs' departments and those of deputy marshals. Based on the results of the job analysis, staff preliminarily recommended continuation of the Regular Basic Course as the basic training requirement with the understanding that staff will recommend, at the January 1983 meeting, that a public hearing be approved for the April 1983 meeting that would specify the Marshals Basic Course as the basic training requirement and alternatively, the regular Basic Course plus a POST-certified 80-120-hour course for Marshals and Deputy Marshals. These tentative recommendations were tabled by the Commission at that time.

Since the October 1982 Commission meeting, further research into the appropriate basic training standard has occurred. In addition to the Job Task Analysis, other significant variables affecting the training standard were considered such as: (1) past and present marshals' offices hiring practices, (2) practicalities of training delivery, (3) fiscal impact alternatives, and (4) field input on the job analysis and training needs of deputy marshals.

On December 14, 1982, staff met with a 15-member group of marshals, deputy marshals, association representatives, and trainers to consider the appropriate basic training standard including the above issues. The group unanimously recommended that the basic training requirement be completion of the regular Basic Course to be completed prior to assignment as a peace officer. The arguments against a Marshals Basic Course by the group are described in Attachment A.

## ANALYSIS:

Staff has analyzed the input from the marshals and the results of the POST job analysis for deputy marshals. The results, previously transmitted to the Commission, in summary conclude that:

- " (1) A significant number of Patrol Officer Basic Course Performance Objectives are not relevant for the position of Deputy Marshal, and
- (2) Performance Objectives which are not part of the current Patrol Officer Basic Course are necessary to fully prepare entry-level Deputy Marshals."

Staff believes the methodology and results of the job analysis are based upon an objective and scientific approach. The results reflect the responses of 309 marshals/deputy marshals and 77 supervisors of marshals/deputy marshals. Approximately 34% of the incumbents and 80% of the supervisors in the participating agencies were surveyed. It is our conclusion from these results that the job of a Deputy Marshal is different from that of a Patrol Officer. Therefore, the mandated minimum content of basic training should be different. The basic training requirement for Deputy Marshals should be training that addresses the 260 core tasks identified for the deputy marshal position including (1) 159 or about 50% of the 322 patrol officer core tasks, and (2) 101 Deputy Marshal unique core tasks that are not part of the patrol officer core tasks. This should be the basic training requirement for Deputy Marshals.

With this conclusion in mind, staff developed a Deputy Marshals Basic Course, which is outlined in Attachment B, proposed revised PAM Procedure D-1-5. The proposed basic training standard addresses the 260 core tasks identified for Deputy Marshals, including 159 of the 322 Patrol Officer core tasks and 101 Deputy Marshal unique core tasks. In developing the Deputy Marshals Basic Course, it was necessary for staff to include content based upon the results of the job analysis and judgments about what Deputy Marshals "should know or be able to do." Judgments were also made in comparing job tasks with learning goals of the regular Basic Course and in estimating how many instructional hours were needed for each subject. These judgments resulted in the addition of subjects beyond what the job analysis indicated.

The Deputy Marshals Basic Course is a possible alternative basic training requirement since approximately 76 Deputy Marshals completed the regular Basic Course during the 1981-82 Fiscal Year with an unknown number of laterals from police/sheriffs departments whose officers have previously completed the regular Basic Course. If there were no other basic training alternatives and all 76 Deputy Marshals were required to complete the Deputy Marshals Basic Course, there would be sufficient trainees to have 1-3 presentations annually. This would result in considerable delay for Deputy Marshals receiving the training plus increased travel and per diem costs to POST. There is some uncertainty as to whether a course presenter could be secured under the current community college growth limitations. If the Deputy Marshals Basic Course were the only alternative for satisfying the basic training requirement, those Deputy Marshals lateraling from police/sheriff departments would experience a significant duplication of training having already completed the regular Basic Course. If the basic training requirement for Deputy Marshals provided for alternative means for satisfaction, such as the Deputy Marshals Basic Course or regular Basic Course, there is no question marshals would

elect to send their peace officers to the regular Basic Course for reasons given in Attachment A. This would result in few, if any, presentations of the Deputy Marshals Basic Course.

The Regular Basic Course is a minimum 400-hour course that is designed primarily for patrol officers. It contains some subject matter (estimated 25-33%) not relevant to the training needs of Deputy Marshals. Few of the 101 unique core tasks (Bailiff and Civil Process) performed by deputy marshals are addressed by this course. The regular Basic Course is offered over 100 times per year and has an unknown but growing percent of pre-employment graduates for which POST incurs no reimbursement expense. A Deputy Marshals Basic Course would be expected to have few, if any, pre-employment students.

Except for the absence of unique training related to bailiff and civil duties, the regular Basic Course is an acceptable alternative for meeting the entry-level training requirement for Deputy Marshals. The unique tasks identified in the job analysis should also be a part of the basic training requirement. An 80-hour Bailiff and Civil Process Course is in the process of being designed to meet these unique training needs of entry-level Deputy Marshals (see Attachment C). The regular Basic Course is a recommended prerequisite. Since the course can be considered Job Specific, salary reimbursement would apply. It is anticipated that existing Deputy Marshals and perhaps some sheriffs' deputies may wish to attend this course. Because of the infrequency of this course being offered (3-5 times/year), staff believes that the course should be completed within one year from the date of employment while completion of the regular Basic Course must be prior to assignment as a peace officer.

Staff recommends that the basic training requirement for Marshals and Deputy Marshals be revised to specify the Deputy Marshals Basic Course but that the requirement may be satisfied by completing the regular Basic Course plus the 80-hour POST-certified Bailiff and Civil Process Course. The proposed revisions to POST Regulation 1005(a) and PAM Procedure D-1 are Attachment B. Because of the lack of demand and identified training delivery issues, it is recommended that the Deputy Marshals Basic Course not be actually developed and offered at this time.

Analysis of the Marshals training standard and the training delivery system indicates a need for further staff study of the Universal Basic Course concept with required module courses depending on the kind of duties performed by broad categories of peace officers, e.g., Patrol, Investigators, etc. Staff will continue to explore this concept and its potential for improvements in the future delivery of basic training.

#### FISCAL IMPACT

The estimated fiscal impact of the staff recommendation is:

1. For 76+ Deputy Marshals to complete the regular Basic Course (76 at \$1,413)	\$107,388
2. For 76+ Deputy Marshals to complete the 80-hour Bailiff and Civil Process Course (76 at \$400)	<u>\$ 30,400</u>
Total POST cost	\$137,788

This fiscal impact assumes application of current rules to reimbursement for attendance at these courses. It is assumed from discussion at prior meetings that Commissioners may wish to discuss and provide staff with direction on the matter of maximum reimbursement.

RECOMMENDATION

Approve a public hearing for the April 1983 Commission meeting for the purpose of revising the basic training requirement of Marshals and Deputy Marshals to include the Deputy Marshals Basic Course, as set forth in POST Regulation 1005(a) and PAM Procedure D-1-5, but that the requirement for practical training delivery reasons may be satisfied by completing the regular Basic Course plus an 80-hour POST-certified Bailiff and Civil Process Course.

Attachments



ARGUMENTS PRESENTED BY MARSHALS AND DEPUTY MARSHALS  
AGAINST A MARSHALS BASIC COURSE

1. A Marshals Basic Course would serve as a barrier to lateral mobility for persons moving to and from marshals' offices and police/sheriffs' departments.
2. A Marshals Basic Course as a training requirement would result in increased costs to POST and counties to retrain laterals.
3. Marshals are satisfied with the present standard (Regular Basic Course) and no deputies would be sent to a Marshals Basic Course. Marshals' offices generally have established the Regular Basic Course as a "condition of employment."
4. Marshals need the patrol content in the Regular Basic Course because of the on-view incidents encountered by deputy marshals as they perform particularly, their field assignments. Marshals indicate that without the patrol content of the Regular Basic Course, counties would be subject to increased vicarious liability.
5. Marshals believe a Marshals Basic Course would result in a loss of professional status and camaraderie.
6. The Marshals Basic Course requirement would result in the Marshal's inability to hire the pre-employment, already-trained student. The Regular Basic Course has an unknown but growing percent of non-employed graduates and to the degree these persons are hired it saves POST and counties training costs. A Marshals Basic Course is not likely to have very many pre-employment students.
8. The Marshals Basic Course requirement would result in higher student travel and per diem costs to POST because there would necessarily have to be fewer course presentations and presenters, whereas there are Regular Basic Courses located in commuting distance from most marshals' offices. The infrequency of presenting a Marshals Basic Course would pose a hardship on marshals' offices while the Regular Basic Course would provide timely training. Marshals offices would not be able to use deputy marshals as peace officers until they were trained if the training were required prior to assignment.
8. There may be difficulty in getting presenters for the Marshals Basic Course due to the community college program growth limitation.
9. The Marshals Basic Course would require a substantial and ongoing POST staff commitment to maintain another basic course.
10. The marshals question the sampling strategy used in the job analysis for deputy marshals and believe the results would have been different had POST surveyed only those deputies assigned to field duties. They point out that deputy marshals assigned to court bailiff and prisoner security duties do not encounter the patrol-type incidents which would justify the Regular Basic Course.

REGULATIONS  
Revised: July 1, 1982

## 1002. Minimum Standards for Employment (continued)

- (5) Be examined by a licensed physician and surgeon and must meet the requirements prescribed in the POST Administrative Manual, Section C-2, "Physical Examination," (adopted effective April 15, 1982), herein incorporated by reference.
- (6) Be interviewed personally prior to employment by the department head or a representative(s) to determine the peace officer's suitability for the police service, which includes but is not limited to the peace officer's appearance, personality, maturity, temperament, background, and ability to communicate. This regulation may be satisfied by an employee of the department participating as a member of the peace officer's oral interview panel.
- (7) Be able to read at the level necessary to perform the job of a peace officer as determined by the use of the POST reading ability examination or its equivalent.

## 1003. Notice of Peace Officer Appointment/Termination

Whenever a regular, specialized, or reserve peace officer is newly appointed, enters a department laterally, terminates, or changes peace officer status within the same agency, the department shall notify the Commission within 30 days of such action on a form approved by the Commission as prescribed in PAM, Section C-4, "Notice of Peace Officer Appointment/Termination."

## 1004. Conditions for Continuing Employment

- (a) Every peace officer employed by a department shall be required to serve in a probationary status for not less than 12 months.

## 1005. Minimum Standards for Training

- (a) ~~Basic Course~~ Training (Required)

~~Penal Code Section 832.3 requires that peace officers of cities, counties and districts complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer. The course of training approved by the Commission is the Basic Course. Penal Code Section 832.3 further provides that peace officers who have not completed an approved course may exercise the powers of a peace officer while participating in a field training program approved by the Commission on Peace Officer Standards and Training.~~

1005. Minimum Standards for Training (continued)

- (1) ~~Every regular officer and marshal or deputy marshal of a municipal court, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include the prevention and detection of crime and the general enforcement of state laws.~~

Requirements for the Basic Course are set forth in the POST Administrative Manual, Section D-1-3, (adopted effective April 15, 1982), herein incorporated by reference.

Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.

Requirements for POST-approved Field Training Programs are set forth in PAM, Section D-13.

- (2) Every regularly employed and paid inspector and investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the ~~Specialized District Attorney Investigators Basic Investigators Course~~ or may elect to satisfactorily meet the training requirements of the Basic Course or Specialized Basic Investigators Course before being assigned duties which include performing specialized enforcement or investigative duties. The above specified alternative means for satisfying the District Attorney Investigators Course requires in addition the completion of the POST-certified Investigations and Trial Preparation Course, PAM, Section D-1-4, within 12 months from the date of appointment as a regularly employed and paid inspector or investigator of a District Attorney's Office.

Requirements for the Specialized Basic District Attorney Investigators Basic Course and the Specialized Basic Investigators Course are set forth in PAM, Section D-12 and PAM Section D-1-4 and D-12, respectively.

- ~~(3) Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.~~

1005. Minimum Standards for Training (continued)

~~Requirements for POST-approved Field Training Programs are set forth in PAM, Section D-13.~~

- (3) Every regularly employed and paid marshal and deputy marshal of a marshal's office as defined in Section 830.1 P.C., except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Deputy Marshals Basic Course, PAM, Section D-1-5, or may elect to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include performing specialized enforcement or investigative duties. The alternative Basic Course means for satisfying the Deputy Marshals Basic Course requires in addition the completion of the POST-certified Bailiff and Civil Process Course, PAM, Section D-1-5, within 12 months from the date of appointment as a regularly employed and paid marshal and deputy marshal of a marshal's office.
- (4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid inspectors and investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not completed the Basic Course, the chief law enforcement administrator may elect to substitute the Specialized Basic Investigators Course, PAM, Section D-12.

Procedure D-1-3 was incorporated by reference into Commission Regulation 1005 on April 15, 1982. A public hearing is required prior to revision of this directive.

## BASIC COURSE TRAINING

### Purpose

1-1. Specifications of Basic Course Training: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(a) of the Regulations which relate to Basic Training.

### Training Methodology Basic Course

1-2. Basic Course Training Methodology: The standards for the Basic Course are the Performance Objectives contained in the document "Performance Objectives for the POST Basic Course." This document is part of a dynamic basic course training system designed for change when required by new laws or other circumstances. Supporting documents, although not mandatory, that complete the system are the POST Basic Course Management Guide and Instructional Unit Guides (58).

- a. Performance objectives are divided into mandatory and optional objectives. Mandatory objectives must be achieved as dictated by the established success criteria; whereas optional objectives may be taught at the option of each individual academy. No reimbursement for optional performance objective training will be granted unless they conform to the adopted performance objectives standards.
- b. Training methodology is optional.
- c. Tracking objectives by student is mandatory; however, the tracking system to be used is optional.
- d. A minimum of 400 hours of instruction in the Basic Course is required.

### ~~Content and Minimum Hours~~

1-3. Basic Course Content and Minimum Hours: The Performance Objectives listed in the POST document "Performance Objectives for the POST Basic Course" are contained under broad Functional Areas and Learning Goals. The Functional Areas and Learning Goals are descriptive in nature and only provide a brief overview of the more specific content of the Performance Objectives. The Basic Course contains the following Functional Areas and minimum hours. Within the framework of hours and functional areas, listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval.

~~1-4.~~ Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	15 hours
g. Force and Weaponry	40 hours
h. Patrol Procedures	105 hours
i. Traffic	30 hours
j. Criminal Investigation	45 hours
k. Custody	5 hours
l. Physical Fitness and Defense Techniques	40 hours

~~1-5.~~ Examinations: 20 hours

~~1-6.~~ Total Minimum Required Hours 400 hours

District Attorney Investigators Basic Course

1-4. District Attorney Investigators Basic Course Content and Minimum Hours:

Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	4 hours
g. Force and Weaponry	40 hours
h. Custody	5 hours
i. Physical Fitness and Defense Techniques	40 hours
* j. Field Techniques	60 hours
* k. Criminal Investigation and Trial Preparation	45 hours
* l. Specialized Investigation Techniques	30 hours
* m. Civil Process	20 hours

Examinations 20 hours

Total Minimum Required Hours 350 hours

\* Functional Areas that form the basis for the POST-certified 80-hours Investigation and Trial Preparation Course.

Deputy Marshals Basic Course

1-5. Deputy Marshals Basic Course Content and Minimum Hours:

Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	30 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours

<u>f.</u>	<u>Vehicle Operations</u>	<u>4 hours</u>
<u>g.</u>	<u>Force and Weaponry</u>	<u>40 hours</u>
<u>h.</u>	<u>Criminal Investigation</u>	<u>10 hours</u>
<u>i.</u>	<u>Physical Fitness and Defense Techniques</u>	<u>40 hours</u>
** <u>j.</u>	<u>Field Techniques</u>	<u>50 hours</u>
** <u>k.</u>	<u>Custody</u>	<u>20 hours</u>
** <u>l.</u>	<u>Civil Process</u>	<u>60 hours</u>
** <u>m.</u>	<u>Bailiff</u>	<u>40 hours</u>
	<u>Examinations</u>	<u>20 hours</u>
	<u>Total Minimum Required Hours</u>	<u>374 hours</u>

\*\* Functional Areas that form the basis for the POST-Certified 80-hour Bailiff and Civil Process Course.

## D R A F T

## COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Course Outline

Course Title : Bailiff and Civil Process Course

Course Hours : 80 Hours Minimum

Course Description : This course is designed for those who wish to increase their skill and knowledge in the fields of courtroom bailiff and in the service of civil processes.

Prerequisite : Successful completion of the Regular Basic Course.

Topical Outline

- 1.0 Custody (8 Hrs.)
- A. Brief prisoners/inmates on courtroom rules of conduct.
  - B. Complete booking forms.
  - C. Verify the identity of prisoners.
  - D. Check route leading from holding cell to courtroom before escorting prisoners.
  - E. Escort prisoners between holding cells and courtroom.
  - F. Accept prisoners from bailiff.
  - G. Determine which prisoners are to be released.
  - H. Advise prisoners of his/her rights to telephone calls.
  - I. Receive prisoners at the courtroom.
  - J. Review and prepare paperwork for jailer.
  - K. Open holding facility (unlock doors, etc.).
  - L. Guard and count prisoners while loading and unloading from transport vehicle.
  - M. Coordinate the location of prisoners with other agencies.
  - N. Take fingerprints.
- 2.0 Field Techniques (12 Hrs.)
- A. Locate and identify property in civil actions.
  - B. Seize contraband.
  - C. Seize personal property.
  - D. Install keepers in attachments and executions.
  - E. Contact private companies for pick-up and storage of property.
  - F. Request assistance from other law enforcement agencies.
  - G. Post notices of sale of property in newspapers and public places.
  - H. Request/perform warrant checks.
  - I. Request assistance of emergency personnel.
  - J. Perform investigations over telephone.
  - K. Handle toxic or hazardous materials (e.g., PCP, firearms, etc.).
- 3.0 Civil Process (38 Hrs.)
- A. Serve civil bench warrants.
  - B. Organize route for serving criminal/civil process.
  - C. Plan method of serving criminal/civil process.



