Commission on Peace Officer Standards and Training

COMMISSION MEETING AGENDA

Friday, May 27, 1977 Time: 10 a.m. to 5 p.m.
Hilton Inn, 1000 Aguajito Road
Monterey, California
(408) 373-6141

A. OPENING OF MEETING

1. Roll Call
2. Introduction of Guests

B. APPROVAL OF MINUTES, March 25, 1977, regular meeting — Action

C. CONSENT CALENDAR -- Approval of Agenda

All issues may be acted upon in one motion. However, any item may be placed on the regular agenda by request of a Commissioner.

1. Quarterly Financial Report -- Third Quarter, F.Y. 1976/77 — Information

Financial projections presented in the staff's report of 12/8/76 (Stabilization of Salary Reimbursement Rate) are on target. During the 1st nine months, revenue was up 6.8%; reimbursements increased by 5%, and the number of people trained was 19% greater than the final period last fiscal year.
Note: The number of basic trainees, as anticipated, is down 23%.

2. Course Certification/Decertification/Modification Report — Information

There have been 15 certification actions since the March 25 Commission meeting, as set forth on the enclosed report.

3. Commission Policy — Action

A report on the policy action taken by the Commission at the March 25 meeting, Recommend approval.

4. Resolution for Out-Going Advisory Committee Member — Action

Mr. Bert Ritchey, public member from San Diego, has served on the Advisory Committee since 1972. It is recommended the enclosed resolution be suitably prepared and presented to him.

5. Modification of Commission Procedure G-1 of Administrative Manual — Action

Recommend approval of added language to bring the PAM and Commission policy into agreement regarding general survey requirements.

CONSENT CALENDAR - cont.

6. Correspondence Received — Information

- Chief William Kinney, Sacramento Police Department, thanking the Commission for retirement award.

-- END OF CONSENT CALENDAR --

D. BUDGET REPORT -- F.Y. 1977/78 — Information/Action

Enclosed is a report on the status of the POST 1977/78 budget which is proceeding through the Legislative Committee process. Also included in the report is a resolution from the Senate Finance Committee which will require POST to conduct a study on police officer traffic accidents.

E. DEPARTMENT OF FINANCE STUDY OF POST PROGRAM — Information/Action

The Commission agreed to review the study in greater detail at this meeting. Enclosed is a staff report addressing the significant points and a report from Attorney Elizabeth Hong relative to the issue of proportionate reimbursement of the Peace Officer Training Fund.

F. LIFE EXPERIENCE DEGREE PROGRAM — Action

At the March Commission meeting, it was decided to review the policy adopted on January 21, 1977, which established the number of units of credit, based upon experience, that may be adopted for the award of certificates.

G. DEFINITION OF A PEACE OFFICER -- PORAC Resolution — Action

The Commission requested a staff report regarding PORAC's Resolution requesting POST to coordinate efforts of professional peace officer organizations in the development of an operational definition of peace officer. The enclosed report provides results of the staff analysis together with recommendations for further study.

H. SELECTION STANDARDS VALIDATION PROJECT REPORT — Information

Commissioner Grogan, Committee Chairman, will report on the results of the Problem-Solving Seminar on April 13 in Los Angeles.

I. ADA COMMITTEE REPORT — Action

Commissioner Gates, Chairman of the ADA Committee, will present the Committee's recommendations adopted at the April 12, 1977 Committee meeting.

J. LEGISLATIVE COMMITTEE REPORT — Information/Action

1. Commissioner Ellingwood, Chairman of the Legislative Review Committee, will report the results of the May 9, 1977, POST Problem-Solving Seminar on Mandatory Certification.

2. Commissioner Ellingwood will also present a number of bills to be reviewed for action and give a status report on legislation of interest to the Commission.

K. CONTRACT -- California State, Northridge - Management Course — Action

Enclosed is a contract request by Cal State, Northridge, for five offerings of the POST Management Course for F.Y. 1978/79.

L. C.S.T.I. (California Specialized Training Institute) Report — Information

The Executive Director will present an oral report on the progress of the alternate funding system for the Institute.

M. C.A.D.A.'s (California Academy Directors' Association) Proposed Basic Academy Standards — Action

The enclosed recommendation from C.A.D.A. would set standards for POST basic academies.

N. OLD/NEW BUSINESS

P. FUTURE COMMISSION MEETING SCHEDULE

July 29	-	Sacramento, Host Airport Hotel
October 13-14	-	Palm Springs, Riviera Hotel (joint with Advisory Committee)
December 9	-	Sacramento, Host Airport Hotel

Q. ADJOURNMENT

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

March 25, 1977
Host Airport Hotel, Sacramento

The meeting was called to order at 10 a.m. by Chairman Anthony. A quorum was present.

Commissioners present:

William J. Anthony	- Chairman
Loren Enoch	- Commissioner
Robert F. Grogan	- Commissioner
Luella K. Holloway	- Commissioner
Jacob J. Jackson	- Commissioner
Edwin R. McCauley	- Commissioner
Louis L. Sporrer	- Commissioner
Herbert E. Ellingwood	- Representative of the Attorney General

Commissioners excused:

Brad Gates
William B. Kolender
Donald F. McIntyre

Staff present:

William R. Garlington	- Executive Director
Dave Allan	- Bureau Chief, Management Services
Ron Allen	- Bureau Chief, Standards & Training
Bradley Koch	- Director, Standards & Training
Otto Saltenberger	- Director, Administration
Gerald Townsend	- Director, Executive Office
George Williams	- Bureau Chief, Administration
Imogene Kauffman	- Commission Secretary

Visitors:

Hal Becker	- C.S.U., Long Beach, Center, Public Safety
Les Clark	- Sacramento Training Center
Ken Cook	- POST Council, Georgia
Bob DeChance	- San Joaquin County Sheriff's Dept.
Roberta Doran	- Women Peace Officers' Association
Jim Ferguson	- State Controller's Office

Visitors - cont.

