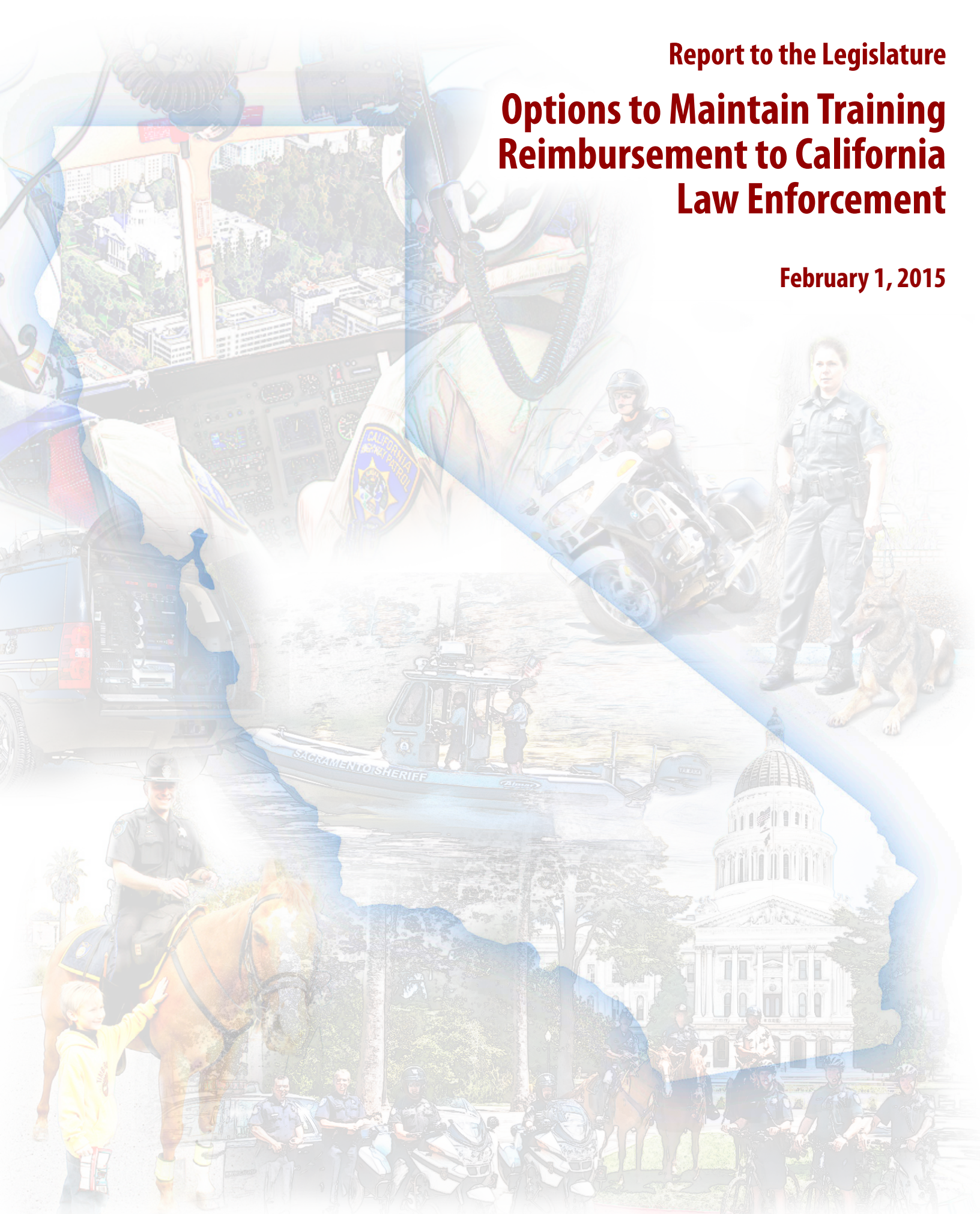
Report to the Legislature

Options to Maintain Training Reimbursement to California Law Enforcement

February 1, 2015



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Introduction

The mission of the California Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California law enforcement in serving its communities. POST was created by the Legislature in 1959 and derives its authority from Penal Code Section 13500, et seq.

POST is responsible for establishing and maintaining selection and training standards for peace officers and public safety dispatchers. It is charged with raising the level of competence of state and local law enforcement officers whose agencies participate in the POST program. Requirements established by the POST Commission apply to cities, counties, joint powers authorities and districts that receive state aid from the Peace Officers' Training Fund.

Senate Bill 852: Budget Act of 2014 was approved by Governor Brown on June 20, 2014. The below language was notated in the Budget Act of 2014: 8120-101-0001 Provision 1.