- D. Contact plaintiff to schedule execution of writs
- E. Advise plaintiffs that writs have been executed.
- F. Inform plaintiffs of additional information needed to serve civil process.
- G. Inform landlords of eviction proceedings methods.
- H. Conduct sales of real or personal property.
- I. Review/complete return of warrants.
- J. Review instructions to levy for completeness and accuracy.
- K. Review court orders for completeness and accuracy.
- L. Verify accuracy of return of service on warrants.
- M. Accept civil papers over-the-counter from private citizens and attorneys.
- N. Accept fees for serving civil process.
- O. Serve military affidavit.
- P. Levy on real property.
- Q. Serve orders of examination for appearance of debtor of a judgment debtor.
- R. Serve orders of examination for appearance of judgment debtor.
- S. Serve child custody turnover orders.
- T. Serve claim of defendant.
- U. Serve summons and petition.
- V. Serve temporary restraining order.
- W. Serve earnings withholding order.
- X. Serve claim of plaintiff and order.
- Y. Serve orders to show cause.
- Z. Serve citations.
- AA. Serve unlawful detainer orders.
- AB. Serve notices (in person or by posting).
- AC. Serve summons and complaint.
- AD. Execute a claim and delivery.
- AE. Execute levies on real property.
- AF. Execute levies on personal property.
- AG. Execute writs of execution.
- AH. Execute writs of attachment.
- AI. Execute writs of possession (in person or by posting).
- AJ. Garnishments
- AK. Small claims and returns
- AL. Subpoenaes
- AM. Writs of possession

#### 4.0 Bailiff Functions

(18 Hrs.)

- A. Remember names and faces (witnesses, attorneys, jurors, etc.)
- B. Inventory personal property.
- C. Search people entering courtroom.
- D. Inform defendants how to recover their property.
- E. Verify documents presented by defendant (bail slips, receipts, etc.).
- F. Maintain security of "handcuff" and/or "gun" locker.
- G. Search visitors to holding area (e.g., attorneys).
- H. Transport judge and/or court attache to crime scene.
- I. Inform court of new bookings.
- J. Contact other law enforcement jurisdictions that have outstanding warrants for prisoners.
- K. Check court calendars and Writs of Possession for names of persons with outstanding warrants.

- L. Arrange for transport of prisoners.
- M. Inform bailiffs of persons with outstanding warrants.
- N. Respond to inquiries (over phone, in person, or in writing).
- O. Serve as court courier.
- P. Review court calendar.
- Q. Page defendants.
- R. Request court order for removal of a prisoner.
- S. Record results of calendar call.
- T. Convey messages (verbal, written) to judge, jurors, attorneys.
- U. Direct people to locations in the courts building.
- V. Inform attorneys of witness availability.
- W. Summon witness (in person, by phone).
- X. Obtain paperwork relevant to trial/hearing and deliver to court (e.g., commitment order, health records, warrants).
- Y. Retrieve law books as needed.
- Z. Provide writing materials to jurors and "proper" defendants.
- AA. Assist with proper sequencing of courtroom events.
- AB. Maintain proper courtroom demeanor.
- AC. Control access to restricted areas of courtroom.
- AD. Publicize and enforce judge's orders (e.g., "witness excluded until called," "public excluded," etc.).
- AE. "Tag" exhibits.
- AF. Ensure weapons in evidence are unloaded (use triggerguard).
- AG. Arrange transportation for jurors.
- AH. Keep seating chart of jurors.
- AI. Provide jury security.
- AJ. Direct peace officers or others to obtain prisoners or witnesses.
- AK. Silence verbal outbreaks in courtroom.
- AL. Physically restrain disruptors in courtroom.
- AM. Call court to order and introduce presiding judge.
- AN. Seat participants and spectators in courtroom.
- AO. Keep list of emergency phone numbers.
- AP. Operate courtroom equipment (e.g., public address system, security alarm system, heating and ventilating equipment, etc.).
- AQ. Vehicle inspections - sign off citations.

Examinations

(4 Hrs.)

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TOTAL HOURS - 80

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title BASIC TRAINING REQUIREMENT FOR DISTRICT ATTORNEY INVESTIGATORS		Meeting Date January 27, 1983
Bureau Training Program Services	Reviewed By	Researched By Hal Snow <i>H.S.</i>
Executive Director Approval <i>Murray C. Reuben</i>	Date of Approval <i>12-29-82</i>	Date of Report December 22, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE:

Should a public hearing be scheduled for the April 1983 Commission meeting for the purpose of revising the basic training requirement of District Attorney Investigators?

BACKGROUND:

As a result of Senate Bill 201 of 1981 making counties that employ DA's Investigators eligible for POST reimbursement, the Commission directed, at its January 1982 meeting, that staff conduct a job analysis in order to determine the appropriate basic training requirement. The results of the job analysis were reported at the October 1982 Commission meeting. Staff's preliminary analysis at that time revealed differences and similarities between the tasks performed by patrol officers of police/sheriffs departments and those of DA's Investigators. Based on results of the job analysis, staff preliminarily recommended: (1) Continuation of the existing training requirements of the Basic Specialized Investigators Course or alternatively, the Regular Basic Course, and (2) add a requirement for DA's Investigators, who satisfy the alternative basic training requirement of regular Basic Course, to complete a POST-certified course on criminal investigation. These tentative recommendations were tabled by the Commission at that time.

Since the October 1982 Commission meeting, further research into the appropriate basic training standard has occurred. In addition to the Job Task Analysis, other significant variables affecting the training standard were considered such as: (1) past and present District Attorney hiring practices of investigators, (2) practicalities of training delivery, (3) fiscal impact alternatives, and (4) field input on the job analysis and training needs of DA's Investigators.

On December 8, 1982, staff met with a 14-member group of District Attorneys, District Attorney Investigators, Association representatives, and trainers to consider the appropriate basic training standard including the above issues. The group unanimously recommended that the basic training requirement be completion of the regular Basic Course, to be completed prior to assignment, and an 80-hour Investigation and Trial Preparation Course to be completed within one year of appointment. The arguments advanced for this recommendation by the group are described in Attachment A.

## ANALYSIS:

Staff has analyzed the input from the District Attorney and DA's Investigators and the results of the POST Job Analysis. The results, previously transmitted to the Commission, in summary conclude that:

- "(1) A significant number of the Patrol Officer Basic Course Performance Objectives are not relevant for the position of DA's Investigators and
- (2) Performance Objectives which are not part of the current Patrol Officer Basic Course are necessary to fully prepare entry-level DA's Investigators."

Staff believes the methodology and results of the job task analysis are based upon an objective and scientific approach. The results reflect the responses of 329 DA's Investigators and 104 supervisors of DA's Investigators. Approximately 60% of the incumbents and 85% of the supervisors in the participating agencies were surveyed. It is our conclusion from these results that the job of a DA's Investigator is different from that of a Patrol Officer. Therefore, the mandated minimum content of basic training should be different. The basic training requirement for DA's Investigators should be training that addresses the 259 core tasks identified for the DA's Investigator position including (1) 167 Patrol Officer core tasks from the 1979 Patrol Officer survey and (2) 92 DA's Investigators unique core tasks that are not part of the Patrol Officer core tasks. This should be the basic training requirement for DA's Investigators.

With this conclusion in mind, staff developed a District Attorney Investigators Basic Course, which is outlined in Attachment B, proposed revised Regulation 1005(a) and PAM Procedure D-1. The proposed basic training standard addresses the 259 core tasks identified for DA's Investigators. In developing the District Attorney Investigators Basic Course, it was necessary for staff to include or not include content based upon the results of the job analysis and judgment about what DA's Investigators "should know or be able to do." Judgments were also made in comparing job tasks with learning goals of the regular Basic Course and in estimating how many instructional hours were needed for each subject. These judgments resulted in the addition of subject matter beyond what the job analysis indicated.

In establishing the District Attorney Investigators Basic Course as the basic training requirement, other factors have to be considered. DA's Investigators are currently employed almost exclusively (95%) or 60 per year statewide from the ranks of police and sheriff's departments whose officers have completed the regular Basic Course. There is reason to question the practicality of developing and maintaining the District Attorney Investigators Basic Course for those 60 trainees nor the 5-6 trainees who now complete the Basic Specialized Investigators Courses annually. To require DA's Investigators who have previously completed the regular Basic Course to also complete the District Attorney Investigators Basic Course would result in a major duplication of training and an unnecessary expense to POST and local government.

The existing Basic Courses (Regular Basic and Basic Specialized Investigators Course) must be considered as vehicles to provide training for DA's Investigators. The advantages and disadvantages of each include:

The Basic Specialized Investigators Course is a 220-hour course including P.C. 832 Arrest and Firearms. It is general in nature and contains many of the same subjects as the regular Basic Course with the exception of patrol and traffic. The course is designed for and attended almost exclusively by State-agency investigators. There are several subjects relevant to the training needs of DA's Investigators that are not part of this course but are contained in the regular Basic Course. Virtually none of the 92 unique tasks performed by DA's Investigators are addressed by this course. This course is offered only 2-3 times per year.

The Regular Basic Course is a minimum 400-hour course that is designed primarily for patrol officers. It contains some subject matter not relevant to DA's Investigators, e.g., Patrol and Traffic. However, approximately 75 percent of the course is relevant to the training needs of DA's Investigators. Few of the unique tasks performed by DA's Investigators are addressed by this course. This course is offered over 100 times per year.

With the exception of unique tasks, both courses are considered acceptable alternatives for meeting the entry level training requirement for DA's Investigators. As indicated by staff in recommending the District Attorney Investigators Basic Course as the basic training requirement, the unique or investigative tasks identified in the job analysis should also be a part of the basic training requirement. Attachment C is a draft 80-hour Investigation and Trial Preparation Course and is designed to meet the unique training needs for DA's Investigators. Further developmental work on this course is in progress. The investigation content is from the perspective of the DA's Investigator in preparing for trial. Completion of the regular Basic Course or Basic Specialized Investigation Course is a recommended prerequisite. Since the course can be considered Job Specific, salary reimbursement would apply. It is anticipated that existing DA's Investigators and perhaps some police/sheriff detectives may wish to attend the course. Staff believes that the course should be completed within one year from the date of employment, while completion of either basic course must be prior to assignment as a peace officer.

Staff recommends that the basic training requirement for DA's Investigators be revised to include the District Attorney Investigators Basic Course but that the requirement may be satisfied by completing either the regular Basic Course or Basic Specialized Investigators Course plus the 80-hour POST-certified Investigation and Trial Preparation Course. The proposed revisions to POST Regulation 1005(a) and Procedure D-1 are Attachment B. Because of the lack of demand and identified training delivery issues, it is recommended that the District Attorney Investigators Basic Course not be actually developed and offered at this time.

As a related matter, staff believes the content and length of the Basic Specialized Investigators Course needs to be reviewed. Review will be initiated in the near future.

Additionally, the results of this study of DA Investigator training indicates a need for further staff study of the Universal Basic Course with required module courses depending on the kind of duties performed by broad categories of peace officers, e.g., Patrol, Investigation, etc. Staff will continue to explore this concept and its potential for improvements in the future delivery of basic training.

#### FISCAL IMPACT

The estimated annual fiscal impact of the staff recommendation is:

1. For the estimated 60 DA's Investigators who previously completed the Basic Course	\$ 0
2. For the 5-6 DA's Investigators who will complete the Basic Course or Basic Specialized Investigators Course (6 at \$1,413)	8,476
3. For the estimated 66 DA's Investigators to complete the 80-hour POST-certified Investigator and Trial Preparation Course (66 at \$400)	<u>26,400</u>
Total Annual Cost	<u>\$34,878</u>

This fiscal impact assumes application of current rules to reimbursement for attendance at these courses. It is assumed from discussion at prior meetings that Commissioners may wish to discuss and provide staff with direction on the matter of maximum reimbursement.

#### RECOMMENDATION:

Approve a public hearing for the April 1983 Commission meeting for the purpose of revising the basic training requirement of DA's Investigators, as set forth in POST Regulation 1005(a), to include the District Attorney Investigators Basic Course described in the POST Administrative Manual PAM D-1-4 but that the requirement for practical training delivery reasons may be satisfied by completing either the Basic Course or Basic Specialized Investigation Course plus the 80-hour POST-certified Investigation and Trial Preparation Course.

Attachments

2944B/038A

ARGUMENTS PRESENTED BY DISTRICT ATTORNEYS AND DA'S INVESTIGATORS IN  
SUPPORT OF THE REGULAR BASIC COURSE PLUS AN 80-HOUR INVESTIGATION  
AND TRIAL PREPARATION COURSE

1. District Attorney Investigators must investigate and perform trial preparation duties that include all criminal and traffic offenses. They must necessarily evaluate police activities and preliminary investigations conducted by other peace officers. Even though DA's Investigators do not directly perform some patrol tasks, as verified by the job task analysis, they report that they must have prerequisite knowledge about them in order to conduct investigations and trial preparation.
2. The most prevalent (95%) hiring practice of District Attorneys' offices is to employ already regular basic trained officers and detectives from police and sheriffs' departments. Even though the Basic Specialized Investigators Course has been available for many years, DA's Offices have self-imposed a higher standard and chosen to have more broadly trained and experienced investigators. Less than 10 DA's Investigators have annually been sent to the Basic Specialized Investigators Course, while approximately 60 are employed annually with regular basic training.
3. The Basic Specialized Investigators Course is designed to be general in nature and is not geared to meet the special training needs of DA's Investigators. Because of the minimal number of trainees from DA's offices, the course was designed primarily to accommodate the training needs of State agency investigators. The job analysis reveals that the course does not include some of the broad criminal and civil investigative trial preparation duties of DA's Investigators. Some DA's offices have already successfully implemented supplementary training of their regular basic trained investigators. For example, the Los Angeles County DA's Office has a 120-hour course for new investigators.
4. The necessary interagency cooperation between DA's offices and other law enforcement agencies is fostered by commonly shared training. In some counties, DA's Investigators are called upon to assist in local investigations of crimes freshly committed.
5. Investigation of officer misconduct, one of the most sensitive DA's Investigators tasks, requires knowledge of police procedures and practices only acquired from regular basic training and police experience.
6. The fiscal impact of the proposed training requirement will be nominal (estimated \$34,878/year) in increased POST reimbursement for approximately 60 investigators to complete the 80-hour Investigation and Trial Preparation Course. There will be negligible costs for requiring the Regular Basic Course because most recruit investigators have already been basic trained.

REGULATIONS  
Revised: July 1, 1982

## 1002. Minimum Standards for Employment (continued)

- (5) Be examined by a licensed physician and surgeon and must meet the requirements prescribed in the POST Administrative Manual, Section C-2, "Physical Examination," (adopted effective April 15, 1982), herein incorporated by reference.
- (6) Be interviewed personally prior to employment by the department head or a representative(s) to determine the peace officer's suitability for the police service, which includes but is not limited to the peace officer's appearance, personality, maturity, temperament, background, and ability to communicate. This regulation may be satisfied by an employee of the department participating as a member of the peace officer's oral interview panel.
- (7) Be able to read at the level necessary to perform the job of a peace officer as determined by the use of the POST reading ability examination or its equivalent.

## 1003. Notice of Peace Officer Appointment/Termination

Whenever a regular, specialized, or reserve peace officer is newly appointed, enters a department laterally, terminates, or changes peace officer status within the same agency, the department shall notify the Commission within 30 days of such action on a form approved by the Commission as prescribed in PAM, Section C-4, "Notice of Peace Officer Appointment/Termination."

## 1004. Conditions for Continuing Employment

- (a) Every peace officer employed by a department shall be required to serve in a probationary status for not less than 12 months.

## 1005. Minimum Standards for Training

- (a) Basic Course Training (Required)

~~Penal Code Section 832.3 requires that peace officers of cities, counties and districts complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer. The course of training approved by the Commission is the Basic Course. Penal Code Section 832.3 further provides that peace officers who have not completed an approved course may exercise the powers of a peace officer while participating in a field training program approved by the Commission on Peace Officer Standards and Training.~~



1005. Minimum Standards for Training (continued)

- (1) ~~Every regular officer and marshal or deputy marshal of a municipal court,~~ except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include the prevention and detection of crime and the general enforcement of state laws.

Requirements for the Basic Course are set forth in the POST Administrative Manual, Section D-1-3, (adopted effective April 15, 1982), herein incorporated by reference.

Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.

Requirements for POST-approved Field Training Programs are set forth in PAM, Section D-13.

- (2) Every regularly employed and paid inspector and investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Specialized District Attorney Investigators Basic Investigators Course or may elect to satisfactorily meet the training requirements of the Basic Course or Specialized Basic Investigators Course before being assigned duties which include performing specialized enforcement or investigative duties. The above specified alternative means for satisfying the District Attorney Investigators Course requires in addition the completion of the POST-certified Investigations and Trial Preparation Course, PAM, Section D-1-4, within 12 months from the date of appointment as a regularly employed and paid inspector or investigator of a District Attorney's Office.

Requirements for the Specialized Basic District Attorney Investigators Basic Course and the Specialized Basic Investigators Course are set forth in PAM, Section D-12 and PAM Section D-1-4 and D-12, respectively.

- ~~(3) Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.~~

1005. Minimum Standards for Training (continued)

~~Requirements for POST approved Field Training Programs are set forth in PAM, Section D-13.~~

- (3) Every regularly employed and paid marshal and deputy marshal of a marshal's office as defined in Section 830.1 P.C., except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Deputy Marshals Basic Course, PAM, Section D-1-5, or may elect to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include performing specialized enforcement or investigative duties. The alternative Basic Course means for satisfying the Deputy Marshals Basic Course requires in addition the completion of the POST-certified Bailiff and Civil Process Course, PAM, Section D-1-5, within 12 months from the date of appointment as a regularly employed and paid marshal and deputy marshal of a marshal's office.
- (4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid inspectors and investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not completed the Basic Course, the chief law enforcement administrator may elect to substitute the Specialized Basic Investigators Course, PAM, Section D-12.

Procedure D-1-3 was incorporated by reference into Commission Regulation 1005 on April 15, 1982. A public hearing is required prior to revision of this directive.

## BASIC COURSE TRAINING

### Purpose

1-1. Specifications of Basic Course Training: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(a) of the Regulations which relate to Basic Training.