Colonel L. O. Giuffrida	- California Specialized Training Institute
Peter Jensen	- Assembly Criminal Justice Committee
Robert H. Johnson	- University of San Francisco
George Lotz	- Sacramento Sheriff's Department
Bob Lowe	- POST Council, Georgia
Jack McArthur	- Modesto Regional Criminal Justice Training Center
Joe McKeown	- Chairman, California Academy Directors Association, Los Medanos College
Martin J. Mayer	- League of California Cities
Donald L. Meyers	- Department of Justice, Advanced Training Center
Bob Murkerson	- San Diego Sheriff's Department, Training Academy
Jerry O'Brien	- Academy of Defensive Driving
Mike O'Kane	- Sacramento Police Department
Jack Pearson	- P.O.R.A.C. Representative
Mike Rice	- San Diego Police Department
Larry Roskens	- Modesto Regional Criminal Justice Training Center
D. R. Spencer	- Executive Officer, C.H.P. Academy
Louis Sobaszkiewicz	- San Joaquin County Sheriff's Department
Raul Ramos	- Orange County Sheriff's Department
Ralph Woodworth	- Chief Deputy, Riverside County Sheriff's Department

A. Opening of Meeting

B. Approval of Minutes, January 20-21, 1977, regular meeting

A correction was requested by Commissioner Grogan that the action on Life Experience Program, p. 13 of the minutes, reflect his opposition to the Life Experience Program, but approving the recommendations as they would put some controls on the program until further information was presented at a future meeting.

MOTION - Jackson, second, Sporrer, motion carried for approval of the January 20-21, 1977, minutes with inclusion of the amendment as requested by Commissioner Grogan.

C. Consent Calendar

There was consensus that the Consent Calendar required no discussion, and all issues were acted upon in one motion.

Consent Calendar - cont.

MOTION - Grogan, second - Enoch, carried unanimously for approval of the Consent Calendar as follows:

1. Budget Report, F.Y. 1977/78

   Report submitted with staff's suggested response to the Legislative Analyst's recommendation to reduce POST's budget by $50,000 to delete funding of one assistant director and one senior stenographer position.

2. Course Certification

   a. Investigation and Prosecution of Organized Crime in Pornography - DOJ Advanced Training Center

   b. Homicide Institute - Rio Hondo College

   c. Special Problems in Jail Custody - CSU, San Jose

3. POST Objectives for 1977

   The submitted report listed a number of objectives developed by staff which gave direction to the use of energies in accomplishing the mission and goals of the organization.

4. Course for Law Enforcement Spouses

   A report proposed that staff prepare course presentations with lesson plans which may be put on by local jurisdictions.

5. Agencies Not in Conformance with POST Regulations

   An informational report.

6. San Francisco Police Department General Survey

   The agreement between the Police Commission and POST and copies of letters sent to the Mayor of San Francisco and the Board of Supervisors informing them of the request for the survey and the procedure that would be followed were presented to the Commission.

7. Commission Policy

   A report on the policy actions taken by the Commission at the January 20-21 meeting.

D. California Specialized Training Institute - Interagency Agreement Request

In response to the request of the California Specialized Training Institute for 1977/78 funding, the Commission directed, at the January 1977 meeting, that an evaluation be made of the courses offered and a fiscal audit be conducted by the Controller's Office, which were presented to the Commission.

Lieutenant George Lotz addressed the Commission on behalf of Sheriff Duane Lowe, Sacramento County, to state that Sheriff Lowe requested to go on record as being supportive of the training at C. S. T. I. and to encourage the Commission to approve the funds necessary.

> MOTION - Ellingwood, second - Grogan, motion carried (Noes: Jackson and Enoch) for approval of the request of C. S. T. I. for $360,000 for F. Y. 1977/78, with the stipulation that by March of 1978, POST staff and C. S. T. I. administration attempt to design an alternate funding system, minimum of which would be a tuition reimbursement system for funding for F. Y. 1978/79.

It was stated by Colonel L. O. Giuffrida, Director of C. S. T. I., that any portion of the $360,000 that was not used would be returned to POST.

It was directed by the Chairman that a progress report on the alternate funding system be presented at each Commission meeting.

E. Labor Management Course Certification Alternatives

> MOTION - Sporrer, second - Enoch, carried unanimously, as follows:
>
> The Commission will not certify courses which train "management" and/or "employees" in labor negotiations, but treat certification requests for labor management as any other course.

F. Standards Validation Committee Report

Commissioner Grogan, Chairman of the Standards Validation Committee, reported that the Committee will host a Problem Solving Seminar on April 13 at the Sheraton - West Hotel in Los Angeles. Participation will be representatives of the largest law enforcement agencies and the personnel officers and legal counsels of those agencies.

The Executive Director reported that in a telephone conversation on March 24 with Lewis Taylor, Special Assistant of the Office of the Administrator, L. E. A. A., Washington, D. C., he was assured that as soon as the new L. E. A. A. Administrator is appointed, the validation proposal will be approved.

G. Advisory Committee Report

Glen Fine, Executive Secretary for the Advisory Committee, reported on the following issues for which specific recommendations were made by the Committee at their meeting on March 3-4, 1977:

ADA Issue:

MOTION - Ellingwood, second - Grogan, carried unanimously that the Commission introduce a "spot bill" in support of, in essence, the Advisory Committee's recommendations, as follows:

1. Generally support the open enrollment concept for ADA funded academies.

2. Develop a standardized evaluation test for basic academy graduates.

3. Introduce legislation this year to (a) require preferential enrollment for employed officers; (b) allow formal screening of applicants for admission to the basic academy based on local advisory board's rules; and (c) resolve the "out-of-district cost" problem by requiring district of residence to pay ADA to district of attendance.

The intricacies of the subject matter of the spot bill will be addressed following the next meeting of the ADA Committee during the first part of April. It was felt advisable this meeting should include a mix of the ADA and Legislative Committees members.

Commissioner Sporrer requested, and it was so directed by the Chairman, that the Advisory Committee be guided to review only those issues on which the Commission has not already taken action, and submit their recommendations before the Commission acts on issues.

Employee Relations Seminars:

The recommendations of the Advisory Committee were considered in the discussion by the Commission of the Labor Management Course, page 4.