> *"Not later than February 1, 2015, the Commission on Peace Officer Standards and Training shall submit to the chairpersons of the committees and appropriate subcommittees that consider the State Budget options to maintain training reimbursement costs in future years."*

This report is intended to assist the Legislature's budget committees and subcommittees as they consider POST's budget and allocation for training reimbursement to local law enforcement agencies.

POST Overview

The POST organization is divided in three divisions and eight bureaus with 123 authorized positions in service to California law enforcement. POST serves 605 law enforcement agencies and 90,000 law enforcement personnel.

POST is responsible for establishing and maintaining peace officer and public safety dispatcher selection standards. Individuals that want to become peace officers or dispatchers must successfully pass an entry level exam based on a job task analysis developed and maintained by POST. The selection standards must be continually evaluated in order to ensure those wanting to become peace officers or dispatchers in California meet criteria to be successful in the academy and ultimately competent in the communities they serve. POST provides guidance to local agencies for selection standards with the POST developed *Background Investigation Manual, Medical Screening Manual for Califonia Law Enforcement,* and *Psychological Screening Manual*s.

POST staff is responsible for the development and maintenance of mandated basic entry level training to become a peace officer or public safety dispatcher in California. Staff ensures consistency and standardization among the state's 39 law enforcement academies. Curricula consisting of 42 topics such as use of force and cultural diversity is reviewed and updated twice a year. Staff is also responsible for auditing law enforcement academies to ensure adherence to statutory and regulatory requirements and to identify any safety issues that could cause harm to participating trainees. Additionally, there are several other peace officer basic training courses that POST is required to statutorily develop and maintain (e.g., Aviation Security Course, Campus Law Enforcement Course, Specialized Investigator Basic Course, PC 832 Arrest and Firearms Course, Coroner's Death Investigation Course and Investigation and Trial Preparation Course).

POST maintains over 4,000 certified training courses and is regulatorily required to review course content to ensure law enforcement training meets POST's high standards in terms of course content, student safety and instructor quality. The curriculum covers a wide variety of topics necessary to satisfy statutory and regulatory mandates and meet identified training needs. Peace officers and dispatchers are required to complete 24 hours of continuing professional training every 2 years. Ten staff members work with 605 law agencies through a yearly audit process to ensure all agencies are adhering to statutory and regulatory hiring and training standards. This is a mandated function required by Penal Code Section 13512.

POST is responsible for advanced training of law enforcement instructors, supervisors, managers and executives. Courses mandated within this program include: Supervisory Course, Management Course, Executive Development Course, the Instructor Development Institute, Supervisory Leadership Institute, Command College and the oversight of 22 Regional Skills Training Centers throughout the state. Another specialty program in this area is the Institute of Criminal Investigation which ensures excellence in the area of criminal investigations. This program is mandated as described in Penal Code Section 13519.9(a).

Pursuant to Penal Code Section 13513, POST conducts organizational studies requested by law enforcement agencies to assess efficiency in law enforcement management and operations. Staff also conducts feasibility studies of agencies wanting peace officer powers or a higher level authority as required in Penal Code Sections 13540-13542. These studies are submitted to the Legislature for review and determination of whether to grant or elevate peace officer authority.

POST is responsible for all POST self-paced, on-line training courses. These on-line training courses assist agencies in maintaining POST mandated continuing professional training without disruption to community safety as a peace officer is still available to respond to calls for service. These distance learning courses are available to agencies 24 hours a day, 7 days a week to provide training without incurring the cost of traveling to an off-site location. POST produces and distributes facilitated training videos that provide contemporary training for agencies to be used as their schedules permit.

POST is responsible for developing and certifying courses that meet identified training needs and by assisting law enforcement agencies in providing necessary training and career development programs to their officers and dispatchers. POST assesses training on a continuing basis to ensure that emerging regional needs are addressed. The curricula cover a wide variety of topics necessary to satisfy statutory and regulatory mandates, maintain competency in police work, and address the training needs of law enforcement agency personnel. Curricula content is regularly updated.

In addition, POST develops and makes available guidelines in such areas at Human Trafficking, Child Abuse, Sexual Assault, Crowd Management, and Vehicle Pursuits.

POST works collaboratively with the Administration and law enforcement stakeholders to develop and maintain legislatively mandated training to ensure California law enforcement receives current and contemporary training to assist them in successfully serving their communities.

Peace Officers' Training Fund

Penal Code Section 13520 describes the creation of the Peace Officers' Training Fund (POTF). It states that the fund is appropriated, without regard to fiscal years, exclusively for costs of administration and for grants to local governments and districts. Penal Code Section 13523 describes the Commission's responsibility to allocate funds from the POTF to cities, counties, districts and joint powers authorities. The POTF is funded by the State Penalty Fund which receives its revenue from assessments on specified fines, penalties, and forfeitures imposed and collected by the courts and counties.