### Training Methodology Basic Course

1-2. Basic Course Training Methodology: The standards for the Basic Course are the Performance Objectives contained in the document "Performance Objectives for the POST Basic Course." This document is part of a dynamic basic course training system designed for change when required by new laws or other circumstances. Supporting documents, although not mandatory, that complete the system are the POST Basic Course Management Guide and Instructional Unit Guides (58).

- a. Performance objectives are divided into mandatory and optional objectives. Mandatory objectives must be achieved as dictated by the established success criteria; whereas optional objectives may be taught at the option of each individual academy. No reimbursement for optional performance objective training will be granted unless they conform to the adopted performance objectives standards.
- b. Training methodology is optional.
- c. Tracking objectives by student is mandatory; however, the tracking system to be used is optional.
- d. A minimum of 400 hours of instruction in the Basic Course is required.

### ~~Content and Minimum Hours~~

1-3. Basic Course Content and Minimum Hours: The Performance Objectives listed in the POST document "Performance Objectives for the POST Basic Course" are contained under broad Functional Areas and Learning Goals. The Functional Areas and Learning Goals are descriptive in nature and only provide a brief overview of the more specific content of the Performance Objectives. The Basic Course contains the following Functional Areas and minimum hours. Within the framework of hours and functional areas, listed below, flexibility is provided to adjust hours and instructional topics with prior POST approval.

~~1-4.~~ Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	15 hours
g. Force and Weaponry	40 hours
h. Patrol Procedures	105 hours
i. Traffic	30 hours
j. Criminal Investigation	45 hours
k. Custody	5 hours
l. Physical Fitness and Defense Techniques	40 hours

~~1-5.~~ Examinations: 20 hours

~~1-6.~~ Total Minimum Required Hours 400 hours

District Attorney Investigators Basic Course

1-4. District Attorney Investigators Basic Course Content and Minimum Hours:

Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	4 hours
g. Force and Weaponry	40 hours
h. Custody	5 hours
i. Physical Fitness and Defense Techniques	40 hours
* j. Field Techniques	60 hours
* k. Criminal Investigation and Trial Preparation	45 hours
* l. Specialized Investigation Techniques	30 hours
* m. Civil Process	20 hours

Examinations 20 hours

Total Minimum Required Hours 350 hours

\* Functional Areas that form the basis for the POST-certified 80-hours Investigation and Trial Preparation Course.

Deputy Marshals Basic Course

1-5. Deputy Marshals Basic Course Content and Minimum Hours:

Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	30 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours

<u>f.</u>	<u>Vehicle Operations</u>	<u>4 hours</u>
<u>g.</u>	<u>Force and Weaponry</u>	<u>40 hours</u>
<u>h.</u>	<u>Criminal Investigation</u>	<u>10 hours</u>
<u>i.</u>	<u>Physical Fitness and Defense Techniques</u>	<u>40 hours</u>
** <u>j.</u>	<u>Field Techniques</u>	<u>50 hours</u>
** <u>k.</u>	<u>Custody</u>	<u>20 hours</u>
** <u>l.</u>	<u>Civil Process</u>	<u>60 hours</u>
** <u>m.</u>	<u>Bailiff</u>	<u>40 hours</u>
	<u>Examinations</u>	<u>20 hours</u>
	<u>Total Minimum Required Hours</u>	<u>374 hours</u>

\*\* Functional Areas that form the basis for the POST-Certified 80-hour Bailiff and Civil Process Course.

D R A F T

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Course Outline

Course Title : Investigation and Trial Preparation

Course Hours : 80 Hours Minimum

Course Description : This course is designed for those who wish to increase their skill and knowledge in the fields of investigation and trial preparation.

The Course satisfies part of the POST basic training requirement for District Attorney Investigators. The regular Basic Course or Basic Specialized Investigators Course is also required. The course is also relevant to the training needs of criminal investigators of police and sheriff's departments.

Basic information concerning techniques of investigation will be covered in pre-reading assignments. All classroom training will be taught from the perspective of the D.A. Investigator.

Prerequisite : Successful completion of the Regular Basic Course or Basic Specialized Investigators Course.

Topical Outline

- 1.0 Legal Obligations of the Office of the District Attorney (2 Hrs.)  
Uniform Crime Charging Standards
- 2.0 History, Authority, and Use of the Grand Jury (1 Hr.)
- 3.0 Court Processes and Motions (2 Hrs.)
- 4.0 Role of the D.A. Investigator (7 Hrs.)
  - A. Agency investigative duties and functions
  - B. Relationships with other units and agencies
  - C. Ethical considerations
  - D. Importance of uniformed officers
  - E. Media relations
- 3.0 Caseload Planning and Management (2 Hrs.)
  - A. PERT charting
  - B. Prioritizing caseload
  - C. Maintaining records
  - D. Criteria for case disposition
  - E. Longterm evidence management (Disposition of Evidence)

- 4.0 Sources of Information, Public and Private (2 Hrs.)
  - A. Records of other agencies (DOJ/FBI/DMV, etc.)
  - B. Criminal intelligence agencies
  - C. Witnesses and informants
  - D. Use and control of information. Security and privacy implications
  
- 5.0 Witnesses (3 Hrs.)
  - A. Identify and locate
  - B. Background checks
  - C. Arrange for appearance
  - D. Encourage the reluctant witness
  - E. The victim/witness
  - F. Witness protection
  
- 6.0 Specialized Investigative Techniques (7 Hrs.)
  - A. Identification of criminals
  - B. Crime reconstruction
  - C. Surveillance techniques
  - D. Undercover techniques
  - E. Analytical techniques
    - 1. VIA
    - 2. Link analysis
  
- 7.0 Investigative Aids (Legal Aspects) (3 Hrs.)
  - A. Line up and field showup
  - B. Hypnosis
  - C. Polygraph
  
- 8.0 Interviewing/Interrogating (6 Hrs.)
  
- 9.0 Evidence (418 P.C.) (7 Hrs.)
  - A. Admissibility
  - B. Legal aspects
    - 1. Consent
    - 2. Corroboration
    - 3. Impeachment
    - 4. Rebuttal
    - 5. Transcripts
    - 6. Due diligence
  - C. Classifications of evidence
  - D. Physical evidence
    - 1. Handling evidence (chain of possession)
    - 2. Lab capabilities/quantities needed
    - 3. Scientific aids
    - 4. Storage and release procedures
      - a. Disposition/return of evidence
  
- 10.0 Arrest/search warrants (2 Hrs.)
  - A. Intra/inter county warrants
  - B. Out of state warrants
  
- 11.0 Specific Investigations (7 Hrs.)
  - A. Financial record investigations
  - B. Consumer fraud
  - C. Welfare fraud
  - D. Failure to provide

- E. Theft of public funds
  - F. Embezzlement
  - G. Perjury
  - H. Misconduct of public officers
  - I. Complaints against law enforcement officers
  - J. Child stealing
  - K. Officer involved shootings
- 12.0 Special Cases (4 Hrs.)
- A. Extradition
  - B. Legal systems of other states
  - C. Legal investigations referred by courts
  - D. Certificates of rehabilitation
- 13.0 Civil Process (3 Hrs.)
- A. Code of Civil Procedures
  - B. Serving civil processes
  - C. Service of summons
  - D. Service of subpoena duces tecum
  - E. Civil procedures in child custody cases
- 14.0 Survey of Related Agencies (2 Hrs.)
- A. Public
    - 1. Law enforcement
    - 2. Corrections
    - 3. State Board of Prison Terms
    - 4. Department of Corporations
    - 5. Franchise Tax Board
    - 6. Fair Political Practices Commission
  - B. Private
    - 1. Better Business Bureau
- 15.0 Case Preparation (7 Hrs.)
- A. Report writing for investigators
  - B. Preparation of prosecution summaries
  - C. Preparation of exhibits and demonstrations
- 16.0 Case Presentation (4 Hrs.)
- 17.0 Nonuniformed Officer Safety (7 Hrs.)
- A. Arrest techniques
  - B. Observation techniques
  - C. Felony vehicle stops
  - D. Building search
  - E. Prisoner search, handcuffing, transportation
  - F. Persons under influence of alcohol/drugs
  - G. Mentally deranged persons
- 18.0 Security for DA's Office (2 Hrs.)

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TOTAL HOURS 80



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title NAPA EXTENDED FORMAT BASIC COURSE - APPEAL		Meeting Date January 27, 1983
Bureau Training Delivery Services	Reviewed By Gene DeCrona, Chief	Researched By Darrell L. Stewart
Executive Director Approval <i>Marvin C. Beckman</i>	Date of Approval 1-10-83	Date of Report January 3, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report            Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		

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

ISSUE

Napa College has been denied certification of an Extended Format Basic Course by the Executive Director, as permitted by Commission Procedure D-10, 10-8a. In a letter received December 23, 1982, Napa Police Chief Kenneth Jennings and Napa County Sheriff Phillip Stewart have requested to appeal the denial to the Commission.

BACKGROUND

On June 25, 1981, Napa College submitted a request for certification of an Extended Format Basic Course. POST consultants met with the college administrators and fully explained Commission policy regarding certification of such a course. The consultants stressed the fact that a clearly demonstrated need which could not be met by existing Basic Course presenters would have to be established. Further, they advised that a proposed course must be fully developed with all processes and materials completed before certification could be recommended.

On June 11, 1982, Napa College submitted supplemental certification material indicating their desire for immediate certification processing, as they planned to begin instruction of an Extended Format Basic Course on September 21, 1982. A four-man POST Certification Review Team visited Napa College and conducted a thorough review of the proposed course. The review team determined that Napa College was not prepared to be considered for certification, and that the deficiencies noted could not be corrected in sufficient time to meet the college's targeted start date.

Napa College, during late 1981, conducted a needs assessment survey in response to POST staff's earlier admonition regarding a demonstration of need for the Basic Course. The final results of the survey reported to POST indicated six police departments and two sheriff's departments would need 223 officers trained in the proposed Extended Format Basic Course over the next five years. The college also developed a list of approximately 51 pre-service candidates for the course. Some of the applications were from candidates residing closer to existing academies.

Because of 1982 legislative changes in Level I Reserve definitions and training requirements, and the fact that the Napa College survey did not mention the hiring practices of the listed agencies, POST staff developed a 17-question survey form to conduct an independent survey. The Certification Review Team leader conducted a telephonic survey of the eight agencies reported in the 1981 Napa College survey. The confidential interviews with chief administrators failed to substantiate a need for the proposed course to maintain a manpower pool for the Napa area law enforcement agencies (see attachment, page 14).

### ANALYSIS

Staff has reviewed the records submitted to POST on seven agencies in Napa County and determined that for the period from December 1, 1981, to November 30, 1982, 25 officers were hired. The newly hired included: One chief, 10 in-service, 2 laterals, 2 pre-service and 10 reserves. Based on these figures, there appears to be insufficient hires in the area to warrant an additional Basic Course presenter.

The regionalized concept for law enforcement training adopted by the Commission has proven to be highly satisfactory. There are two regional training centers within 40 miles of Napa College, and each center offers both Intensive and Extended Format Basic Courses. These courses graduate a significant number of pre-service trainees. The in-service hires by Napa County law enforcement have been sent to various training centers, depending on availability of space and hiring dates which correspond to course start dates. Lateral hires have come from a variety of agencies throughout the state.

With the 1981 legislative mandate to provide Basic Course training to all Level I Reserve Officers, there was a necessity to proliferate the use of Extended Format Basic Course training. However, a change in legislation effective in March, 1982, eliminated the need for Basic Course training for Non-Designated Level I Reserves. This change appears to have reduced the demand for Extended Format Basic Courses statewide.

The Commission has statutory responsibilities for basic training of in-service peace officers and various levels of reserve officers, but not pre-service students. The proposed Extended Format Basic Course was designed by Napa College staff to be an integral part of their Associate of Arts curricula. If certified, POST would be expending resources on a program with a high percentage of recent high school graduates. Many of these students may not be eligible for employment upon completion of the program, due to age limitations. Additionally, meetings between POST and the community college system and law enforcement officials to discuss integration of the Basic Course and College A.A. Degree programs have resulted in rejection, pending further future study, of the concept and the type of curricula Napa College proposes.

### SUMMARY

It is staff's opinion that the proliferation of Basic Course presenters would tend to reduce the overall effectiveness of the current Basic Course training program. An increase in the number of presenters detracts from the number of available students for existing presenters and potentially has adverse effect on other presenters' abilities to maintain minimum volumes of trainees.

There is not a demonstrated need for an additional academy to train employed officers. Existing academies contiguous to the Napa area (Los Medanos, Santa Rosa Regional CJTC, Sacramento Center) provide reasonable availability of courses to pre-service students and reserve officers. Law enforcement officials in Napa County understand this. However, they find the prospects of an academy in Napa attractive because it would likely generate a larger pool of pre-employment academy graduates in the Napa County area.

Staff understands and respects the position of the Napa County law enforcement officials, but staff believes that pre-employment training alone is not an adequate justification for certification at this time. The Commission is mandated to provide for training of employed officers, and the current delivery system is so oriented. Certification of an academy at Napa College solely because of the positive advantages of locally convenient pre-employment training could be used as a precedent for similar certification requests statewide.

#### RECOMMENDATIONS

It is recommended that the Commission confirm the denial of the Extended Format Basic Course certification of Napa College.

COMMISSION ON PEACE OFFICER  
STANDARDS AND TRAINING

Extended Format Basic Course Certification Review  
Napa College

August 1982

## NAPA COLLEGE EXTENDED FORMAT BASIC COURSE

### Introduction

A request for certification of an Extended Format Basic Course was received from Napa College on June 25, 1981. On August 19, 1981, Bud Perry, Gene Rhodes and Don Moura of POST visited Napa College to discuss with Mr. Ronald Havner, Administration of Justice Coordinator, and Dr. Richard Lowe, Dean of Instruction, the requirements of developing and certifying such a course. The POST representatives fully explained Commission policy regarding certification of Extended Format Basic Courses, including the requirement that a clearly demonstrated need which cannot be met by existing Basic Course presenters must be shown. POST staff members also stressed the necessity that the need must be established, and a proposed course must be fully developed with all processes and materials completed before certification can be recommended to the Commission.

On June 11, 1982, Napa College submitted a supplemental certification report to POST which indicated the college was ready for certification review and wanted to begin instruction of the Extended Format Basic Course on September 21, 1982.

A POST Certification Review Team (CRT) consisting of Darrell Stewart (Team Leader), Frederick Williams, George Niesl and Don Moura visited Napa College on August 5-6, 1982. The review visit was scheduled to determine if the proposed Extended Format Basic Course was fully developed and organized to permit Commission consideration for certification. This report sets forth the findings and conclusions of the Certification Review Team.

### Proposed Budget

The proposed budget for the Napa College Extended Format Basic Course was obtained and thoroughly reviewed. The projected total cost for one course during Fiscal Year 1982-83 is \$64,355. The projected expenditures include coordinator salary and benefits, part-time instructor/lecturer salaries, clerical salary and benefits, visual aids, supplies, travel costs, and an indirect cost at 29% of the direct costs.

The proposed budget appears to be reasonable and adequate when compared to budgets of four other basic course presenters. The Napa College total budget is approximately the mean average of the other four presenters. In addition to the proposed Fiscal Year 1982/83 expenditures, a number of nonconsumable items, such as batons and firearms, were purchased out of previous fiscal year budgets. The 29% indirect cost was compared to the other four presenters and it appears to be reasonable and low.

Even though the total budget appears reasonable and adequate, additional funds will be required to properly budget for instructional time. The budget includes funds for 576 hours of instructor time at \$19.25 per hour. There are no funds budgeted for instructor assistants, tactical officers and role players. It is intended by Mr. Havner that the instructor assistants, tactical officers and role players salaries, at \$5 per hour, will be covered by the fact that Mr. Bell will teach 101 hours of the course. Mr. Bell's full salary is another budgeted direct cost. This budget process makes it appear that there is \$1,944 to cover these additional instruction related salaries, which at \$5 per hour computes to 388 hours of instructional assistance. However, the assignment of Mr. Bell to teach in the course, and the use of instructor assistants and tactical officers instead of qualified instructors to provide certain instruction, are major problems. Correcting these problems, as set forth in this report, will increase the funds required to produce the course beyond the \$64,355 budgeted by the college.

Regardless of these necessary budgetary adjustments, it appears the college is supporting the proposed Extended Format Basic Course financially. POST computations for ADA indicate the college plans to spend almost all of the revenues generated by the proposed course on the actual delivery of the course.

#### Advisory Committee

Napa College has an Advisory Committee for the Administration of Justice, Associate Degree Program. This degree program includes law enforcement, wild life law enforcement, corrections, and private security. Therefore, the Advisory Committee consists of 15 members from these various disciplines.

A subcommittee of the full Advisory Committee has been designated as the "Policy Committee" for the Extended Format Basic Course. This subcommittee includes the AJ Program Coordinator (chairman), the Extended Format Basic Course Coordinator, and three law enforcement officers. The law enforcement officers are appointed by the Chairman of the full Advisory Committee, and at this time the officers are from Napa County Sheriff's Department, Napa Police Department, and St. Helena Police Department.

The breadth of representation of the Policy Committee was discussed at length with Mr. Havner. Mr. Havner had this specific structure designed and approved by the College Board of Trustees, as he believes it can be effective.

The CRT questions whether the Policy Committee has adequate representation from college identified potential user agencies. Since no other Basic Course presenter operates under this organizational structure for advice and input, it is difficult to assess how effective this structure would be.

#### Facilities/Equipment

Napa College has an Administration of Justice building which is about two-years old, quite modern, and very well equipped. The building includes three lecture classrooms and a multipurpose classroom. Two of the lecture classrooms have elaborate visual aid equipment, with a central projection booth which includes a video tape/film library. The third classroom, which is planned to be used for the Extended Format Basic Course during the week, has a T.V. monitor which can be operated from the projection booth. Slides and 16 mm films must be brought in for showing in the traditional manner mounted on tables.

Adjacent to the Extended Format Basic Course classroom is a storage room housing weapons and equipment to be used in the course. All items are appropriately stored in locked cabinets.