Life Experience Degree Programs:

It was reported the Advisory Committee supports the policy adopted by the Commission at the January meeting.

Advisory Committee Report - cont.

Reimbursement Policy - Civilian Employees Attending Basic Course:

Captain O'Kane, Sacramento Police Department, addressed the Commission in support of reimbursement for the Community Service Officer program.

MOTION - McCauley, second - Jackson, motion carried (Noes: Enoch and Grogan) that the Commission adopt the recommendation of the Advisory Committee, amended to read as follows:

On a two-year trial period (until March 25, 1979) the employing agency may claim reimbursement for attendance at the Basic Course by paraprofessionals if and when those employees are appointed as a police officer or deputy sheriff. Only the agency which employed the paraprofessional employee can claim this subsequent reimbursement. During this period, such claims will be exempt from the time limitation for submission of claims as set forth in POST regulations.

Public Member Appointment To Advisory Committee:

MOTION - McCauley, second - Holloway, carried unanimously that upon his retirement Chief William Kinney be re-appointed to the Advisory Committee as a public member.

H. Legislative Review Committee Report

1. Commission's Rules of Order and Procedure

MOTION - Ellingwood, second - Jackson, carried unanimously for adoption of the Commission's Rules of Order and Procedure, amending Section 4.02 to read:

4.02 Voting

Except as otherwise provided by law:

a. A majority of the Commission shall constitute a quorum.

b. A Commissioner abstaining from voting on an issue has forfeited the right to vote, and it shall not be counted.

c. The vote of a number necessary to constitute a quorum of the members of the Commission shall be necessary to adopt any resolution or motion.

Advisory Committee Report - cont.

2. Proposed POST Seminar on Mandatory Certification

MOTION - Ellingwood, second - Jackson, carried unanimously, for approval of the recommendation of the Legislative Committee that POST sponsor a Problem Solving Seminar, under the direction of the Legislative Review Committee, to examine mandatory certification of peace officers and related issues, extending the sponsorship to all interested organizations (C. P. O. A., State Sheriffs' Association, P. O. R. A. C., California Police Chiefs Association, C. S. A. C., League of California Cities, etc.).

It is to be stressed the purpose of the seminar is informational and implies no particular position by the Commission.

3. Current Legislation

A. B. 192: Medical and Psychotherapy Records -- Confidentiality

MOTION - Ellingwood, second - Sporrer, carried unanimously, that POST go on record as opposed to A. B. 192 unless it is amended to exclude law enforcement, and to further provide that law enforcement can obtain records when needed.

S. B. 236: Polygraph Examiners Licensing

The POST Commission will take no position.

A. B. 1068: Administrative Adjudication of Traffic Infractions

MOTION - Ellingwood, second - Jackson, carried unanimously for approval of the recommended amendments to A. B. 1068, as submitted by staff. The amendments make a distinction between fines and penalty assessments so that the P. O. T. F. is not adversely affected.

A. B. 517: Federal Peace Officers -- Powers

MOTION - Grogan, second - Ellingwood, carried unanimously that the Commission oppose A. B. 517 in that the Commission disagrees with that section of the bill that excludes federal law enforcement from the same requirements as California law enforcement.

I. Life Experience Degree Programs

During discussion, opposition was voiced to awarding units for life experience, and Commissioner Enoch made a motion, seconded by Grogan, that the policy adopted by the Commission January 21, 1977, be repealed. Following discussion, Commissioner Enoch withdrew his motion, second concurred, and made a substitute motion, "No more than 10 units of credit shall be awarded for life experience." This motion died for lack of a second.

MOTION - McCauley, second - Jackson, carried unanimously that this matter be held over until the May 27 meeting.

J. Department of Finance Study of POST Program

The Chairman directed that each Commissioner make an effort to study the Department of Finance document, previously mailed, and that this matter be the first item for discussion on the May 27 meeting agenda.

K. Enrollment Increase for Driver Training

MOTION - Jackson, second - Holloway, carried unanimously that up to 500 more slots be allocated for driver training, and that staff be directed to look into the feasibility of other sources for presenting driver training. The Executive Director has the discretion to use the slots to test other alternatives.

L. Definition of a Peace Officer - PORAC Resolution

MOTION - McCauley, second - Enoch, carried unanimously to defer this item until the May 27 meeting. There was Commission consensus that a staff report should be prepared addressing the need for the PORAC request (resolution) and should include staff recommendations.

M. Police Chiefs' Compliance Requirements for a Basic Certificate

MOTION - Holloway, second - Enoch, carried unanimously that the Basic Course Equivalency Examination will be the instrument to be used as a procedure for issuance of a Basic Certificate to Chiefs of Police selected from out-of-state or who have not met California basic requirements for some other reason.

N. Old/New Business

Chairman Anthony stated a call had been received regarding POST's position on the certification/reimbursement of the "POST Management Course", California State University, Northridge. It was reported this is being reviewed and will be on the May 27 meeting agenda.

O. Date and Place of Next Commission Meeting

May 27, 1977, Hilton Inn, Monterey

P. Adjournment

There being no further business, the meeting was adjourned at 4 p.m.

Imogene Kauffman
Commission Secretary

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET		
Agenda Item Title Financial Report - Third Quarter 1976-77 F.Y.		Meeting Date May 27, 1977
Division Administration	Division Director Approval O. H. Saltenberger	Researched By Beverley Clemons
Executive Director Approval W. [illegible]	Date of Approval 5-2-77	Date of Report April 28, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

This report covers the 1976-77 Fiscal Year from July 1, 1976 to March 31, 1977, showing revenue for the Peace Officer Training Fund and expenditures made from the Fund for administrative costs and for reimbursements for training costs to cities, counties, and districts in California. Detailed information is included showing a breakdown of training costs by category of expense, i.e., subsistence, travel tuition and salary of the trainee (Schedule I). Also included is a quarterly summary of reimbursements (Schedule II) made from the Peace Officer Training Fund providing detailed information on:

Reimbursements made for each course category of training
Number of trainees
Cost per trainee
Man-hours of training
Number of training courses presented

REVENUE

Revenue from traffic and criminal fines for the first nine months of the 1976-77 Fiscal Year totalled $9,279,871.73 compared to $8,690,723.00 for the same period 1975-76 Fiscal Year, an increase of $589,148.33 (+ 6.78%). See page 3 showing detail of revenue by month

REIMBURSEMENTS

Reimbursements to cities, counties, and districts during the first nine months of 1976-77 Fiscal Year totalled $4,510,781.19 compared to $4,292,875.83 for the same period 1975-76 Fiscal Year, an increase of $217,905.36 (+ 5.08%). See page 4 showing detail of reimbursement by month.