POST encourages and assists local law enforcement agencies to meet and maintain minimum standards in the selection and training of law enforcement officers by providing financial assistance to all 58 counties, approximately 346 cities, specialized districts and joint powers authorities which have agreed to meet the Commission's standards. POST provides financial reimbursement to participating agencies for instructional costs associated with attendance of selected training courses. Reimbursement is also provided for the cost of student travel and per diem expenses associated with training presentations and for necessary overtime to enable line officers to attend in-service training (backfill).

The annual POTF revenue has fallen from $55.8 million to $42.6 million between FY 2007-08 and FY 2014-15. This significant decrease caused POST to initiate a cost savings reduction plan that included a reduction in training reimbursements beginning in January 2014. While revenue has decreased, the number of reimbursable students throughout the state has averaged 38,000 from FY 2011-12 through FY 2013-14. As the economy continues to improve, POST anticipates that the number of reimbursable students will continue to increase.

POST Budget

POST's budget is divided into two main accounts:

1. The State Operations Account and
2. The Local Assistance Account.

The State Operations Account includes all staff salaries, facility rent, administrative overhead, and contracts (training and administrative). The Local Assistance Account is that from which all training reimbursement is paid to law enforcement agencies. From FY 2010-11 to FY 2013-14 POST's average expenditures totaled $53.1 million for both accounts.

Due to the decline of POTF revenues previously referenced, the 2014 Budget included a limited-term reduction plan, which ends June 30, 2015 and is expected to achieve annual savings of $6.6 million. The plan included suspending certain training cost reimbursements, reducing contracts, and postponing some symposia, workshops, and seminars conducted by the Commission. The 2014 Budget also includes a one-time augmentation to the Commission's budget of $3.2 million from the state's General Fund that allowed POST to reinstate some training reimbursement.

The Governor's Proposed FY 2015-16 Budget

On January 9, 2015, the Governor released his proposed state budget for FY 2015-16.

As it relates to POST, the Administration is proposing two strategies to address the insufficient funds available in the POTF. The first is an 18-month outstanding debt amnesty program that would authorize those individuals with past due court-ordered debt prior to January 1, 2013, to pay the delinquent debt at a 50% reduction. The Administration is projecting revenue into the POTF to increase by $10 million due to this amnesty program. The second proposal would reduce the Commission's State Operations Account by $5.3 million in FY 2015-16. The effect of both activities is projected to provide a $3.6 million reserve in FY 2015-16.

The decrease of $5.3 million translates into a 30% decrease in POST's authorized positions. Currently, POST has 123 authorized positions. The FY 2015-16 proposed budget decreases the authorized positions to 86. This reduction coupled with the debt amnesty program allows POST to end the FY 2014-15 limited-term reduction plan, which fully restores training contracts and training reimbursement to prior levels.

To the extent the proposed reduction ultimately eliminates positions, there would be significant decreases in POST's training programs and services. The potential impact to law enforcement agencies is the lowering of selection and training standards due to an inability to direct sufficient resources to effectively audit and manage the regional training needs of 605 law enforcement agencies and 90,000 law enforcement personnel in a current environment that is demanding more training for law enforcement.

At this time, details about the $5.3 million reduction are limited and more information will be forthcoming. As the budget process continues, efforts will be made to ensure fiscal responsibility and cost savings while maintaining critical, high-quality training programs and reimbursements to California law enforcement.

Options to Maintain Training Reimbursements

Option 1: The State Operations Account could be reduced in the area of training contracts (8120-011-0268). Training contracts assist in keeping POST developed training courses accessible throughout the state. Each contract allows for a specific number of presentations of relevant training courses to be presented throughout the state. The number of presentations of each course could be reviewed, with stakeholder input, to assess the impact of decreasing the total number of presentations offered.

Option 2: POST could review its reimbursement structure in conjunction with POST's course certification regulations. There are currently over 4,000 POST certified training courses available to agencies to meet statutory and regulatory training requirements and meet ongoing regional training needs. Reimbursement varies by course and reimburses agencies for a combination of tuition, travel, per diem and backfill. POST has initiated a review of course certification regulations and will be reviewing the reimbursement structure once the course certification regulations are finalized.

Option 3: If the revenue into the State Penalty Fund continues to decline and a permanent solution is not found to assist the Commission, an option would be to consider an allocation from the state's General Fund in order to maintain training reimbursement.

The ultimate goal is to maintain local assistance funding to assist California law enforcement agencies in ensuring peace officers and dispatchers continue to receive current and contemporary training to assist them in maintaining the safety of the communities they serve.

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