The multipurpose classroom is adjacent to the storage room. This classroom has cement floors, steel top work counters around its perimeter, and fold up tables and seats. At one end of the room are double doors large enough to accommodate a motor vehicle. This room provides great flexibility for training, including defensive tactics when mats are in place, evidence processing, fingerprint exercises, and any other type of practical instruction considered too "dirty" or impractical for normal classrooms.

Outside the Administration of Justice building is the college football field and the track area. There are also a number of driveways and open field areas which can be utilized for instructional purposes, physical agility testing, and practical exercises and testing. The school gymnasium is also available for physical training.

The Valley of the Moon Rod and Gun Club, located about twelve miles west of the college off Highway 121, will be utilized for firearms training. The club is in an open pasture area, and includes a 60' X 40' clubhouse, a skeet shoot area, and a 10 position PPC course. To improve the handgun range, the college added ten yards of dirt to the back berm and asphalt in the shooting area to accommodate ten firing positions. Portable barracades and target holders are being made by a volunteer. A single high-intensity light on a telephone pole will light the area when the electrical wiring is completed.

The college does not have a driver training facility, so arrangements have tentatively been made with Bob Bondurant Law Enforcement Driving Academy for two days of training at the Sears Point Raceway. No vehicles have been purchased or included in the Fiscal Year 1982-83 budget. Fully equipped police vehicles are expected to be borrowed from departments and the college security force. Mr. Havner indicated Napa Police Department will loan him reserve vehicles, but at this time there is no documentation of this arrangement.

It is the opinion of the CRT that the primary facilities of Napa College, which are new and modern, are more than adequate to accommodate an Extended Format Basic Course. An extensive video-tape and film library is available.



The college has all the clerical equipment needed for typing and reproduction of printed material. However, the range facility is marginal at best, and the arrangements for its use does not provide assurance of continued use. A letter written by the Sonoma Chief of Police was obtained indicating the college can use the range as long as he is chief. Arrangements with Bondurant driving school are only preliminary, at a cost of \$150 per day per student.

### Academy Coordination

Napa College has hired an Academy Coordinator, Mr. Glen Bell, who reports directly to Mr. Ronald Havner, Coordinator of the Administration of Justice Program. Mr. Bell was employed approximately ten weeks before the CRT visit on August 5-6, 1982.

In documents provided to POST, Napa College indicated Mr. Bell had been hired to provide 100% of his time to the Extended Format Basic Course for coordination and direction. However, it was determined that 20% of Mr. Bell's time is in direct classroom instruction in the proposed course. In addition, Mr. Bell is scheduled to monitor all classes; develop tests; score tests, grade student notes and workbooks; provide counseling to students; schedule instructors; set up and supervise practical exercises; arrange for instructor assistants, tactical officers, and role players; and handle the remediation and tracking processes.

Mr. Havner indicated he would assist Mr. Bell with coordination when the need arises and attend certain types of POST or other meetings when he determines it necessary. Even though Mr. Havner has overall responsibility for the four major areas of the AJ, Associate Degree Program, he believes he will have some additional time available to assist Mr. Bell.

The CRT believes it is clear that Mr. Bell will not be a full-time coordinator/director of the Extended Format Basic Course. It also appears that even with Mr. Havner's assistance, Mr. Bell will not be able to provide the direction, coordination, and control necessary to properly administer the course. Mr. Havner admitted he does not know how much time will be involved in these functions, but he thought adjustments could be made as necessary.

The primary burdens of Mr. Bell, which will detract from coordination and direction time, are the requirements that he teach 20% of the classes and that he monitor each presentation. Mr. Bell is scheduled to teach 101 hours of the course. Additionally, Mr. Bell is scheduled to sit in the classroom and monitor each presentation because of the "guest lecturer" arrangement for instructors (see section entitled Instructional Staff). These two requirements reduce his effectiveness for coordination and direction during actual class hours. Subtracting these teaching and monitoring hours from Mr. Bell's work week leaves little time for all of his other duties. Mr. Havner admitted that Mr. Bell will probably not actually monitor all classes because there are too many other things to be accomplished. This is a potential violation of Title V of the California Administrative Code. Title V, in community college credit courses, prohibits the use of "guest lecturers" unless a certified employee of the school district (credentialed instructor/coordinator) actually sits in the classroom at all times.

It is the opinion of the CRT that coordination and direction of the Extended Format Basic Course will not be effective under the proposed conditions. It appears that Mr. Bell should be relieved of all teaching requirements, that evaluation of students should be the responsibility of all instructors, assistant instructors, tactical officers and professional staff, and that all tracking of students should be delegated to clerical staff. The use of "guest lecturers" should also be reconsidered, because if Mr. Bell, or another credentialed instructor, does not actually monitor each presentation there will be a violation of the California Administrative Code.

#### Clerical Staff

In documents provided to POST, Napa College indicated that a full-time secretary has been assigned to the Extended Format Basic Course. However, it was determined that the full-time secretary is for the total Administration of Justice Program, not specifically the Extended Format Basic Course. The budget for the course indicates only 20% of the AJ secretary's time is allocated to the course.

Mr. Havner indicated that the additional required secretarial time, to be equivalent to a full-time secretary, will be through the use of student clerks and a clerical typing pool. He said one student clerk would be assigned twenty hours per week directly to the Extended Format Basic Course. He also said most of the typing for tests and handout materials would be handled by the college typing pool. Both Mr. Bell and the AJ secretary have different opinions than Mr. Havner as to which clerical positions would be assigned and what percentage of their time would be devoted to the Extended Format Basic Course.

It is the opinion of the CRT that there will be a problem with clerical processes for the Extended Format Basic Course. Due to the complexities of some of the clerical functions associated with presenting an Extended Format Basic Course, past experience has shown that part-time assignments and student clerks have not proven satisfactory. This is particularly critical regarding the handling of the student tracking system, although at this time Mr. Bell plans on handling this process personally. It is clear to the CRT that a fulltime secretary has not been assigned to the Extended Format Basic Course.

#### Instructional Staff

Napa College has identified a staff of full and part-time instructors for the proposed Extended Format Basic Course. As indicated earlier, a large portion of the instruction is scheduled to be covered by Mr. Bell. A list of part-time agency personnel was provided the CRT; however, all of the individuals on the list have not actually committed themselves to teach in the course. The CRT questions the qualifications of a number of the proposed part-time instructors (see section entitled Instructor Resumes).

Mr. Bell indicated that all of the instructors will be teaching under his credential as "guest lecturers." This is necessary because the instructors do not possess teaching credentials. Mr. Havner believes this can be an effective method of obtaining the "most experienced officers" to teach various subjects. He also believes all of the instructors could qualify for a limited credential if required.

The CRT questions the advisability of using all "guest lecturers." This process requires Mr. Bell, as the credentialed instructor of record, to monitor each class. This also places the college in a position of experimenting with instructors, and identifying instructors with inadequate teaching techniques after the instruction has concluded. Additionally, as indicated earlier in this report, there is the potential for a violation of Title V of the California Administrative Code.

The college proposes to use one instructor (guest lecturer) per class, and augment the instruction with instructor assistants and tactical officers. During the firearms training, for example, there will be forty students and one qualified Rangemaster at the firearms facility, who will be assisted by two or three tactical officers. The role and responsibilities of the tactical officers were described as "safety and control." The use of a qualified instructor aided by inexperienced or semi-qualified assistants is of concern to the CRT, particularly when certain instructor/student ratios should be maintained. This proposed practice to use \$5 per hour assistants appears to be a budgetary issue and quality control issue, which involves every practical training aspect of the proposed Extended Format Basic Course.

The CRT believes the plan to use "guest lecturers" is an inappropriate method to properly staff for the Extended Format Basic Course. The CRT also believes the use of low paid instructor assistants will not meet minimum instructor/student ratios as required in a certified basic training course.

#### Subject/Hour Allocation

The Napa College proposed hourly distribution schedule indicates some specific scheduling problems. The course is scheduled for 593 hours of instruction; however, a review of the schedule clearly shows a deficiency in the minimum number of hours required in various functional areas as set forth in the POST Administrative Manual, Procedures D-1, The Basic Course.

Regarding firearms training, the college is scheduling up to 40 students on the 10 position firearms range at the same time. The college intends on having 10 students on the line, 10 students standing behind them, and the remaining other 20 students in the "clubhouse" learning how to clean their weapons. When asked why they did not schedule some other type activity along with the range modules in order to cut down on stand-around time, Mr. Bell stated they had a "lack of experience" in scheduling a full Basic Course. Additionally, the college has scheduled a minimum of three weeks between the time that a student first learns firearms safety and then receives the actual hands-on firearms training. Mr. Bell was asked why the lecture portion was not conducted during the week immediately prior to the actual range activity, and the response of lack of experience was again given.

Defensive tactics instruction is indicated in the hourly distribution schedule as being conducted for the entire class at the same time. On questioning, it was determined that one instructor and one instructor assistant will work with twenty students, which is one-half the class. This does not properly reflect an instructor/student ratio of 1:10. When asked what the other one-half of the class would be doing during the scheduled defensive tactics time, it was determined that specific activities had not been planned or scheduled. The same scheduling problem was identified with the practical application phase of baton training.

Driver training has not been indicated in the hourly distribution schedule because the college is not sure as to the exact dates and times of the actual presentations. The agreement with the driver training faculty is only tentative, but the college knows the driver training must be conducted during hours other than those scheduled for the Extended Format Basic Course. This means each student will have to attend two, eight-hour-days during a given week, which cannot conflict with other course hours.

### Performance Objectives Coverage

Napa College indicates the POST Performance Objectives will be adhered to, but this is difficult to actually determine because the lesson plans and student workbooks were not complete enough to determine the actual coverage of the objectives. Mr. Bell stated that 508 Performance Objectives will be covered, rather than the 542 Objectives, as "we are a pre-service academy, so we have eliminated the optional objectives that are primarily agency-oriented."

The college does not intend to supply a copy of the POST Performance Objectives to the students at a scheduled orientation meeting, nor provide a copy of the objectives in the "Student Information Notebook." Additionally, the college does not intend to supply a copy of the POST Performance Objectives to the instructors, or discuss performance objective methodology as it relates to basic course training. However, Mr. Bell did say that he would contact the instructors fifteen days before class for the purpose of an orientation. This meeting is to cover classroom rules, remediation policies, and other coordination issues, but not to train the instructors who have not been exposed to performance objective based instructional methodology. It is the college intent to only have a critique after the Extended Format Basic Course is completed to improve for the next presentation.

### Lesson Plans/Training Aids/Workbook

The CRT made an inspection of the lesson plans, training aids, handouts, and student workbook in order to determine if the performance objectives were being covered and assess the competency of the instruction presentation. This inspection, as indicated previously, was met with negative results as the necessary documentation was not complete. The college appeared to have only Functional Area 1.0, Professional Orientation, almost complete with lesson plans, handouts, and student workbook assignments. Further scrutinization revealed problems in this functional area, which will require further development work by the college. The eleven other functional areas are in various stages of completion from handwritten notes to cut-and-paste items from previous lesson plans. None of the working files indicate any semblance of order to determine whether or not the required curriculum would be met.

The student workbook is still being developed; however, a cursory review of the completed segment revealed potential problems in grading the workbook. This problem is due to the required responses by the students, which would lead to numerous hours of grading by the coordinator. Handout materials are still being identified and collected, or are in various developmental stages.

It is the opinion of the CRT that on the date of the review, the college needed many weeks of development time to properly complete the lesson plans, training aids, handouts, and student workbook.

#### Instructor Resumes

The CRT acquired a copy of all instructor resumes in file. The resumes do not include any background material or narrative information which indicate the instructors' competency to teach firearms, weaponless defense, baton, or other scheduled subjects. The resumes are poorly developed and incomplete, leaving the CRT with deep concern regarding most of the instructor's employment experience, teaching experience, ability to teach, and general qualifications which would indicate potential success in teaching the Extended Format Basic Course curriculum.

#### Success Criteria/Exams/Tracking/Progress Reports

Napa College has taken the position that they will set standards above the POST requirements. Instead of the 70-80-90% success criteria model recommended by POST, the college has adopted an 80-100% model. Mr. Havner was asked to explain the colleges' position on possibly having to defend a higher than state minimum standard, but he was not really able to respond, other than he believes it is the colleges prerogative to set the standards at any level they want if there is no adverse impact.

Student examinations were practically nonexistent, with the exception of work completed by Mr. Bell in the first couple of functional areas. Mr. Bell is developing all of the test items and intends on grading all examinations himself. A problem noted in the test item development was that a substantial number of test items require an essay or short answer response, which is impractical for testing up to 40 students, let alone the time necessary for the coordinator to grade all of the responses.

Mr. Bell understands the concept of the POST student tracking requirements, and intends on doing negative tracking. The student tracking form developed by the college needs some further refinement because there is no indication as to how each student will accomplish the performance objectives, either through a written test, performance test, or workbook assignment.

Additionally, review of the student progress report form developed by the college raised some concerns. It appears that each student will receive a copy of the progress report approximately every 6 weeks during the course. The "Student Information Notebook" indicates the 12th week progress report will be a "comprehensive report," however, the college only has one simple form for both types of progress reports.

It is the opinion of the CRT that the college has considerable work to do to fully develop the student tracking system and progress report system.

#### Remediation Policy

The CRT reviewed the colleges' remediation policy for the proposed Extended Format Basic Course. A number of statements in the policy were not clear, and other statements raised the issue of whether all students would be treated equally. Additionally, statements made by Mr. Bell indicated that there are many more policies regarding grading, testing, and remediation which are not included in material provided to students.

It is the opinion of the CRT that the college remediation policy needs to be rewritten to resolve potential problems.



## Review Process Meetings

The CRT arrived at Napa College on August 5, 1982 and began by meeting with Mr. Havner, Mr. Bell and Dr. Lowe. The CRT approach to the review was fully explained, and then the college coordinators provided a tour of the facilities. After the tour, the CRT divided into pairs and conducted interviews of key staff, reviewed various processes, procedures and materials, and collected copies of pertinent documents.

On August 6, 1982, after completing the review, the CRT conducted an "exit interview" with Mr. Havner, Mr. Bell and Dr. Lowe. The CRT summarized the major problems and deficiencies it had discovered. The college representatives were again advised of Commission policy regarding certification of Extended Format Basic Courses, and the necessity for full development before certification could be recommended to the Commission.

The CRT also explained that regardless of whether the college could bring all the necessary resources together to produce an Extended Format Basic Course, there still must be a demonstrated need for such a course that cannot be met by currently certified presenters. The CRT advised the college representatives that the team had serious doubts whether the college's 1981 needs assessment would still be valid, particularly in light of recent changes in statutes and Commission Regulations regarding Level I Reserve training requirements. The representatives were advised that POST would conduct another needs assessment.

Mr. Havner insisted that the college was ready to proceed with the proposed Extended Format Basic Course on September 21, 1982. He indicated that he believed all the problems and discrepancies could be resolved by Mr. Bell within a few weeks, and that he believed the CRT's thoroughness in discovering problems and deficiencies was politically motivated to protect the interest of regionalized training centers. Mr. Havner was assured that the CRT approached the review without bias under specific directions to be thorough and objective. Dr. Lowe indicated he disagreed with Mr. Havner's opinion regarding any political issue. Mr. Bell then openly admitted that the review process had convinced him that the college was not prepared, and he expressed doubt that all the processes and materials could be developed within a few weeks.

## POST Needs Assessment

In 1981, Napa College conducted a needs assessment by mailing questionnaires to law enforcement agencies and local security agencies. The results were reported to POST in a document entitled "Basic Police Academy Needs Survey." In the survey results, six police departments and two sheriff's departments reportedly would need 223 officers trained in the proposed Extended Format Basic Course over the next five years. This sum included projected retirements, projected new positions, current unfilled allocated positions, and normal attrition projected over the next five years at the same rate as experienced over the last five years.

Because of recent legislative and Commission changes in Level I Reserve definitions and training requirements, and the fact that nothing reported in the Napa College survey indicated whether the agencies hired lateral experienced officers, POST staff developed a 17 question survey form for telephone interviews. Telephone interviews of chief administrators of the eight law enforcement agencies reported in the Napa survey were conducted on August 11-12, 1982. The results are summarized as follows:

1. The administrators see the primary benefit of having an Extended Format Basic Course at Napa Valley College as being for young adults coming out of high school. They indicated a dissatisfaction with the Associate Degree Program. However, they do not see the proposed course as a major source of new entry level officers/deputies for their departments. Several saw no benefits at all to their departments.
2. For Fiscal Year 1982-83, four departments have no new positions, two departments lost 4 positions, and two departments had a gain of 5 positions.
3. For Fiscal Year 1983-84, the eight departments will probably seek only 19 new positions, collectively.

4. Of the vacancies in the past two years, by retirement, attrition and other actions, all eight departments have hired primarily lateral experienced officers. Two departments will only hire experienced officers with a POST Basic Certificate. A total of 43 lateral officers have been hired by the eight departments in the past two years.
5. None of the administrators expressed concern about recruitment or a lack of an available manpower pool. All indicated they encourage good reserve officers to become regular officers, but none expressed concern that they must send their new officers to an out-of-town Basic Course. Several did indicate that they are very pleased with the current certified basic course presenters. In the past two years, 16 officers have been sent to current certified presenters.
6. Regarding Level I Reserve Officers, the new law on designated and non-designated reserves was thoroughly explained to each of the eight administrators. Two administrators indicated passage of ordinances in their jurisdictions to implement the class of designated Level I Reserve. Both of these administrators indicated very limited use of the class within the 14 reserve positions they have collectively. Five administrators indicated that they would not encourage passage of an ordinance, nor use the class of designated Level I Reserve. The remaining administrator said he may consider an ordinance and a few designated Level I Reserves.
7. Six of the eight administrators said they have recruited nonaffiliated students out of the currently certified basic courses. They see this as an effective method of recruitment, coupled with other hiring methods.