A total of $757,669.34 has been reimbursed during the first nine months of the 1976-77 Fiscal Year for training occurring in the 1975-76 Fiscal Year. This increases the amount of reimbursement paid for 1975-76 Fiscal Year training to a total of $7,485,913.23.

75/76 Reimbursement as of 6/30/76 F.Y.	$6,728,243.89
75/76 Training paid in 76/77 F.Y.	757,669 34
	$7,485,913.23

Utilize reverse side if needed

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER TRAINING FUND
BALANCE STATEMENT

Accumulated Surplus July 1, 1976		$1,690,515.04	
Revenue - July 1, 1976 through March 31, 1977		9,391,338.27	
Total Resources			$11,081,853.31
Expenditures			
Administrative Costs		1,706,671.98	
Aid to Local Governments			
Reimbursement for Training	$4,510,781.19		
Contractual Services	422,994.68		
Total Aid to Local Governments		4,933,775.87	
Total Expenditures			6,640,447.85
Accumulated Surplus March 31, 1977			$ 4,441,617.47

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER TRAINING FUND
REVENUE STATEMENT

The following is a breakdown of the revenue for July 1, 1976 to March 31, 1977:

Accumulative Surplus, 7-1-76	$ 1,690,515.04
Sale of Documents	2,571.91
Escheat on Unclaimed Warrants	1,361.76
Surplus Money Investment Fund	107,532.87
Traffic Violations	6,474,249.36
Criminal Violations	2,805,622.37
Total Revenue	$11,081,853.31

The following shows the amount of revenue for traffic and criminal fines for the first nine months of the 1976-77 Fiscal Year.

Month	Traffic	Criminal	Total
July	$ 665,264.92	$ 320,646.24	$ 985,911.16
August	717,704.14	300,141.18	1,017,845.32
September	733,551.89	336,677.01	1,070,228.90
October	734,398.70	320,037.51	1,054,436.21
November	517,685.32	211,217.79	728,903.11
December	864,982.75	377,132.78	1,242,115.53
January	672,767 48	259,088.21	931,855.69
February	726,600.61	311,036.12	1,037,636.73
March	841,293.55	369,645.53	1,210,939.08
Total First 9 Months	$6,474,249.36	$2,805,622.37	$9,279,871.73

REIMBURSEMENTS - BY MONTH		Commission On Peace Officer Standards and Training Administration Division - Claims Audit Section		
MONTH	1974-75	1975-76	1976-77	TOTAL
July		$ 328,367.96	$ 16,293.92	$ 344,661.88
August		303,883.86	192,006.92	495,890.78
September		102,778.34	196,578.64	299,356.98
October		6,743.19	343,659.37	350,402.56
November		17,786.79	254,263.28	272,050.07
December		2,774.43	1,159,024.24	1,161,798.67
January		0	688,683.59	688,683.59
February		0	684,236.63	684,236.63
March		117.75	960,488.74	960,606.49
April				
May				
June				
Total Before Adjustments		762,452.32	4,495,235.33	5,257,687.65
Adjustments on Prior Reimb.		(+) 628.37	(+) 42,520.07	(+) 43,148.44
Audit Adjustments by Controller		(-) 5,411.35	(-) 26,974.21	(-) 32,385.56
Total After Adjustments		757,669.34	4,510,781.19	5,268,450.53

REIMBURSEMENT BY CATEGORY OF EXPENSE

FROM PEACE OFFICER TRAINING FUND

STATE OF CALIFORNIA - DEPARTMENT OF JUSTICE

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

To Date For 1976-77 Fiscal Year

Schedule I

MONTH March 1977

PREPARED BY: ADMINISTRATION DIVISION - CLAIMS AUDIT SECTION

COURSE CODE	MANDATED COURSES		SUBSISTENCE	%	TRAVEL	%	TUITION	%	SALARY	%	TOTAL	%
1001	Basic Course	Total This Month	69,015.43		11,988.39				431,092.86		512,096.68	
		Previous Months	251,265.05		52,089.52				1,223,148.77		1,526,503.34	
		Total To Date	320,280.48	16	64,077.91	3			1,654,241.63	81	2,038,600.02	45
2001	Advanced Officer Course	Total This Month	11,692.83		7,106.58				191,727.93		210,527.34	
		Previous Months	62,642.04		25,739.27				541,889.41		630,270.72	
		Total To Date	74,334.87	9	32,845.85	4			733,617.34	87	840,798.06	19
3001	Supervisory Course	Total This Month	6,843.81		3,734.97				26,328.11		36,906.89	
		Previous Months	40,548.70		10,248.82				115,534.80		166,332.32	
		Total To Date	47,392.51	23	13,983.79	7			141,862.91	70	203,239.21	5
4001	Middle Management Course	Total This Month	9,266.60		2,105.25		7,721.00		16,232.54		35,325.39	
		Previous Months	51,956.71		10,553.73		45,755.00		123,447.65		231,713.09	
		Total To Date	61,223.31	23	12,658.98	5	53,476.00	20	139,680.19	52	267,038.48	6

COURSE CODE	COURSE CATEGORY		SUBSISTENCE	%	TRAVEL	%	TUITION	%	SALARY	%	TOTAL	%
1000	Basic Training	Total This Month										
		Previous Months	654.89		124.20						779.09	
		Total To Date	654.89	84	124.20	16					779.09	0
2000	Advanced Officer	Total This Month										
		Previous Months										
		Total To Date										
3000	Supervision	Total This Month	607.41		160.35						767.76	
		Previous Months										
		Total To Date	607.41	79	160.35	21					767.76	0
4000	Management Training	Total This Month	6,065.30		2,211.47		7,903.75				16,180.52	
		Previous Months	24,957.92		13,235.77		25,809.31				64,003.00	
		Total To Date	31,023.22	39	15,447.24	19	33,713.06	42			80,183.52	2
5000	Executive and Administrative	Total This Month	6,921.72		1,685.63		4,816.75				13,424.10	
		Previous Months	19,808.63		8,313.33		19,655.00				47,776.96	
		Total To Date	26,730.35	44	9,998.96	16	24,471.75	40			61,201.06	1
6000	Field Operations	Total This Month	32,340.51		9,668.61		7,243.50				49,252.62	
		Previous Months	196,045.62		62,538.49		62,474.46				321,058.57	
		Total To Date	228,386.13	62	72,207.10	19	69,717.96	19			370,311.19	8
7000	Traffic	Total This Month	3,706.50		1,736.01		1,530.00				6,972.51	
		Previous Months	28,031.03		9,541.83		28,379.95				65,952.81	
		Total To Date	31,737.53	44	11,277.84	15	29,909.95	41			72,925.32	2
8000	Driver Training	Total This Month	2,210.87		1,127.65		19,950.64				23,289.16	
		Previous Months	26,481.31		18,156.07		150,665.90				195,303.28	
		Total To Date	28,692.18	13	19,283.72	9	170,616.54	78			218,592.44	5

REIMBURSEMENT BY CATEGORY OF EXPENSE

FROM PEACE OFFICER TRAINING FUND

To Date For 1976-77 Fiscal Year

STATE OF CALIFORNIA - DEPARTMENT OF JUSTICE

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MONTH March 1977

PREPARED BY: ADMINISTRATION DIVISION - CLAIMS AUDIT SECTION

COURSE CODE	COURSE CATEGORY		SUBSISTENCE	%	TRAVEL	%	TUITION	%	SALARY	%	TOTAL	%
9000	Criminal Investigation	Total This Month	14,377.83		4,255.49		3,649.00				22,282.32	
		Previous Months	80,027.39		19,635.96		21,978.50				121,641.85	
		Total To Date	94,405.22	65	23,891.45	17	25,627.50	18			143,924.17	3
10000	Criminalistics	Total This Month	915.63		883.96						1,799.59	
		Previous Months	567.15		482.22						1,049.37	
		Total To Date	1,482.78	52	1,366.18	48					2,848.96	0
11000	Intelligence Operations	Total This Month	4,641.87		1,304.81						5,946.68	
		Previous Months	33,073.73		9,342.17						42,415.90	
		Total To Date	37,715.60	78	10,646.98	22					48,362.58	1
12000	Juvenile	Total This Month	1,545.72		854.11		1,403.00				3,802.83	
		Previous Months	18,977.91		4,786.06		6,923.50				30,687.47	
		Total To Date	20,523.63	60	5,640.17	16	8,326.50	24			34,490.30	1
13000	Personnel	Total This Month	1,145.11		799.00		2,125.00				4,069.11	
		Previous Months	3,542.54		3,139.12		7,203.75				13,885.41	
		Total To Date	4,687.65	26	3,938.12	22	9,328.75	52			17,954.52	0
14000	Communications	Total This Month	1,269.25		364.20						1,633.45	
		Previous Months	7,511.35		2,851.60		2,613.75				12,976.70	
		Total To Date	8,780.60	60	3,215.80	22	2,613.75	18			14,610.15	0
15000	Training	Total This Month	2,728.19		898.93		1,428.50				5,055.62	
		Previous Months	15,729.43		8,748.88		5,122.00		166.00		29,766.31	
		Total To Date	18,457.62	53	9,647.81	28	6,550.50	19	166.00	0	34,821.93	1
16000	Community Police Relations	Total This Month										
		Previous Months	122.50		226.80						349.30	
		Total To Date	122.50	35	226.80	65					349.30	0
17000	Jail	Total This Month	6,111.52		2,110.40		2,700.00				10,921.92	
		Previous Months	15,672.97		4,320.66		4,657.50				24,651.13	
		Total To Date	21,784.49	61	6,431.06	18	7,357.50	21			35,573.05	1
18000	Language	Total This Month										
		Previous Months	2,430.25		803.87		3,355.00				6,589.12	
		Total To Date	2,430.25	37	803.87	12	3,355.00	51			6,589.12	0
19000	Miscellaneous	Total This Month	115.00		84.25		35.00				234.25	
		Previous Months	575.00		290.85		175.00				1,040.85	
		Total To Date	690.00	54	375.10	29	210.00	17			1,275.10	0

TOTAL FOR MONTH	181,521.10		53,030.06		60,506.14		665,381.44		960,488.74	
TOTAL FOR PREVIOUS MONTHS	880,622.12		265,169.22		384,768.62		2,004,186.63		3,534,746.59	
GRAND TOTAL TO DATE	1,062,143.22	24	318,249.28	7	445,274.76	10	2,669,568.07	59	4,495,235.33	100

POST 1-223 (Rev. 9/76)

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

DISTRIBUTION OF REIMBURSEMENT

During the first nine months of the 1976-77 Fiscal Year, $4,510,781.19 was reimbursed for training. Of this amount $3,349,675.77 (75%) was reimbursed for mandated training and $1,145,559.56 (25%) was reimbursed for training in Technical Courses, the balance of $15,545.86 is for adjustments to prior reimbursement payments.