The CRT does not believe that there is a demonstrated need for an Extended Format Basic Course at Napa College. Even the eight administrators of the departments identified in the 1981 college survey do not fully support the new certification proposal. The CRT believes there may be more of a need for Reserve Modules A, B, and C, for non-designated Level I Reserves, but even this is questionable. Six out of eight of the administrators indicated they

have the class of non-designated Level I Reserve, but each stated a qualification on their use. The seventh administrator indicated his department uses non-designated Level I Reserves exclusively, but this is a small department with under ten reserves. The eighth administrator indicated that he does not have any non-designated Level I Reserves and that he has no intention of establishing such a class.

In addition to facts specifically solicited in the POST telephone survey, several administrators mentioned that the distance from their agencies to Napa College are about the same as to other currently certified presenters which offer an Extended Format Basic Courses. It was also mentioned that the distance from the City of Napa to the closest certified Extended Format Basic Course presenter is about 40 minutes.

Admittedly, the college has over fifty applications in file for the proposed Extended Format Basic Course. However, in reviewing the applications, it was noted that over one-half of the applications date back to 1981. The applications appear to be the result of a publicity campaign which the college has promoted. The applications also appear to be evenly divided between reserve officers who wish to upgrade themselves, and preservice college type students who wish to take police training. Also included are a number of security guards, hospital police, and military police. Some of the applicants are from areas such as Vallejo, Suisun, Fairfield, and Pinole which are actually closer to other certified presenters which provide the Extended Format Basic Course.

The CRT believes that the existence of applications from a variety of potential students does not establish a need for an Extended Format Basic Course. The POST survey provides clear insight into the actual needs of the law enforcement agencies within the Napa College service area.

Conclusion and Recommendation

The Certification Review Team does not believe that an Extended Format Basic Course is needed in the geographical area served by Napa College. The currently certified Basic Course presenters in adjacent counties can continue to meet the training needs of law enforcement agencies in Napa County. Additionally, Napa College is not prepared or capable of presenting an Extended Format Basic Course at this time.

The Certification Review Team recommends against certification of the proposed Extended Format Basic Course at Napa College.

2233B/38  
9-07-82

**COURSE CERTIFICATION REQUEST**

STATE OF CALIFORNIA

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

7100 BOWLING DRIVE, SACRAMENTO, CALIFORNIA 95823

1. AGENCY SUBMITTING REQUEST	FOR POST USE ONLY COURSE CERTIFICATION NUMBER
Napa College	

2. COURSE TITLE
Basic Course

3. COLLEGE AFFILIATION	4. POST COURSE CATEGORY
Napa College	Basic

5. COURSE LENGTH HOURS: <del>432</del> 576	6. FORMAT 4 HOURS PER DAY 3 DAYS PER WEEKS 48 WEEKS	7. PRESENTATIONS PER YEAR ONE	8. UNITS GRANTED SEM. 15 QTR.
---	--	----------------------------------	----------------------------------

9. PARTICIPATING LAW ENFORCEMENT AGENCIES AND ESTIMATED NUMBER OF YEARLY TRAINEES FROM EACH AGENCY

See attached letters

10. ENROLLMENT RESTRICTIONS	11. MAXIMUM NUMBER OF STUDENTS
See Pre-requisites - Course Outline	35

12. RESIDENCY REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	13. LIVING ACCOMMODATIONS ON CAMPUS <input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/>	14. COST: MEALS 0 TUITION 0
---	--	--------------------------------

15. ADDRESS OF COURSE SITE	17. TOTAL SEATING CAPACITY
2277 Napa Vallejo Hwy, Napa, CA 94558	160

16. FACILITIES - NUMBER AND SIZE OF CLASSROOMS	17. TOTAL SEATING CAPACITY
See attached map	160

18. COURSE OBJECTIVES AND NARRATIVE DESCRIPTION OF COURSE (USE ADDITIONAL SHEETS OF PAPER IF NECESSARY)

See Attached Course Outlines

19. METHOD OF PRESENTATION (INDICATE ALL TECHNIQUES USED) LECTURE <input checked="" type="checkbox"/> DEMONSTRATION <input checked="" type="checkbox"/> SIMULATION <input checked="" type="checkbox"/> ROLE PLAYING <input checked="" type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER <input checked="" type="checkbox"/>	20. NO. OF INSTRUCTORS 24
--	------------------------------

21. TRAINING AIDS USED

See Attached Course Outlines

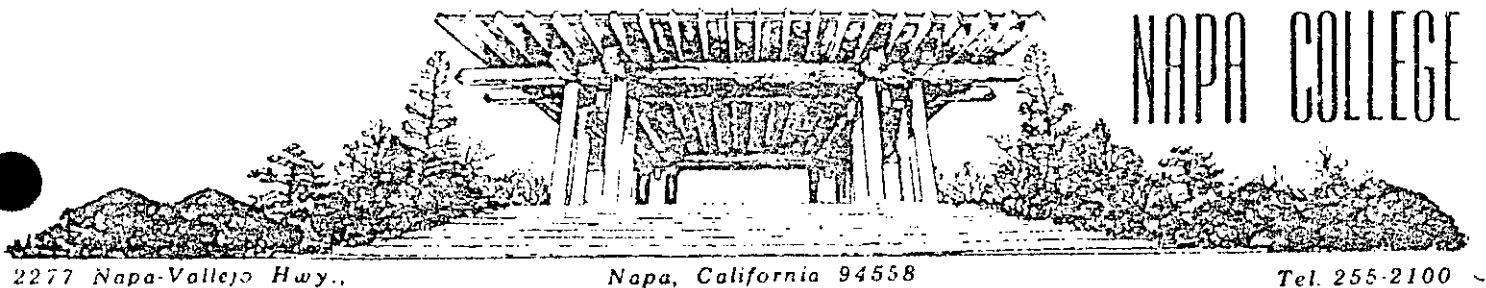
22. TEXTS AND REFERENCE MATERIAL

See Attached Course Outlines

23. REQUIRED PROJECT NOTE BOOK	24. METHOD OF EVALUATING STATED OBJECTIVES Performance
-----------------------------------	---

25. NAME AND TITLE OF PERSON REQUESTING COURSE CERTIFICATION Ron Havner, Coordinator Criminal Justice Programs	26. DATE OF REQUEST May 1, 1981
---	------------------------------------

FOR POST USE ONLY	
RECEIVED:	COMMISSION ACTION
COURSE OUTLINES <input type="checkbox"/>	DATE
BUDGET <input type="checkbox"/>	
LESSON PLANS <input type="checkbox"/>	
RESUMES <input type="checkbox"/>	
REVIEWING CONSULTANT	



2277 Napa-Vallejo Hwy.,

Napa, California 94558

Tel. 255-2100

June 11, 1982

Commission on Peace Officer  
Standards & Training  
7100 Bowling Drive  
Sacramento, CA 95823

ATTN: Bud Perry, Consultant

Ref: Basic Academy - Napa College

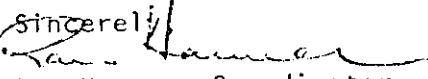
Dear Bud,

Pursuant to our pending application for certification for the Basic Course dated June 23, 1981 please consider this letter an official request for the "P.O.S.T." Team site inspection. We have planned the inspection for July 28, 29 & 30th, 1982.

In conjunction with this request I am submitting revised course outlines showing the expanded hours and a comprehensive needs analysis which was completed in the fall of 1981.

Other revisions will be included in the "Certification Report" which is currently being completed by our Academy Director, Mr. Glen Bell.

If you need other data or resources to complete your task, please do not hesitate to advise.

Sincerely,  
  
Ron Havner, Coordinator  
Administration of Justice

cc: Dr. Wm. Fedderson, President  
Dr. Richard Lowe, Dean  
Basic Academy Policy Committee

vb

23 June 1981

Commission on Peace Officer Standards  
and Training  
7100 Bowling Drive  
Sacramento, California 95828

ATTENTION: Mr. Bud Perry, Senior Consultant

RE: Basic Course Certification

Dear Bud:

Enclosed please find P.O.S.T. Course Certification Request Form 2-103 and Course Budget - P.O.S.T. Form 2-106 in support of a request for Certification of our proposed extended format "Basic Academy".

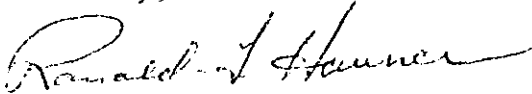
You will also find attached resumes of faculty to be assigned and original course outlines which have been reviewed and approved by:

Napa College Curriculum Committee  
Napa College Board of Trustees  
Napa College Criminal Justice Advisory Board

Finally, you will find extensive documentation from regional law enforcement agencies expressing their need and support for this program. You also will find similar letters from the Board and the Administration at Napa College.

It is hoped that you and the P.O.S.T. staff will review this documentation very carefully. You will recognize immediately that we are not requesting certification for a "typical" basic course, nor is this institution viewed regionally as operating a "typical" Criminal Justice program. We have a new facility--one of the finest in California--we have the latest media resources; we have just revised our total curriculum; and we are supported both internally and throughout the region. It is our intention to operate an outstanding program.

Sincerely,



Ronald L. Havner, Coordinator  
Criminal Justice Programs  
Napa College

vs

*Bud Perry*  
*See me*  
*BWP*  
18 JUN 1981  
5:56 PM '81



420

SEP 15 1982

Mr. Ronald L. Havner  
Napa College  
2277 Napa-Vallejo Highway  
Napa, CA 94558

Dear Mr. Havner:

The Commission on Peace Officer Standards and Training has, based upon its Certification Review, denied the Napa College request for certification of an Extended Format Basic Course.

The review clearly indicates that an Extended Format Basic Course at Napa College is not necessary at this time to provide effective delivery of training. Further, the review concluded that the college is not in a position, at this time, to deliver such training under the standards required by the Commission.

A copy of the POST Certification Review report is enclosed for your information and file.

Should you have any questions regarding this action, please do not hesitate to contact Gene DeCrona, Chief, Training Delivery Services Bureau, at (916) 445-0345.

Sincerely,

NORMAN C. BOEHM  
Executive Director

cc: Dr. Richard Lowe, Napa College  
Mr. Glen Bell, Napa College

Enclosure

# Napa Valley College

2277 Napa-Vallejo Highway  
Napa, California 94558  
(707) 255-2100

Office of the President

October 12, 1982

Mr. Norman C. Boehm  
Executive Director  
Commission on Peace Officer  
Standards and Training  
7100 Bowling Drive  
Sacramento, CA 95823

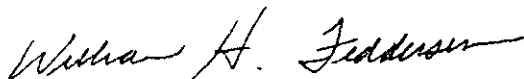
Dear Mr. Boehm:

We have carefully reviewed the P.O.S.T. Certification Review Report of September 15, 1982, which denies Napa Valley College's request for certification of an Extended Format Basic Course. Our review included a discussion of the report with our staff and all of the local law enforcement agencies during a September 30, 1982, meeting.

Napa Valley College requests a reassessment of our September 15 discussion because the local law enforcement agencies still support the need for the Extended Format Basic Course. In addition, Napa Valley College has addressed all problems cited in the P.O.S.T. Certification Review Report and made the necessary budget adjustments. The attached document presents our response to each of the major issues. The college is now in a position to deliver training under the standards required by the Commission.

Thank you for your consideration.

Sincerely,



William H. Feddersen  
Superintendent/President

ML/jel

Enclosure

cc: Dr. Richard Lowe  
Glen Bell  
Ronald Havner

November 11, 1982

William H. Feddersen, President  
Napa College  
2277 Napa-Vallejo Highway  
Napa, CA 94558

Dear President Feddersen:

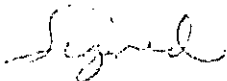
We appreciate the college's effort to address the deficiencies our Certification Review Team discovered in reviewing the request for certification of the proposed Extended Format Basic Course. However, the Certification Review Team concluded, in addition to identifying the deficiencies, that there was not a demonstrated need for another Extended Format Basic Course to service the geographical area that includes Napa County.

As I discussed with you at our meeting yesterday, we have reviewed our position and needs assessment, including the results of the meeting at Napa College on September 30, 1982, and still conclude that significant need does not exist at this time. The currently certified Basic Course presenters in adjacent counties can continue to meet the training needs of law enforcement agencies in Napa, Sonoma and Solano Counties.

It is unfortunate that Napa College has invested resources in the development of a basic course program without first having a commitment for certification. In retrospect, your staff and ours should have reached consensus on the issue of need before a significant investment was made. Still possible, if the need can be shown, is a Level I Reserve Basic Course at Napa College. We would be pleased to work with you on this if you desire.

Summing up, the Commission on Peace Officer Standards and Training will not certify the proposed Extended Format Basic Course at Napa College at this time. If at some future time, the currently certified Basic Course presenters in adjacent counties fail to meet the training needs in the region, you may wish to reactivate your proposal.

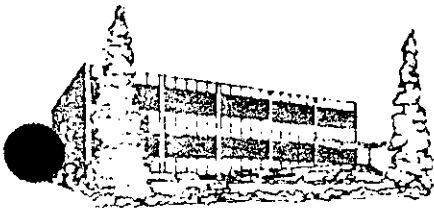
Sincerely,



NORMAN C. BOEHM  
Executive Director

NOTE TO TYPIST: Itemize enclosures on this copy

Bureau TDS	HB:DS:R	Originator STEWART	Bureau Chief Rhodes	Executive Office [Signature]	Xerox copy to:
POST 1-272 (1/82)					



TELEPHONE 252-6266  
AREA CODE 707  
RADIO KMA 406  
RADIO KMA 505

# CITY OF NAPA, CALIFORNIA POLICE DEPARTMENT

1539 First Street  
Napa, California 94558

December 21, 1982

Mr. Norman C. Boehm, Executive Director  
Commission on P.O.S.T.  
P. O. Box 20145  
Sacramento, California 95820-0145

Dear Mr. Boehm:

In response to your correspondence dated December 17, 1982, please consider this a formal request to appeal your decision to reject the Extended Day Basic Police Academy at Napa College and to appear before the P.O.S.T. Commission on January 27, 1983, in San Diego, California.

Sheriff Stewart, Ron Havner and myself will be making the presentation before the Commission. If you need any further information, please do not hesitate to let me know. Also, would you please forward to me a copy of the agenda and information on where the meeting will be held.

Yours truly,

Kenneth D. Jennings  
Chief of Police

KDJ:ap

cc: Sheriff P. Stewart  
Ronald Havner, Napa College

DEC 23 10 27 AM '82



# Santa Rosa Junior College

OFFICE OF THE PRESIDENT

January 4, 1983

Mr. Jake Jackson, Chairman  
Commission on POST  
P.O. Box 20145  
Sacramento, CA 95820-0145

Dear Mr. Jackson:

It is my understanding that the Commission will be hearing Napa Community College's appeal regarding their request for certification of an extended basic law enforcement academy certification at your January 1983 Commission meeting. It is directly concerning this issue that I wish to go on record supporting your staff's recommendation regarding this certification request. There appears to be some degree of confusion regarding research data supporting this request and the potential negative effects this certification may have on the existing basic academy programs at Los Medanos and Santa Rosa Junior College.

In 1973, Santa Rosa Junior College was designated by the regions criminal justice agencies to provide P.O.S.T. certified training courses to the law enforcement agencies in Marin, Napa, Sonoma, Mendocino and Lake Counties. Since that time, the Santa Rosa Junior College Criminal Justice Training Center has successfully met the needs of the criminal justice agencies in this region.

Napa's certification request of an extended basic law enforcement academy has several negative implications which may adversely affect the enrollment potential of Santa Rosa Junior College's currently operating Extended Basic Academy program. There is a limited number of students seeking access to the Extended Format Basic Academy. The short term effect of a second certified academy within a short driving distance could cause a low enrollment course offering being presented at SRJC which would not generate sufficient (ADA) monies to pay for the class. The long term effect could mean the possible discontinuation of the Extended Basic Academy due to regions' competition for the limited number of students. Simply stated, there is insufficient documented need to justify a second certified extended basic academy program this close to the existing regional Criminal Justice Training Center.

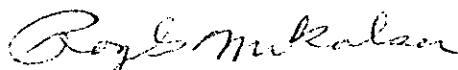
Santa Rosa Junior College has established a twelve-year commitment record of providing extensive resources, i.e., facilities, staff, equipment, etc., in fulfilling a designated responsibility of providing police training to

criminal justice agencies. The regional concept, I believe, has enabled Northern California centers to provide high quality, cost efficient training programs to meet the diverse needs of local agencies.

I am concerned that an inappropriate decision in this matter could have a long lasting negative impact on our existing basic academy program. As such, I feel it is necessary to clearly state my opposition to any certification request which may serve to duplicate the police training programs offered by the Santa Rosa Regional Criminal Justice Training Center.

Should you have additional questions regarding this issue, my Academy Director, Bob Blanchard, and I would be most pleased to meet with you and your colleagues on the Commission.

Sincerely,



Roy G. Mikalson  
Superintendent/President

RGM:mf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title SB 588 CHILD SEXUAL EXPLOITATION AND ABUSE		Meeting Date January 27, 1983
Bureau Training Program Services	Reviewed By Hal Snow <i>HS</i>	Researched By Donald E. Moura
Executive Director Approval <i>William C. Boehm</i>	Date of Approval 12-28-82	Date of Report November 29, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		

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

ISSUE:

Approval of basic course performance objectives relating to child sexual abuse and exploitation.

BACKGROUND:

On September 30, 1981, Governor Brown signed into law Senate Bill 588 (Rains), and assigned Chapter 1062 (See Attachment A). In addition to other provisions not related directly to POST, the new law amended Penal Code Section 13516 to require POST to additionally:

1. Prepare procedural guidelines which may be followed by police agencies investigating cases involving the sexual exploitation or sexual abuse of children.
2. Include adequate instruction in these procedures as part of the basic training course.
3. Provide specialist training for investigators assigned to the investigation of cases involving the sexual exploitation or sexual abuse of children.

ANALYSIS:

Since the beginning of the year, POST staff has been engaged in the development and implementation of SB 588. Initially, several meetings were conducted with practitioners from the field who possessed expertise in the overall area of child abuse. As a result of these meetings, guidelines have been developed for the preliminary and follow-up investigation of cases involving the sexual exploitation or sexual abuse of children which will be published and distributed to law enforcement agencies. The guidelines will be incorporated into the presently certified Child Abuse Investigation Specialist Courses. A report to the Legislature transmitting these products will be prepared and forwarded. Subsequent to the development of these guidelines, several meetings have been held with the primary subject matter instructors in the basic academies in order to develop appropriate performance objectives and lesson plan materials. The performance objectives have been completed (See Attachment B) and the supplementary Instructional Unit Guides are in their final stages of production.

It is being proposed that 10 performance objectives be added to the basic course, 7 existing performance objectives be renumbered and 4 existing performance objectives deleted with a net gain of 5 performance objectives in the child sexual abuse and exploitation curriculum. It is estimated that these additions and changes will result in a modest increase in hours having to be added to the 400-hour minimum POST basic which is being considered by the Commission under item "Length of the Basic Course." These proposed changes have been reviewed and approved by the Basic Course Consortium.

Because it will require several months for presenters of the Basic Course to incorporate the revised and new performance objectives, an implementation date of July 1, 1983 has been established.

RECOMMENDATIONS:

Approve performance objectives for the basic course relating to sexual exploitation and sexual abuse of children, effective July 1, 1983.

Attachments

2961B/038A  
12-17-82



## Senate Bill No. 588

## CHAPTER 1062

An act to amend Sections 13516, 13336, and 13837 of the Penal Code, relating to crimes.

[Approved by Governor September 30, 1981. Filed with Secretary of State September 30, 1981.]

## LEGISLATIVE COUNSEL'S DIGEST

SB 588, Rains. Crimes: investigation and prevention.

Under existing law, the Commission on Peace Officer Standards and Training is required to prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases and to prepare and implement a course for the training of specialists in the investigation of these cases. The Office of Criminal Justice Planning also is required to establish an advisory committee to develop a course of training for district attorneys in the investigation of such cases, and to provide grants to proposed and existing local rape victim counseling centers, as specified.

This bill would make the foregoing provisions relating to the development of investigation procedures and training also applicable to cases involving the sexual exploitation or sexual abuse of children. It also would require the Office of Criminal Justice Planning to provide grants to proposed and existing local child sexual exploitation and child abuse victim counseling centers.

It would state that it is the intent of the Legislature that the costs incurred as a result of the enactment of the bill shall not be funded by General Fund moneys.

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

SECTION 1. Section 13516 of the Penal Code is amended to read:

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

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

(c) The commission shall prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child

sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes shall successfully complete their training within six months of the date the assignment was made.

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

SEC. 2. Section 13836 of the Penal Code is amended to read:

13836. The Office of Criminal Justice Planning shall establish an advisory committee which shall develop a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases and shall approve grants awarded pursuant to Section 13837. The courses shall include training in the unique emotional trauma experienced by victims of these crimes.

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of sex crime prosecution units, which shall include, but not be limited to, child sexual exploitation and child sexual abuse cases, in district attorneys' offices throughout the state.

SEC. 3. Section 13837 of the Penal Code is amended to read:

13837. The Office of Criminal Justice Planning shall provide grants to proposed and existing local rape, child sexual exploitation, and child sexual abuse victim counseling centers. The centers shall maintain a 24-hour telephone counseling service for sex crime victims, appropriate in-person counseling and referred service during normal business hours, and maintain other standards or services which shall be determined to be appropriate by the advisory committee established pursuant to Section 13836 as grant conditions. The advisory committee shall identify the criteria to be utilized in awarding the grants provided by this chapter before any funds are allocated.

In order to be eligible for funding pursuant to this chapter, the centers shall demonstrate an ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state funds appropriated for purposes of this chapter. Each center receiving funds pursuant to this chapter shall make every attempt to qualify for any available federal funding.

State funds provided to establish centers shall be utilized when possible, as determined by the advisory committee, to expand the program and shall not be expended to reduce fiscal support from other public or private sources. The centers shall maintain quarterly and final fiscal reports in a form to be prescribed by the administering agency. In granting funds, the advisory committee shall give priority to centers which are operated in close proximity to medical treatment facilities.

SEC. 4. It is the intention of the Legislature that the costs incurred as a result of the enactment of the provisions of this act shall not be funded by General Fund moneys.

12 JUVENILE LAW AND PROCEDURES

3.41.0 JUVENILE LAW AND PROCEDURE

Learning Goal: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

- 3.41.1 The student will identify the purpose of the "Juvenile Court Law." (Welfare and Institutions Code Sections 202 and 203)
- 3.41.2 The student will identify the scope of the authority of the Juvenile Court. This identification will include the age requirement (Welfare and Institutions Code Sections 603 and 607) and the circumstances under which a juvenile comes within the jurisdiction of the Juvenile Court (Welfare and Institutions Code Sections 300, 601, and 602)
- 3.41.3 The student will identify the circumstances under which an officer may take a juvenile into temporary custody. (Welfare and Institutions Code Sections 305 and 625)
- 3.41.4 The student will identify the requirements relating to the advisement of the constitutional rights of a juvenile taken into custody. (Welfare and Institutions Code Section 625 and 627.5)
- (RE-NUMBERED) 3.41.5 The student will identify the requirements pertaining to the segregation of juveniles from other prisoners. (Welfare and Institutions Code Sections 206 through 208)
- (RE-NUMBER) 3.41.6 The student will identify various stages of a typical juvenile case proceeding from temporary detention through the juvenile court hearing. (Welfare and Institutions Code Sections 626-634, 636, and 657)
- (RE-NUMBER) 3.41.7 Given word-pictures or audio-visual presentations depicting an officer taking an injured or sick juvenile into temporary custody, the student will identify the legal requirements for securing medical aid for the juvenile. (Welfare and Institutions Code Section 625c)

3.28.0 SEX CRIMES LAW AND CRIMES AGAINST CHILDREN

Learning Goal: The student will understand and have a working knowledge of the crimes constituting sex offenses as defined in California law.

- 3.28.1 Given word-pictures depicting possible acts of indecent exposure, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 314)
- 3.28.2 Given word-pictures depicting possible lewd acts upon a child, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 288)
- 3.28.3 Given word-pictures depicting possible acts of oral copulation, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 288a)
- 3.28.4 Given word-pictures depicting a possible sodomy, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 286)
- 3.28.5 (NEW) Given word-pictures depicting bestiality, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 286.5)
- 3.28.6 (NEW) Given word-pictures depicting unlawful sexual intercourse, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 261.5)

3.28.0 SEX CRIMES LAW AND CRIMES AGAINST CHILDREN

- 3.28.7 (NEW) Given work-pictures depicting lewd or dissolute conduct in public, the student will determine if the crime is complete, and will identify the crime by its common name and classification. (Penal Code Section 647(a))
- 3.28.8 (NEW) Given word-pictures depicting children being annoyed or molested, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 647a)
- 3.28.9 (NEW) Given word-pictures depicting incest, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 285)
- 3.28.10 (NEW) Given word-pictures depicting child pornography, obscene matter, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 311.2)
- 3.28.11 (NEW) Given word-pictures and depicting child pornography, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 311.4)

3.21.0 CRIMES AGAINST CHILDREN LAW

Learning Goal: The student will understand and have a working knowledge of crimes against children as defined in California law.

- 3.21.1 (RE-NUMBERED) Given word-pictures depicting the possible abandonment of a child, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 271)

## 13 SEXUAL ASSAULT

### 3.21.0 CRIMES AGAINST CHILDREN LAW

- 3.21.2 (RE-NUMBERED) Given word-pictures depicting possible cruelty toward a child, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 273a)
- 3.21.3 (RE-NUMBERED) Given word pictures depicting a child abuse, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (PENAL Code Section 273d)
- 3.21.4 (RE-NUMBER) The student will identify what gives the law enforcement officer the right to enter a home without a warrant when he/she suspects a juvenile is being physically abused, neglected, endangered, or sexually exploited. This will minimally include the elements identified in the following:
- a. Case law People v Roberts (47 Cal All 2d 374 (1956))
  - b. Case law People v Roman (256 Cal App 2d 656 (1967))
  - c. Case law In re Dawn O. (58 Cal App 3d 160 (1976))
  - d. Case law People v Payne (65 Cal App 3d 679 (1977))
  - e. Case law People v Brown (12 Cal App 3d 600 (1970))
  - f. Case law People v Sutton (65 Cal App 3d 341 (1976))
  - g. Case law People v Beaugez (232 Cal App 2d 650 (1965))
  - h. Case law LADPSS v Biggs and Robinson (in re Biggs 17 Cal App 3d 337, 94 CR 519 (1971))

### 3.29.0 RAPE LAW

Learning Goal: The student will understand and have a working knowledge of California law relative to the crime of rape.

- 3.29.1 Given word-pictures depicting a possible rape, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Sections 261 (1), (2), (3), (4), (5), or (6))

3.29.0 RAPE LAW

3.29.2 Given word-pictures depicting a possible spousal rape,  
(NEW) the student will determine if the crime is complete, and  
will identify the crime by its common name and classification. (Penal Code Section 262)

3.29.3 Given word-pictures depicting a possible penetration  
(NEW) of genital or anal openings by foreign object, the student  
will determine if the crime is complete, and will identify  
the crime by its common name and classification. (Penal  
Code Section 289)

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>HAZARDOUS MATERIALS TRAINING FOR THE BASIC COURSE</b>		Meeting Date January 27, 1983
Bureau Training Program Services	Reviewed By Harold Snow <i>HS</i>	Researched By H. B. Hoover
Executive Director Approval <i>William C. Bohlen</i>	Date of Approval 12-28-82	Date of Report November 30, 1982
Purpose: <input type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report            Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

ISSUE:

Should the Basic Course Performance Objective relating to the handling of radioactive materials be revised to include training in the managing of accident scenes involving other hazardous materials?

BACKGROUND:

POST's curriculum standards for the Basic Course presently contain one performance objective, 8.39.4, which pertains to the procedures to be followed for incidents involving radioactive material. Numerous other hazardous materials have endangered the public and peace officers. POST has received inquiries and suggestions to include other hazardous materials in the Basic Course.

ANALYSIS:

An increasing number of hazardous substances that were unknown yesterday are produced and transported today by highway, air, rail, and ship. Many of these substances are deadly to human life; still they are transported in vehicles that share the highways with the general motoring public. More and more incidents are occurring in which the population is endangered by fire, explosion, radioactivity, and poisoning. For example, in 1975 a truck hauling a pesticide overturned on the Hollywood Freeway and caught fire. Ultimately, 109 people were hospitalized as a result of that accident; 47 fire fighters, 32 law enforcement officers, and 30 civilians. An effective awareness program aimed at law enforcement officers in their basic training should substantially decrease the possibility of injuries of that magnitude occurring again.

Some basic academies currently include such instruction as determined by local needs. It is estimated that including training in identifying common hazardous materials, instituting correct procedures and requesting information/assistance will require approximately 4 additional hours of instruction. This will have a financial impact; however, that issue will be addressed in a separate agenda item which will deal with increasing the length of the Basic Course.

The recommended change to Performance Objective 8.39.4 and its unit guide have been reviewed and approved by the Basic Course Consortium.



The proposed revision reads as follows:

The student will identify the ~~responsibilities and considerations peculiar to handling accidents involving radioactive materials:~~ elements of managing the scene of accidents or incidents involving hazardous materials. This will minimally include:

- A. ~~Request assistance to include radiological monitoring support~~ Identify the 8 classifications of hazardous materials.
- B. ~~Isolation and evacuation of an area at least 2,000 feet from the radioactive materials~~ Recognize hazardous material.
- C. ~~Prohibit eating, drinking, or smoking in the danger area~~ Institute correct procedures.
- D. ~~Immobilize and isolate persons believed to have been contaminated~~ Request information about the hazardous material involved and request assistance.
- E. ~~Administer necessary emergency medical aid:~~
- F. ~~Agency policy.~~

RECOMMENDATION:

Effective July 1, 1983, approve the revision of Basic Course Performance Objective 8.39.4 to include training in the managing of accident scenes involving hazardous materials.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT			
Agenda Item Title <b>LENGTH OF BASIC COURSE</b>		Meeting Date <b>January 27, 1983</b>	
Bureau <b>Training Program Services</b>	Reviewed By <b>Harold Snow <i>H/S</i></b>	Researched By <b>Don Moura</b>	
Executive Director Approval <i>Mourou C. Boehm</i>	Date of Approval <b>12-28-82</b>	Date of Report <b>December 21, 1982</b>	
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No	
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.			
<p><u>ISSUE:</u></p> <p>Should staff be authorized to study the present 400-hour minimum length of the Basic Course?</p> <p><u>BACKGROUND:</u></p> <p>The Commission at its October 1979 meeting approved converting the Basic Course curriculum to performance objectives. At that time it was acknowledged by staff that there was a good deal of uncertainty as to whether the 479 performance objectives could be satisfied in 400 hours.</p> <p><u>ANALYSIS:</u></p> <p>Now that there has been more than two years experience with performance objectives, it seems appropriate to review the present 400 hour minimum length. There is some evidence that none of the 31 presenters of the Basic Course are able to satisfy the minimum performance objectives within the 400 hours. In fact, the present average length of Basic Courses is 600+ hours.</p> <p>Revised and added performance objectives that have been approved since July 1, 1980 and those under consideration at this meeting, should be studied as to their impact on course length. These changes relate to performance objectives in Police Report Writing, Child Abuse and Sexual Exploitation, Hazardous Materials, and Crime Prevention.</p> <p>Besides reviewing the minimum 400-hour length, staff will identify the fiscal impact on POST reimbursement, course presenters, and law enforcement agencies.</p> <p>Should the Commission approve, the appropriate action would be to authorize staff to study the 400-hour minimum length of the Basic Course and report back at the April 1983 meeting.</p> <p><u>RECOMMENDATION:</u></p> <p>Authorize staff to study the present 400-hour minimum length of the Basic Course and report back at the April 1983 meeting.</p>			

COMMISSION AGENDA ITEM REPORT

Agenda Item Title P. C. 832 STUDY		Meeting Date January 27, 1983
Bureau Executive Office	Reviewed By	Researched By Don Beauchamp <i>DB</i>
Executive Director Approval <i>Norman C. Britton</i>	Date of Approval 12-26-82	Date of Report November 29, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE

Approval of final report to the Legislature on the P.C. 832 study required by SCR 52 of 1980.

BACKGROUND

In 1971, the Legislature created Section 832 of the Penal Code to require that all California peace officers undergo a minimum course of training relating to the power of arrest and the carrying of firearms. Prior to this addition to the law, there did not exist any minimum training requirement for peace officers whose agencies did not adhere to the POST training standards. The P.C. 832 training standard initially established and since maintained is a forty (40) hour course, twenty-six (26) hours of which are devoted to powers of arrest subjects and the remaining fourteen (14) hours to firearms training.

In 1980, the Legislature expressed the opinion, via SCR 52, that the current course may not be sufficient to properly train person's exercising peace officer powers. The resolution directed POST to study the training needs of agencies who are now required to meet the mandate of P.C. 832, and report to the Legislature a plan of action for upgrading those training standards. The action report was forwarded to the Legislature in January 1981 with a note that a final report on an alternate course or courses would be forwarded to the Legislatue as soon as it was completed. This is that final report.

ANALYSIS

Because of the diversity of peace officer duties that the various peace officer groups perform, no one course could, or should, be designed to meet the requirements of P.C. 832. After a comprehensive survey of the various groups involved, a revised course of instruction was identified as being more appropriate than what is now required. (See Attachment A for new course outline.) The proposed course is actually two distinct training programs, Course A being designed to provide general knowledge for all special peace officers who are required to meet the training mandate of P.C. 832, and Course B, which provides additional training for those special peace officers who conduct investigations and are required to carry weapons. Course A is intended for those persons who now attend the laws of arrest, search and seizure portion of the current P.C. 832 training course, while the full A + B course is meant for those officers who now attend the full 40 hour P.C. 832 course which includes firearms training.

By using the performance objective format, it was possible to structure the training in such a way that only those objectives relating to a particular peace officer group would need to be mastered. This approach would allow for increased job relatedness with recognition, through testing, of mastery of subjects already learned. This new training standard would increase the maximum hours to approximately 140, up 100 hours from the present 40 hours. A more flexible schedule could allow more courses to be taught locally, to reduce time and associated costs.

Although the study identified a more appropriate course of instruction for those peace officers required by P.C. 832 to undergo training, there was no conclusion reached on how this increased training would be financed. Alternatives were presented in the study for the Legislature to consider. The question of who pays for the training will obviously be one of the key concerns in dealing with this report.

In considering this matter, the Commission is acting only to approve the completed staff work prior to finalizing the report for transmittal to the Legislature. It is anticipated that the Legislature will consider the report and then initiate any action relating to actual implementation of the proposed P.C. 832 training standard.

#### RECOMMENDATION

It is recommended that the Commission approve the final report relating to Senate Concurrent Resolution 52 (1980) and authorize staff to transmit the report to the Legislature.

PROPOSED P.C. 832 COURSE

Course A

General Knowledge  
(78 Hours)

Module I	Professional Orientation
Module II	Basic Concepts of Criminal Law
Module III	Constitutional Rights, Laws of Arrest, and Juvenile Laws and Procedures
Module IV	Search and Seizure Concepts
Module V	The Lawful Use of Force
Module VI	Weaponless Defense, Search and Control Techniques, Personal Survival
Module VII	Custody

Course B

Investigation and Firearms  
(58 Hours)

Module IX	Major Penal Code Sections
Module X	Controlled Drugs and Substances
Module XI	Principles of Criminal Investigation
Module XII	The Lawful and Safe Use of Firearms
Module XIII	Firearms Use (Range)

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Executive Development Course Contract-FY 1983/84		Meeting Date January 27, 1983
Bureau Center for Exec Develop.	Reviewed By	Researched By Ted Morton
Executive Director Approval <i>William C. Beckman</i>	Date of Approval 1-3-83	Date of Report December 28, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

Issue

Commission review and approval of the Executive Development Course contract as proposed for Fiscal Year 1983/84 are required to authorize the Executive Director to negotiate contracts with presenters.

Background

The single contractor for the Executive Development Course currently provides training for 100 trainees in five presentations per year. The contract costs for FY 1982/83 are \$51,375 for five presentations.

Commission Regulation 1005(e) provides that every regular officer who is appointed to an executive position may attend the Executive Development Course and the jurisdiction may be reimbursed provided the officer has satisfactorily completed the training requirements of the Management Course.