Basic	$2,038,600.02	45%
Advanced Officer	840,798.06	19%
Supervisory Course	203,239.21	5%
Management Course	267,038.48	6%
Technical Courses	$1,145,559.56	25%
Subtotal	4,495,235.33	100%
Adjustments	+ 15,545.86	
Total	$4,510,781.19	

PERCENT COMPARISON

The following chart shows a percent comparison of reimbursement and training between the first nine months of 1976-77 and the first nine months of 1975-76 Fiscal Years:

	REIMBURSEMENTS			NUMBER OF TRAINEES		
Courses	1975-76	1976-77	% of Chg.	1975-76	1976-77	% of Chg.
MANDATED TRAINING						
Basic	$2,381,830.13	$2,038,600.02	- 14	1520	1166	- 23
Advanced Officer	677,427.32	840,798.06	+ 24	3337	4666	+ 40
Supervisory	212,045.24	203,239.21	- 4	360	319	- 11
Management	240,778.60	267,038.48	+ 11	224	252	+ 13
TOTAL MANDATED COURSES	$3,512,081.29	$3,349,675.77	- 5	5441	6403	+ 18
TECHNICAL TRAINING						
Technical Courses and Seminars	$ 894,165.03	$1,145,559.56	+ 28	4305	5226	+ 21
Net Adjustments	(-) 113,370.49	(+) 15,545.86	-	-	-	
GRAND TOTAL	$4,292,875.83	$4,510,781.19	+ 5	9746	11,629	+ 19

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
1001	Basic	$163,469.92	$697,718.96	1,177,411.14		2,038,600.02	89	415	662		1166	$1836.74	$1681.25	1,778.57		1,748.37	33,975	155,253	251,190		440,418	17	25	18		60
2001	Advanced Officer	70,238.05	338,549.94	432,010.07		840,798.06	408	1893	2365		4666	172.15	178.84	182.67		180.20	15,880	63,674	74,711		154,265	100	139	162		401
3001	Supervisory	808.56	83,808.41	118,622.24		203,239.21	2	143	174		319	404.28	586.07	681.74		637.11	160	12,071	14,774		27,005	4	19	8		31
4001	Middle Management Course	25,106.62	119,108.23	122,823.63		267,038.48	37	110	105		252	678.56	1082.80	1,169.75		1,059.68	3,100	10,697	10,260		24,057	4	8	7		19
	Total All Other Courses	145,256.33	517,761.35	482,541.88		1,145,559.56	704	2338	2184		5226	206.33	221.45	220.94		219.20	31,770	96,066	91,429		219,265	217	308	301		826
	Subtotal	404,879.48	1,756,946.89	2,333,408.96		4,495,235.33	1240	4899	5490		11,629						84,885	337,761	442,364		865,010	342	499	496		1337
	Adjustments to Prior Payments	(-)1,200.88	(+)30,429.40	(+)13,291.55		(+) 42,520.07																				
	State Controller Audit Adjustments	(-)15,997.62	(-)7,897.49	(-) 3,079.10		(-) 26,974.21																				
	Total Reimbursement	387,680.98	1,779,478.80	2,343,621.41		4,510,781.19	1240	4899	5490		11,629						84,885	337,761	442,364		865,010	342	499	496		1337
	* Breakdown of All Courses																									
1000	BASIC TRAINING	163,661.42	698,230.55	1,177,487.14		2,039,379.11	91	418	665		1174	1798.48	1670.41	1,770.66		1,737.12	34,055	155,293	251,310		440,658	55	115	100		270
1001	Basic Course	163,469.92	697,718.96	1,177,411.14		2,038,600.02	89	415	662		1166	1836.74	1681.25	1,778.57		1,748.37	33,975	155,253	251,190		440,418	17	25	18		60
1050	Arrest and Firearms (P.C. 832)	191.50	511.59	76.00		779.09	2	3	3		8	95.75	170.53	25.33		97.39	80	40	120		240	38	90	82		210
2000	ADVANCED OFFICER	70,238.05	338,549.94	432,010.07		840,798.06	408	1893	2365		4666	172.15	178.84	182.67		180.20	15,880	63,674	74,711		154,265	100	139	162		401
2001	Advanced Officer Course	70,238.05	338,549.94	432,010.07		840,798.06	408	1893	2365		4666	172.15	178.84	182.67		180.20	15,880	63,674	74,711		154,265	100	139	162		401
3000	SUPERVISION	808.56	83,808.41	119,390.00		204,006.97	2	143	178		323	404.28	586.07	670.73		631.60	160	12,071	14,934		27,165	4	19	9		32
3001	Supervisory Course	808.56	83,808.41	118,622.24		203,239.21	2	143	174		319	404.28	586.07	681.74		637.11	160	12,071	14,774		27,005	4	19	8		31
3050	Supervisory Update																									
3055	Civilian Supervisory School			767.76		767.76			4		4			191.94		191.94			160		160			1		1
4000	MANAGEMENT TRAINING	29,794.11	155,435.64	161,992.25		347,222.00	67	321	340		728	444.69	484.22	476.45		476.95	3,784	16,024	16,040		35,848	12	18	23		53
4001	Middle Management Course	25,106.62	119,108.23	122,823.63		267,038.48	37	110	105		252	678.56	1,082.80	1,169.75		1,059.68	3,100	10,697	10,260		24,057	4	8	7		19
4050	Supplemental Management Trng.																									
4055	Program Evaluation and Review Techniques		614.55	1,260.02		1,874.57		5	7		12		122.91	180.00		156.21		120	168		288		1			1
4060	Cost Analysis and Budgeting	28.44	83.29	660.82		772.55	1	2	8		11	28.44	41.65	82.60		70.23	24	48	192		264	1	1			2
4062	Field Management Training	577.57	7,170.60	7,323.82		15,071.99	5	51	54		110	115.51	140.60	135.63		137.02	84	1,231	1,172		2,487					

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
4065	Planning, Research and Development	$	$			$						$	$	$		$										
4066	Research and Development		4,937.30	1,469.90		6,407.20		16	5		21		308.58	293.98		305.10		640	200		840		1			1
4067	Research and Design			2,347.58		2,347.58			14		14			167.68		167.68			336		336			1		1
4070	Team Building Workshop	686.84	11,699.64	11,492.43		23,878.91	4	65	65		134	171.71	179.99	176.81		178.20	96	1560	1,552		3,208	4	3	9		16
4075	Middle Management Seminar	3,394.64	11,822.03	14,614.05		29,830.72	20	72	82		174	169.73	164.19	178.22		171.44	480	1728	2,160		4,368	3	4	6		13
4080	Organizational Development Seminar for Police Agencies																									
5000	EXECUTIVE AND ADMINISTRATIVE	3,208.19	28,515.68	29,477.19		61,201.06	13	136	142		291	246.78	209.67	207.59		210.31	316	3936	4,310		8,562	4	11	13		28
5001	Executive Development Course		6,559.36	6,877.21		13,436.57		16	17		33		409.96	404.54		407.17		1280	1,360		2,640		1	1		2
5050	Executive Development Seminar	3,208.19	21,956.32	22,599.98		47,764.49	13	120	125		258	246.78	182.97	180.80		185.13	316	2656	2,950		5,922	4	10	12		26
6000	FIELD OPERATIONS	65,732.46	168,683.23	135,895.50		370,311.19	266	803	620		1689	247.11	210.07	219.19		219.25	12,398	38,132	33,492		84.022	41	51	41		133
6005	Advanced Patrol Special Enforcement Training																					1				1
6010	Analysis of Urban Terriorist Activities		2,493.81	4,686.72		7,180.53		8	11		19		311.73	426.07		377.92		640	880		1,520		2	3		5
6020	Boating Safety and Enforcement			654.79		654.79			3		3			218.26		218.26			120		120			1		1
6030	Breathalyzer Course																									
6040	Civil Emergency Management	3,042.63	5,705.29	10,048.99		18,796.91	19	29	47		95	160.14	196.73	213.81		197.86	886	1363	6,202		8,451	1	2	3		6
				139.48		139.48			1		1			139.48		139.48			24		24			1		1
6045	Commercial Enforcement Training		1,704.40			1,704.40		7			7		243.49			243.49		560			560		1			1
6047	Crime Prevention Institute	15,154.43	12,425.94	6,059.83		33,640.20	26	21	10		57	582.86	591.71	605.98		590.18	2,081	1,680	800		4,561	1	1	1		3
6050	Crisis Intervention			1,186.69		1,186.69			9		9			131.85		131.85			360		360	1		1		2
6052	Disaster and Riot Training																									
6053	Evidence Technician																									
6054	Field Evidence Technician	13,432.35	30,471.68	24,612.18		68,516.21	19	52	45		116	706.97	585.99	546.94		590.66	1,980	5,616	4,880		12,476	2	4	2		8
6055	Field Evidence Techniques		1,618.40	142.00		1,760.40		12	1		13		134.87	142.00		135.42		960	80		1,040		1			1

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
6060	Field Command Post Cadre School	$	$			$						$	$	$		$										
6065	Field Training Officer Seminar		1,551.00	162.50		1,713.50		10	1		11		155.10	162.50		155.77		450	45		495		1			1
6066	Field Training Officer School		72.00			72.00		3			3		24.00			24.00		72			72	1	2	3		6
6070	Field Training Officer Course		10,088.06	11,017.11		21,105.17		119	90		209		84.77	122.41		100.99		4294	3436		7,730	3	7	4		14
6075	Law Enforcement Legal Education Program	2,554.04	6,656.50	13,272.87		22,483.41	12	31	54		97	212.84	214.73	245.79		231.79	480	1240	2156		3,876	1	2	1		4
6080	Law Enforcement Legal Education Update	3,978.41	4,116.82	2,650.31		10,745.54	29	25	18		72	137.19	164.67	147.24		149.24	608	540	357		1,505	2	1	1		4
6095	Narcotic Enforcement for Patrolmen	677.65	151.90	312.39		1,141.94	9	9	13		31	75.29	16.88	24.03		36.84	180	180	260		620	6	5	4		15
6100	Officer Survival and Internal Security	11,576.99	50,317.51	36,397.97		98,292.47	66	255	185		506	175.41	197.32	196.75		194.25	3069	11929	8662		23,660	3	5	3		11
6105	Political Violence and Terrorism	5,854.79	17,998.65	9,533.45		33,386.89	33	90	48		171	177.42	199.99	198.61		195.24	1516	4202	2181		7,899	5	3	2		10
6110	Protective Services Operations Briefing	2,034.68	4,665.12	2,306.08		9,005.88	12	34	18		64	169.56	137.21	128.12		140.72	480	1360	680		2,520	3	3	3		9
6115	Protective Services	1,571.68	4,243.11	2,543.97		8,358.76	8	22	14		44	196.46	192.87	181.71		189.97	280	785	920		1,985	1	1	1		3
6120	School Resource Officer	1,509.11	5,396.27	3,651.77		10,557.15	7	28	19		54	215.59	192.72	192.20		195.50	168	695	456		1,319	2	2	2		6
6121	School Resource Officer Institute																					1				1
6125	School Security Course	301.25	3,536.95	1,898.24		5,736.44	2	18	9		29	150.63	196.50	210.92		197.81	94	846	417		1,357	2	2	3		7
6130	Security for Law Enforcement																									
6135	Team Policing Leadership																						2			2
6140	Underwater Search and Recovery																					2				2
6145	Unusual Incident Tactics	196.05	1,099.44	1,684.49		2,979.98	3	10	10		23	65.35	109.94	168.45		129.56	72	240	240		552	1	2	1		4
6150	Workshop on the Mentally Ill	3,848.40	4,370.38	2,933.67		11,152.45	21	20	14		55	183.26	218.52	209.55		202.77	504	480	336		1,320	2	2	1		5
7000	TRAFFIC	6,355.65	38,664.11	27,905.56		72,925.32	38	161	119		318	167.25	240.15	234.50		229.32	1688	7912	5381		14,981	11	10	8		29
7005	Traffic Accident Investigation	3,614.85	9,317.56	8,177.28		21,109.69	34	87	71		192	106.32	107.10	115.17		109.95	1360	3480	2840		7,680	5	3	3		11
7010	Advanced Traffic Accident Investigation		259.00	77.83		336.83		8	4		12		32.38	19.46		28.07		320	160		480		1	1		2
7015	Advanced Accident Investigation																							1		1
7025	Traffic Program Management Institute		4,867.38	9,071.16		13,938.54		14	26		40		347.67	348.89		348.46		616	1116		1,732		1	2		3