Analysis

The California State Polytechnic University, Pomona, has been under contract to present the Executive Development Course since October, 1979. The presentations have been well received by law enforcement executives. The presenter has developed a special expertise in presenting POST executive and management training. Because of this expertise, the presenter has attracted a high quality group of instructors and coordinators.

It is estimated that five presentations will again be required in FY 1983/84. Staff anticipates some increases over FY 1982/83 costs due to increased costs for instructors, coordination, facilities and materials as may be allowable by tuition guidelines.

Recommendation

Staff recommends that the Commission authorize the Executive Director to negotiate a contract with Cal-Poly Kellogg Foundation to present five (5) presentations of the Executive Development Course during Fiscal Year 1983/84. The negotiated contract will be returned for Commission approval at the April, 1983 meeting.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Management Course Contracts - Fiscal Year 1983/84		Meeting Date January 27, 1983
Bureau Center for Exec Development	Reviewed By	Researched By Ted Morton
Executive Director Approval <i>Thomas C. Barber</i>	Date of Approval 1-3-83	Date of Report December 28, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                       Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		

Issue

Commission review and approval of Management Course contracts as proposed for Fiscal Year 1983/84 is required to authorize the Executive Director to negotiate contracts with presenters.

Background

This course is currently budgeted at \$191,112 for 21 presentations by five presenters:

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

In addition, there are two certified Management Course presenters who offer training to their own personnel at no cost to the POST fund:

- California Highway Patrol
- State Department of Parks and Recreation

Analysis

Course costs are consistent with POST tuition guidelines. Required learning goals are being satisfactorily presented by each contractor.

It is estimated that 21 presentations will again be required in FY 1983/84. Staff anticipates some increases over FY 1982/83 due to increased costs for instructors, coordination, facilities and materials.

Recommendation

Staff recommends that the Commission authorize the Executive Director to negotiate contracts with the current five contractors to present twenty-one (21) presentations of the Management Course during Fiscal Year 1983/84. Negotiated contracts will be returned for Commission approval at the April, 1983 meeting.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**COMMISSION AGENDA ITEM REPORT**

Agenda Item Title Department of Justice, 1983-84 Interagency Agreement		Meeting Date January 27, 1983
Bureau Training Delivery Services	Reviewed By <i>Gene DeCrona</i> Gene DeCrona, Chief	Researched By Darrell L. Stewart <i>DLS</i>
Executive Director Approval <i>Howard C. Graham</i>	Date of Approval 1 - 3 - 83	Date of Report January 3, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact <input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

Department of Justice Director William Anthony again requests certification of a series of technical courses for presentation to local law enforcement during Fiscal Year 1983-84, under an Interagency Agreement. DOJ requests a contract of approximately \$630,140 (see attached memorandum). This proposed maximum is 7% above the \$588,907 awarded during FY 1982-83.

The proposed courses will be similar to the list of courses presented during Fiscal Year 1982-83, with a few differences to meet changing agency needs. (See attached list of 82-83 courses).

POST staff is working with DOJ Training Center to thoroughly review each course. The review will be comprehensive. Additionally, new accounting processes are being developed by DOJ to better verify expenditures for each course.

A complete analysis of the DOJ proposal will be presented to the Commission prior to the April 1983 meeting.

Recommendation:

Authorize the Executive Director to negotiate an Interagency Agreement with DOJ for Fiscal Year 1983/84.



DEPARTMENT OF JUSTICE-TRAINING CENTER

1982-83 Courses

<u>Course</u>	<u>Hours</u>
Analyst (C.I. Data)	76
Basic Elements (C.I.)	40
Cargo Theft Investigation	40
Commander (C.I.)	36
Economic Crime Inv.	40
Executive Protection	36
Fencing Investigation	40
Gambling Inv. (O.C.)	40
Heroin Influence	20
Inform. Dev. & Maint. (O.C.)	36
Intro. to Crime Analysis	36
Inv. of Computer Crimes	40
Inv. Crimes Agnst. Elderly	36
Inv. Homicide & Vio. Cr.	40
Latent Print Techniques	40
Link Analysis Techniques	8
Modular Training	20
Narc. Enf. for Peace Officers	20
Narcotic Inv.	80
Narcotic Smuggling	24
Prison Gang Activity	36
Records Management	76
Sinsemilla Eradication	80
Spec. Surveillance Equipment	36
Street Gang Activity	24
Urban Terrorist Activity	36
Visual Inv. Analysis	8

# Memorandum

To : Norm C. Boehm, Executive Director  
Commission on Peace Officer Standards  
and Training  
4949 Broadway  
Sacramento, CA 95820

Date : December 14, 1982

From : Office of the Director

Subject: Proposed 1983/84 Department of Justice/POST Local Law Enforcement Training Program

The Department of Justice will request a contract of approximately \$630,140 for Fiscal Year 1983/84.

The proposed program will be similar to that presented in the 1982/83 Fiscal Year, with a few changes reflecting changing student demand and law enforcement needs.

A preliminary planning meeting has been held to outline the core program; however, we would like the new administration to have input into the final courses for the contract. We will provide you with a final fully budgeted proposal as soon as practical after the new administration takes office.

We propose to continue the flexible contract which has worked so well during the past year. We would, as in the past, make no changes without your prior approval.

We will continue our efforts to hold down our costs by presenting the majority of our presentations on site. We appreciate your assistance in bringing high quality advanced training to California law enforcement.

  
WILLIAM J. ANTHONY, Director  
Division of Law Enforcement

me

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Continuation of POST Contract with (CPS)		Meeting Date
Bureau Standards & Evaluation	Reviewed By <i>John W. Kohls</i>	Researched By John W. Kohls
Executive Director Approval <i>Merrill C. Bellum</i>	Date of Approval <i>1-10-83</i>	Date of Report January 6, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		

ISSUE:

Continuation of the POST contract with Cooperative Personnel Services (CPS) of the State Personnel Board to administer the POST Training Proficiency Test.

BACKGROUND:

Penal Code Section 832(b) requires POST to develop and administer a basic training proficiency test to all academy graduates.

A contract was entered into with Cooperative Personnel Services (CPS), to administer the tests.

ANALYSIS:

Cooperative Personnel Services (CPS) has been administering the POST Basic Course Proficiency Test for approximately two years.

The test is administered approximately 10.2 times per month for a total of 122 administrations a year. There are approximately 39.1 candidates per administration, for a total of 410.5 candidates per month. The approximate number of candidates is 4,926 per year.

CPS administers these tests at a cost of approximately \$5.23 per candidate per administration. The approximate cost per administration is \$205 for a total of \$2,087 per month. The amount of the 1982-83 CPS contract is \$25,780.

For POST to administer examinations, it would cost \$11.69 per candidate per administration. The cost per administration would be \$457 for a total of \$4,661 per month. The total cost for FY 1982-83 would have been \$55,932. The primary reason for the lower cost is that CPS uses local proctors who are well trained but make less per hour than a POST employee who would be assigned the same responsibilities.

Staff estimates that for FY 1983-84, the cost of CPS administration of the Proficiency Test will be approximately \$29,131 -- a 13% increase over the 1982-83 contract amount. This increase is predicated upon an anticipated 8% increase in the number of administrations and a 5% inflation factor.

RECOMMENDATION:

Authorize staff to negotiate a contract with CPS for services during FY 1983-84.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Contract Authorization for Computer Rental		Meeting Date January 27, 1983
Bureau Information Services	Reviewed By	Researched By B. W. Koch <i>BWK</i>
Executive Director Approval <i>Merrill C. Becken</i>	Date of Approval 1-6-83	Date of Report December 30, 1982
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report    Financial Impact		<input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

ISSUE

Commission approval is requested for the Executive Director to negotiate -

- (1) an upgrade to and continuation of POST's computer hardware (equipment) lease and
- (2) a computer services Interagency Agreement with Teale Data Center for Fiscal Year 1983-94.

BACKGROUND

In 1979, the Commission authorized a three-year contract with Four-Phase Systems, Incorporated, the State's contract vendor for computer hardware, to supply POST with a computer and requisite peripheral components. The present annual cost of this contract is \$47,522. It includes a IV/90 Processor, a Memory Module, four printers, two Disk Drives, and 24 Video Terminals. The processing of Training Expense Claims, Certificate Applications, Notices of Appointments/Terminations, Compliance Inspections, and other tasks have been significantly helped by this computer system. One of the requisites for using the computer to assist in these tasks is the need to store in excess of 100,000 documents in the computer. Present computer storage capability will reach a critical saturation point by the 3rd quarter of 1983.

A second major computer application has been developed by POST's Standards & Evaluation Bureau over the past four years. This application, which is highly statistical in nature and includes demographic as well as test result data gathered from a variety of sources, is being maintained at two Data Centers, the state's Teale Data Center, and a private contractor's Data Center.

The capacity and sophistication limitations of POST's Four-Phase computer, have prevented the highly desirable goal of integrating all of POST's computer applications. However, the needs and desirabilities of being able to relate data that presently resides on one computer to data residing on another computer are becoming too great not to be realized.

A means needs to be devised for permitting integration of all of POST's computer applications.

## ANALYSIS

Previous studies have indicated the desirability of consolidating the two separate POST data processing functions in order to maximize the use of the data available in the systems and to better utilize the personnel assigned to data processing. The cost of consolidating the systems will initially cost more than presently expended; however, in time the cost will be totally offset and should eventually result in cost savings. Also, we may in time be forced to give up our private contract since the state has the authority to compel state agencies to contract with other state agencies for services.

There is only one economically feasible solution to the 'lack of computer storage problem' - a computer upgrade.

The upgrade to the Four-Phase system should include:

- (a) Replacement of our IV/90 Processor with a IV/95 Processor
- (b) Addition of 1 large Disk Storage device
- (c) Addition of 7 Video Terminals
- (d) Addition of 1 Remote Video Terminal
- (e) Replacement of our 'volume printer' with a faster printer

The cost of this upgrade is approximately \$20,390 annually. Total contract cost with Four-Phase for Fiscal Year 1983-84, including the upgrade, would be \$67,912.

Integrating all of POST's computer applications into one computer system will partially be met by the equipment needed to upgrade the present POST system. POST's Four-Phase computer would be the common computer to be used. A "tie into" or communications with the Teale Data Center is to be established so that any computer processing not feasible for POST's Four-Phase computer could be performed at the Teale Data Center.

The Interagency Agreement (contract) with Teale Data Center for Fiscal Year 1983-84 will be necessary in an amount not to exceed \$25,000. Presently, approximately \$21,600 is spent by the Standards and Evaluation Bureau in contracting with a private vendor for data processing services. The cost of the Teale Data Center Contract (approximately \$25,000) will be offset by approximately 50% for 1983-84 because of reduced private contractor usage. In subsequent years this cost should be totally offset since Standard and Evaluation Bureau will no longer be utilizing a private contractor to process their data, thus eliminating that expense.

## RECOMMENDATION

Authorize the Executive Director to negotiate agreements for the purposes outlined, with the understanding that actual agreements will be brought to the Commission for approval at the April meeting.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title 1983-84 INTERAGENCY AGREEMENT AUDITING SERVICES - STATE CONTROLLER'S OFFICE		Meeting Date January 27, 1983
Bureau Administrative Services Bureau	Reviewed By <i>[Signature]</i>	Researched By Staff
Executive Director Approval <i>[Signature]</i>	Date of Approval 1-10-83	Date of Report
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact		<input checked="" type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No

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

Each year for the past 10 years POST has negotiated an interagency agreement with the State Controller to conduct audits of selected local agencies who receive POST Reimbursement Funds. For fiscal year 1982-83 POST negotiated such an agreement in the amount of \$40,000.00 for this purpose and as of this date audits have been conducted on seven agencies.

Approval is requested to negotiate a similar agreement for 1983-84, also for \$40,000.00. It is known that the new automated reimbursement system will require changes in and perhaps even obviate the need for these audits. The current request, however, is to cover reimbursement claims submitted in 1982-83. Experience with the automated system during the budget year will be monitored to indicate the need for changes to or elimination of this service. Appropriate action would be a motion to authorize the Executive Director to negotiate agreement with the State Controller in an amount not to exceed \$40,000.00.

Note: This Report is still being finalized and will be a handout at the Commission meeting.

# BILL ANALYSIS

State of California

Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
7100 Bowling Drive, Sacramento, CA 95823

FILE OR SUBJECT Aquatic Education: POST Funding	AUTHOR Assemblyman Campbell	BILL NUMBER AB 5
SPONSORED BY Author	RELATED BILLS	DATE LAST AMENDED 12-6-82

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

Assembly Bill 5 would:

1. Establish an Aquatic Education Program for public elementary schools.
2. Provide for funding of the Aquatic Education Program out of the Peace Officer Training Fund (POTF).

Analysis

The purpose of this bill is to provide water safety training for fourth grade students attending public schools. The Department of Education would have the responsibility for developing and administering the program. The program would be allocated \$300,000 for fiscal year 1984/85 and \$100,000 annually for each year thereafter, with built-in escalators to reflect changes in the cost of living. All of these funds would come from the Peace Officer Training Fund (POTF). It is the authors intent that these funds would come out of the unallocated reserve of the POTF and not the POST budget.

Although the Aquatic Education Program undoubtedly has merit, the funding of an elementary school safety program from the Peace Officer Training Fund (POTF) does not appear appropriate. These monies were expressly set aside by the Legislature "for the purpose of raising the level of competence of local law enforcement officers" and have been used exclusively for that purpose since the Commission on POST was created in 1959. The POST program, until the recent passage of two new laws which increased the percentage of monies allocated to the POTF from the Assessment Fund, has traditionally been underfunded and able to reimburse only a portion of local peace officer training expenditures. With the assignment of additional funds to the POTF, it had been anticipated that in 1983/84 a more realistic reimbursement rate to local agencies could be implemented. This effort to further assist local law enforcement could be in jeopardy should this bill succeed. The passage of AB 5 would be precedent setting in allowing POTF monies to be spent on general fund budget items.

It would seem that funding for this type of educational program should come from monies allocated for educational services. One alternative would be to use monies from the Assessment Fund that have been used in the past to underwrite high school driver training, a program that has been legislatively terminated as of June 30, 1983. These monies have been traditionally allocated to education and should logically be retained for that purpose.

## OFFICIAL POSITION

ANALYSIS BY <i>D. Deaneham</i>	DATE 12-15-82	REVIEWED BY	DATE
EXECUTIVE DIRECTOR <i>William C. Beedon</i>	DATE 1-6-83	COMMENT	



Comments

Unless the provision of this bill relating to funding from the POTF is amended, the Commission on POST should oppose this proposal.

Recommendation

Oppose.

**ASSEMBLY BILL**

**No. 5**

Introduced by Assemblyman Campbell

December 6, 1982

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An act to amend Section 13520 of the Penal Code, and to add Article 16 (commencing with Section 51880) to Chapter 5 of Part 28 of the Education Code, relating to aquatic education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as introduced, Campbell. Aquatic education.

Existing law provides for the Peace Officers' Training Fund, which is appropriated exclusively for costs of administration and for grants to local governments and districts for training expenses of full-time regularly paid employees of eligible law-enforcement agencies.

This bill would also appropriate money from that fund according to a specified formula for an aquatic education program to be developed, as specified, by the Department of Education. The program would be made available for use at the fourth grade level in public elementary schools at no expense to the schools, and would be required to include an audio-visual instructional aid and parental involvement materials.

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

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

- 1 SECTION 1. Section 13520 of the Penal Code is
- 2 amended to read:
- 3 13520. There is hereby created in the State Treasury
- 4 a Peace Officers' Training Fund, which is hereby

1 appropriated, without regard to fiscal years, exclusively  
2 for costs of administration ~~and~~, for grants to local  
3 governments and districts pursuant to this chapter *and*,  
4 *after those expenditures have been met, for funding of*  
5 *the aquatic education program pursuant to Section 51882*  
6 *of the Education Code.*

7 SEC. 2. Article 16 (commencing with Section 51880)  
8 is added to Chapter 5 of Part 28 of the Education Code,  
9 to read:

10

11

### Article 16. Aquatic Education

12

13 51880. The Legislature finds that, given the great  
14 diversity of water recreation activities available  
15 statewide and the significant loss of life associated with  
16 those activities, there is a great need for an aquatic  
17 education program in the state.

18

19 It is the intent of the Legislature in enacting this article  
20 that fundamental water safety training be provided for all  
21 the children of the state so that California's youth will be

22

23 able to enjoy water recreation while avoiding its hazards.  
24 51881. The Department of Education, in cooperation  
25 with the Department of Boating and Waterways and  
26 other appropriate agencies, industry, and nonprofit  
27 organizations involved with water safety, shall develop  
28 an aquatic education program which shall be made  
29 available for use at the fourth grade level in public  
30 elementary schools at no expense to the schools. The  
31 aquatic education program shall include, but not be  
32 limited to, an audio-visual instructional aid, and parental  
33 involvement materials.

32

33 51882. (a) Funding for the aquatic education  
34 program shall be obtained from the Peace Officers'  
35 Training Fund pursuant to Section 13520 of the Penal  
36 Code, and shall be allocated according to the following  
37 formula:

37

38 (1) For the 1984-85 fiscal year, a total of three hundred  
39 thousand dollars (\$300,000) shall be allocated to the  
40 program. From that amount two hundred thousand  
dollars (\$200,000) shall be designated for materials

1 development, and one hundred thousand dollars  
2 (\$100,000) for program funds.

3 (2) For the 1985-86 fiscal year and each fiscal year  
4 thereafter, one hundred thousand (\$100,000) shall be  
5 allocated to the program for program funds. This annual  
6 allocation shall be increased each year by the average of  
7 the four State and Local Government Implicit Price  
8 Deflators prepared for each quarter of that year by the  
9 United States Department of Commerce, Bureau of  
10 Economic Analysis.

11 (b) Program funds shall be used for all of the following  
12 purposes:

13 (1) To provide one full-time professional to direct the  
14 aquatic education program.

15 (2) To provide one half-time support staff person.

16 (3) For materials development, program  
17 development, and limited travel.

18 (4) For in-service training and staff development for  
19 schools and school districts, as funding permits.

20 51883. In the event that funding for the aquatic  
21 education program becomes unavailable, the program  
22 may be discontinued at the discretion of the participating  
23 agencies.

O

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title POST Staff Housing		Meeting Date January 27, 1983
Bureau Executive Office	Reviewed By	Researched By R. T. Allen <i>RTA</i>
Executive Director Approval <i>Norman C. Boehm</i>	Date of Approval 1-10-83	Date of Report January 6, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.		
<p><u>ISSUE</u></p> <p>Should the Commission seek an alternate site for the housing of all POST staff in one facility?</p> <p><u>BACKGROUND</u></p> <p>In November 1982, the majority of POST staff were moved from leased quarters in South Sacramento to the new state building which had been constructed at the old State Fair grounds. Because the space in the new building was not sufficient to house the entire POST staff, two bureaus (Standards and Evaluation Services and Management Counseling Services) continue to occupy a portion of the leased South Sacramento space. As a result of this action, 19 staff members (22% of staff) are now housed at a location remote from POST Headquarters.</p> <p>The move to the new building was opposed by the Commission on the grounds the space was inadequate. The Department of General Services indicated that, in the absence of another compatible state agency to occupy the space, POST would be required to utilize the new building for the present, even though this meant housing staff in two different locations. There was a general recognition that this situation would not be permanent, and that POST could seek to find more suitable quarters in the near future to unite staff under one roof.</p> <p><u>ANALYSIS</u></p> <p>The current situation involving the housing of POST staff at two different locations is highly undesirable and should be remedied as soon as possible. The problems brought about by lack of communications and daily contact at both the management and staff level is working to undermine the "POST Team" concept. This is not to mention the actual lost time in frequent travel between locations to confer on problems or to utilize support activities, such as word processing, the library, and graphic arts services.</p> <p>An organization the size of POST has a great need to be housed at one location. As opposed to larger groups, which have distinctive units which lend themselves to self-supporting sub-units, POST is an interrelated organization with overlapping areas of responsibility. The work of one bureau requires frequent contact with other bureaus who may be working on another aspect of the same problem. This type of unity has worked well for POST in getting work done and developing staff who are familiar with all aspects of the organization. This team concept cannot effectively exist under present conditions.</p>		

RECOMMENDATION

It is recommended that the Commission direct staff to explore housing alternatives which will reunite staff at one location.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT		
Agenda Item Title Evaluation During Field Training and Probation		Meeting Date January 27, 1983
Bureau Standards & Evaluation	Reviewed By <i>John W. Kohls</i>	Researched By John W. Kohls
Executive Director Approval <i>Morgan C. Brehm</i>	Date of Approval 1-10-83	Date of Report January 7, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report                   Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No		

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

Issue

There has been an increasing use by law enforcement agencies of the probationary period as part of the selection process. This raises the issues of the validity and defensibility of the performance appraisal information used for decision-making during the probationary period.

Background

As fair employment pressures have increased, many law enforcement agencies have postponed the hire/no-hire decision until the applicant has progressed further and further into the selection process. For example, some agencies have decided that it would be more defensible to reject candidates during training than during the initial application and testing phase. Subsequently, some agencies have postponed the decision even longer to the probationary period. The reason behind postponing the decision is the theory that hiring decisions based on job performance would be more defensible than decisions based on training performance. In addition to defensibility, of course, many agencies are motivated to provide greater opportunity for individuals to demonstrate satisfactory ability. The trend has resulted in increasing pressure to defend the job-relatedness of the probationary period performance appraisal (i.e., the information which is used to make the final hire/no-hire decision).

Analysis

To the extent that greater use of the probationary period as part of the selection process has become a popular practice, the following results accrue:

1. Agencies may have to demonstrate the job-relatedness of performance appraisal procedures.
2. Agencies are wasting valuable resources since valid techniques are available for eliminating most unqualified applicants prior to hire.
3. Training academies and POST reimbursement resources are used unnecessarily to train individuals who ultimately will be unsuccessful on the job.

Agenda Item Summary Sheet  
Evaluation During Field Training  
and Probation  
Page 2

Staff believes that further investigation of the extent of use of the probationary period as a factor in the selection process should be undertaken. Staff should also determine the extent to which compliance agencies will focus attention on possible discriminatory practices associated with the probationary period.

Recommendation

It is recommended that staff conduct a problem-solving, fact-finding seminar attended by agency representatives to determine the extent of the problem and to discuss possible solutions.



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Peace Officer Counseling Program		Meeting Date January 27, 1983
Bureau Management Counseling	Reviewed By	Researched By George W. Williams
Executive Director Approval <i>Memorandum C. Beckman</i>	Date of Approval 1-12-83	Date of Report January 11, 1983
Purpose: <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report           Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input checked="" type="checkbox"/> No		

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

Issue

Should the Commission, on request, make available teams of psychologists and police peers who would travel to departments which have had shooting incidents to provide counseling to the involved officers.

Background

At the October 1982 meeting, the Advisory Committee reported upon the rising number of stress injuries in law enforcement. Frequently the stress experienced by officers results from traumatic incidents involving shootings. The Committee requested that the above issue be considered.

Analysis

Staff has inquired into various aspects of this proposal; i.e., the authority of the Commission to establish and sustain such a program and related expenses; and estimating the liability of the Commission both on the basis of the professional services provided to involved officers and for the officers' behavior subsequent to the shooting event. Other matters were also identified for further possible determination; i.e., the availability of professional practitioners and their fees and travel-related expenses; establishing a program that is centralized or regionalized; the impact of a state agency's dealing with the involved officers at the time the local authorities are investigating the shooting; and establishing and maintaining the professional ethical independence and credibility of the practitioners.

POST has recognized that officers who have been involved in shootings are subject to resultant stress. As a consequence of this and for other reasons two courses have been certified which prepare the trainees to recognize and deal with many stress situations including shootings. The trainees are also prepared to canvass their communities to identify the types of professionals who have an interest in providing such services. The two certified courses are Stress Training for Instructors and Peer Group Counseling. Graduates of these courses, based upon local determination, have or are in the process of establishing departmental programs involving peers and professionals to counsel officers who have been involved in shootings.

These training courses should represent a significant step towards addressing the problem identified by the Advisory Committee. The training approach will not, of course, ensure immediate availability of professional counselors to all officers in the state who may be involved in shootings.

Staff review of the specific proposal for funding counseling teams has identified the following concerns:

1. POST funding of such a program would be of questionable legality.
2. Psychological counseling services funded for this purpose could generate pressure to provide such services for job-stress problems generally.
3. An investment of staff time would be required to administer the program.

While there is great merit in the direct provision of professional counseling services, staff believes the training of peer counselors is the most appropriate approach for POST at this time.

#### Recommendation

Continue to present appropriate training courses only, and assess over time the effectiveness of such training as an aid to the development of locally based counseling programs.

#### Alternative

Direct staff to further explore the legality and feasibility of funding counseling teams.

**Memorandum**

: Don C. Beauchamp, Assistant to Executive Director      Date : November 29, 1982

*GWMS*

From : George W. Williams, Bureau Chief  
**Commission on Peace Officer Standards and Training**  
Management Counseling Services

Subject: DEALING WITH OFFICERS INVOLVED IN SHOOTINGS

It has been suggested that POST inquire into the possible use of a counseling team for peace officers that are involved in shootings.

One consideration might be for POST to provide a team of practitioners (who might be psychiatrists, psychologists, or other classifications of professionals who provide mental health services) who upon notification of a shooting incident would personally contact the peace officer involved and provide whatever services are appropriate for whatever frequency or length of time is necessary within the limits and policy established by the Commission. A prediction would have to be made as to the frequency of these shootings, their distribution across the state, their simultaneity, and the average length of service that would have to be provided. A determination would have to be made as to: (1) establishing a program that is centralized or regionalized; (2) the availability of practitioners, their fees and travel related expenses; (3) the authority of the Commission to establish and sustain such a program and related expenses; (4) the impact of a state agency's dealing with the involved officer at the same time the local authorities are investigating the shooting; (5) establishing and maintaining the professional ethical independence and credibility of the practitioners; (6) ensuring the confidentiality of the information that is obtained from the officer; and (7) estimating the liability of the Commission both on the basis of the professional services provided to the involved officer and for the officer's behavior subsequent to the shooting event.

Consideration should also be given to another approach to the suggestion, that is, to expanding the curriculum now in development by POST for a certified course that would train law enforcement personnel to recognize and deal with various manifestations of personal and work related stress and emotional dysfunction. These laymen while being qualified to provide limited counseling regarding stress reduction to other employees should also procedurally make referrals to professionals. The trainees should also be familiar with the design of a model procedure to be established in their local jurisdictions; i.e., a procedure that provides suitable professional counseling to officers who are involved in shootings and for other needs. These lay-counselors should be prepared to canvass their communities to identify the types of professionals who have an interest in providing such services. The model procedure should ensure that while the personal needs of the officer involved in a shooting are appropriately addressed that the investigative activities of local authorities may proceed without delay and interference.

DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, Attorney General

## COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

4949 BROADWAY, BUILDING E, SECOND FLOOR  
P.O. BOX 20145  
SACRAMENTO, CA 95820-0145



December 21, 1982

To: Glen Fine, Deputy Executive Director

From: George W. Williams, <sup>GWMS</sup> Bureau Chief  
Management Counseling Services

Subject: DEALING WITH OFFICERS INVOLVED IN SHOOTINGS - II

In my memo to Don C. Beauchamp, November 29, 1982, regarding this subject, I identified several items about which further determinations should be made. You have requested that I elaborate upon two of these items.

The first is: A determination should be made as to the authority of the Commission to establish and sustain such a program and related expenses.

Generally speaking the Commission only has such powers and duties as have been delegated to it by statute. Penal Code Section 13500 et seq. pertain to the Commission. Section 13503 lists certain powers granted to the Commission: in sub-paragraph (c) "To contract...as will best assist to carry out its duties and responsibilities." (emphasis added); in sub-paragraph (e) "To develop and implement programs to increase the effectiveness of law enforcement..."; in sub-paragraph (g) "To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers granted to it." (emphasis added) Section 13505 instructs the Commission to limit administrative expenses so that a maximum of funds will be expended for "...providing training and other services to local law enforcement agencies." (emphasis added); in Section 13520, the Peace Officers' Training Fund is created "...exclusively for costs of administration and for grants to local government and districts pursuant to this chapter." (emphasis added); and in Section 13523 "...State aid shall only be provided for training expenses of full-time regularly paid employees, as defined by the commission, of eligible agencies from cities, counties, or districts." (emphasis added)

Chapter 1, of Title 4 of the Penal Code pertains to the Commission; and Chapter 1 is divided into three articles; i.e., Administration, Field Services and Standards for Recruitment and Training, and finally, Peace Officer's Training Fund and Allocations Therefrom.

In a careful reading of the above provisions of the Penal Code, I can find no direct or implied power or duty of the Commission to provide counseling for peace officers that are involved in shootings. In fact, it is clear to me that the Legislature has intentionally limited the powers and duties of the Commission to matters that

Glen Fine  
Page 2  
December 21, 1982

pertain exclusively, with one exception (i.e., Section 13513), to the recruitment and training of peace officers. (The professional certification program merely being a means to promote and give recognition of selection and training achievements.) Article 2, dealing with Field Services etc. pertains exclusively (other than as noted above) to a particular scope of "field services" i.e., those pertaining to recruitment and training. It was a decade after the Legislature established the powers of the Commission, however, that it added the mandate and authorization that the Commission provide counseling services for improving the administrative, management, or operations of police agencies of local jurisdictions. It is my view that had the Legislature intended by the language in Article 1, in which it granted the Commission its powers, that the Commission under the provisions of Section 13503, subparagraphs (c), (e) and (g) could provide management counseling services upon request, that there was no need to enact Section 13513. It is obvious to me that the Legislature intended that the apparently broad language in Article 1, is in fact broad, but pertains exclusively to the activities for which the Commission is accountable as described in Article 2. It therefore follows that the apparently broad language in Article 1 does not intend or imply that the Commission has the power or duty to establish or sustain the psychological counseling program.

The second item you have asked me to elaborate upon is: A determination should be made as to estimating the liability of the Commission both on the basis of the professional services provided to the involved officer and for the officer's behavior subsequent to the shooting event.

First, there are the liabilities related to alleged malpractice of the counselors that would provide services under the auspices of a POST established program. We might attempt to apply some "hold safe" provision but I do not think this would afford POST much protection. POST would have to exercise great care over the selection of practitioners to determine their qualifications, and very likely would have to exercise appropriate supervision and review of their activities as well. The powers conferred by the Constitution or statutes upon state officers determine whether the state is bound by the unauthorized acts of its officers. A program such as the one proposed, that perhaps after an incident is determined to have been established without expressed or implied authority, may present quite complicated liability problems at both the state and local levels. Another aspect of liability may result from POST joining, with or without knowledge, in the responsibility for the acts of an officer who previously has been involved in a shooting but was returned to duty by the counselors. Can POST in these circumstances defend and, in fact, would it have to defend against, claims of liability. The circumstances here could involve the officer's actions subsequent to the shooting when returned to duty or in some circumstances not even job related actions where he becomes involved in some unlawful or tortious act or even takes his own life.

One might ask why POST should limit its involvement by only providing psychological counselors for officers who have been involved in shootings? Why not to officers however in need of such professional assistance? The answers to these questions, to me are obvious; these are not direct or implied responsibilities of the Commission.



COUNTY OF LOS ANGELES  
OFFICE OF THE DISTRICT ATTORNEY  
18000 CRIMINAL COURTS BUILDING  
210 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012  
974-3501

JOHN K. VAN DE KAMP, DISTRICT ATTORNEY

December 10, 1982


Hon. Edmund G. Brown, Jr.  
Governor  
State of California  
107 S. Broadway, Suite 7013  
Los Angeles, California 90012

Dear Governor:

I presently hold an appointive position on the Commission on Peace Officer Standards and Training. As you know, when I assume the Office of Attorney General, I will hold an ex-officio position on that same commission.

This is to notify you that effective this date, I am resigning from my appointive position on the commission.

Best wishes,

  
JOHN K. VAN DE KAMP  
Attorney General-elect

jp

c: Norman Boehm ✓  
Executive Director, P.O.S.T.



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
REGULAR MEETING  
JANUARY 27, 1983

ISSUE:

The Attorney General seeks funding in the amount of \$40,000 for publication and original distribution of 5,000 copies of the California Peace Officers Legal Sourcebook.

BACKGROUND:

The proposed funding of the California Peace Officers Legal Sourcebook has been before the Commission for six consecutive regular meetings.

The Commission's Budget Committee, on November 3, 1981, voted unanimously to recommend funding of 5,000 copies for limited distribution. An agenda item summary sheet reflecting the Budget Committee's recommendation was presented to the Commission at its regular meeting on January 28, 1982. However, the Budget Committee Chairman moved that the Commission take no action due to the need for further information. The motion was approved. The problem resulted from a recommendation by the Legislative Analyst's Office to place Sourcebook revision costs in POST's 1982-1983 and subsequent budgets as a transfer to the Attorney General's Office. This proposal was rejected by the Senate Finance Committee on March 11, 1982.

The Executive Director advised the Commission at its regular meeting on April 15, 1982, that no action was proposed until the budget uncertainty was resolved. The item did not appear on the agenda of the July 15, 1982, meeting.

The most recent action by the Commission was a unanimous vote on October 22, 1982, to table the proposal to fund the Sourcebook until after the general election in November.

The POST Advisory Committee reviewed and approved the Commission Budget Committee's recommendation on January 21, 1982, and again confirmed its support for the concept on January 20, 1983.

ANALYSIS:

The Attorney General desires the Commission to approve the recommendation of the Budget Committee developed on November 3, 1981, funding the publication of up to 5,000 copies of the Sourcebook

at a cost to POST not to exceed \$40,000. This amount includes the purchase of binders and tabs from Correctional Industries, printing by the Office of State Printing, and original distribution. Additional costs of approximately \$71,000 will be absorbed by the Department of Justice as outlined below.

The Attorney General's Office estimates that if the above funding is approved by the Commission, the document will be published by September 1, 1983.

Distribution and evaluation of the document would be undertaken by the Attorney General's Office through a process mutually agreed upon between POST and the Attorney General's Office. This process would include distribution to supervisors and managers in all "regular" law enforcement agencies and to the 32 POST-certified basic academies. It will include an evaluation component to determine the Sourcebook's value and usefulness. It is anticipated that the evaluation would require one year following initial publication.

The estimated cost for development and distribution is as follows:

Attorneys	- 6 months	\$ 30,000 (DOJ)
Coordination	- 3 months	13,000 (DOJ)
Publication (binders, tabs & printing)		35,000 (POST)
Collation, packaging and handling		500 (POST)
Freight and mailing		<u>4,500 (POST)</u>
Total:		\$ 83,000

Of this \$83,000, the Attorney General will contribute the cost of development (\$43,000). POST reimbursement is sought only for the cost of printing and original distribution (\$40,000).

Following original distribution, the estimated annual cost for timely revision as necessary is as follows:

Attorneys	- 3 months	\$ 15,000 (DOJ)
Coordination	- 3 months	13,000 (DOJ)
Printing		1,600 (undecided)
Mailing		<u>400 (undecided)</u>
		\$ 30,000



Of this \$30,000, the Attorney General agrees to contribute the cost of updating the material (\$28,000). However, whether the annual cost of printing and distributing these revisions (\$2,000) will be paid by the Attorney General's Office or by POST has not yet been decided.

Due to Section 28 of the Budget Act requiring augmentations for unbudgeted expenditures by State General Fund Agencies, it is desirable that POST pay Corrections Industries and the Office of State Printing directly for binders, tabs and printing rather than transferring funds between state agencies.

RECOMMENDATION:

It is recommended that the Commission provide authorization to fund the cost of binders, tabs, printing, and original distribution of 5,000 copies of the California Peace Officers Legal Sourcebook at a cost not to exceed \$40,000, with the understanding that the Attorney General's Office will provide timely revision, evaluation, and distribution of all updates in accordance with a plan mutually agreed upon by POST and the Attorney General.

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