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
7030	Speed from Skidmark	$	$ 2,029.26	225.90		2,255.16		19	4		23	$	$ 106.80	$ 56.48		$ 98.05		760	160		920	1	2			3
7050	Motorcycle Training	2,740.80	22,190.91	10,353.39		35,285.10	4	33	14		51	685.20	672.45	739.53		691.86	328	2736	1,105		4,169	5	3	1		9
7055	Motor Officer Training School																									
8000	DRIVER TRAINING	17,142.19	106,201.33	95,248.92		218,592.44	81	418	347		846	211.63	254.07	274.49		258.38	1832	10,002	8,232		20,066	48	59	48		155
8005	Driver Training, Allied Agency	5,295.48	16,442.07	9,761.72		31,499.27	22	72	40		134	240.70	228.36	244.04		235.07	528	1,728	960		3,216	6	5	3		14
8010	Driver Training Program	344.79	78.00	708.48		1,131.27	14	3	7		24	24.63	26.00	101.21		47.14	224	48	128		400	14	12	15		41
8020	Driver Training School		20,639.26	69.60		20,708.86		74	2		76		278.91	34.80		272.49		1,776	16		1,792	9	15	13		37
8030	Advanced Driver Training Program	11,501.92	69,018.00	84,709.12		165,229.04	45	267	298		610	255.60	258.49	284.26		270.87	1080	6,408	7,128		14,616	19	26	17		62
8040	Police Defensive Driving Course		24.00			24.00		2			2		12.00			12.00		42			42		1			1
9000	CRIMINAL INVESTIGATION	21,434.97	53,434.80	69,054.40		143,924.17	103	202	220		525	208.11	264.53	313.88		274.14	7848	11,519	12,282		31,649	19	28	30		77
9001	Criminal Investigation	93.60		3,799.25		3,892.85	3		14		17	31.20		271.38		228.99	120		1,112		1,232	1	2	2		5
9005	Crime Scene Investigation		6,955.66	12,602.47		19,558.13		19	33		52		366.09	381.89		376.12		760	1,360		2,120	3	6	6		15
9006	Physical Evidence Presentation		14,012.96	19,373.12		33,386.08		22	27		49		636.95	717.52		681.35		1440	2,080		3,520	1	4	3		8
9010	Crime Specific																									
9015	Economic Crime Investigation Training	3,927.30	6,186.34	4,691.30		14,804.94	10	16	12		38	392.73	386.65	390.94		389.60	800	1280	960		3,040	3	4	2		9
				1,779.79		1,779.79			10		10			177.98		177.98			360		360			2		2
9020	Investigators School		1,385.32	1,747.69		3,133.01		2	6		8		692.66	291.28		391.63		240	720		960		2	2		4
9025	Practical Investigative Case		106.32			106.32		11			11		9.67			9.67		330			330		1			1
9050	Basic Auto Theft Investigators Workshop			4,050.83		4,050.83			21		21			192.90		192.90			740		740			1		1
9055	Advanced Auto Theft Investigators Workshop			1,660.70		1,660.70			10		10			166.07		166.07			350		350			1		1
9065	Basic Vehicle Theft Investigation		1,058.60			1,058.60		10			10		105.86			105.86		370			370	1				1
9100	Rape Investigation		2,620.54	1,225.61		3,846.15		31	15		46		84.53	81.71		83.61		483	240		723	1	1			2
9125	Sex Crime Investigation	293.60	388.41	395.80		1,077.81	16	9	10		35	18.35	43.16	39.58		30.79	384	216	240		840	1	1	1		3

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
9150	Advanced Investigation for Coroners Cases	$	$ 1,001.40			1,001.40		12			12	$	$ 83.45			83.45		960			960		1			1
9155	Coroners Course																									
9160	Homicide Institute	7,578.40	1,898.72			9,477.12	38	9			47	199.43	210.97			201.64	3760	720			4480	1				1
9210	Basic Narcotic and Dangerous Drugs	870.00	3,684.15	6,865.28		11,419.43	9	21	21		51	96.67	175.44	326.92		223.91	720	1680	1680		4080	2	2	2		6
9225	Narcotics Investigation	8,619.37	14,051.78	9,586.87		32,258.02	25	37	26		88	344.77	379.78	368.73		366.57	1984	2920	2080		6984	3	2	2		7
9230	Narcotics Investigation, Advanced		15.00	37.50		52.50		1	2		3		15.00	18.75		17.50		40	80		120		1			1
9235	Narcotics Investigation, Basic	52.70				52.70	2				2	26.35				26.35	80				80	1				1
9250	Vice School		69.60	463.82		533.42		2	2		4		34.80	231.91		133.36		80	80		160	1	1	2		4
				774.37		774.37			11		11			70.40		70.40			200		200			4		4
10000	CRIMINALISTICS	10.00	655.15	2,183.81		2,848.96	1	11	29		41	10.00	59.56	75.30		69.49	40	436	1158		1634	3	2	4		9
10005	Fingerprints School			840.53		840.53			8		8			105.07		105.07			318		318	1		2		3
10006	Latent Fingerprint School																									
10010	Advanced Latent Fingerprint School	10.00	655.15	1,343.28		2,008.43	1	11	21		33	10.00	59.56	63.97		60.86	40	436	840		1316	2	2	2		6
10025	Advanced Bloodstain Analysis																									
10050	Controlled Substance Analysis																									
10075	Firearms and Toolmark Identification																									
10106	Forensic Microscopy																									
10107	Forensic Alcohol Supervisor																									
11000	INTELLIGENCE OPERATIONS	8,937.32	25,251.83	14,173.43		48,362.58	38	95	61		194	235.19	265.81	232.35		249.29	1949	5052	2928		9929	11	13	11		35
11005	Chief Executive Criminal Intelligence Seminar		328.38	118.50		446.88		5	1		6		65.68	118.50		74.48		80	16		96		1	1		2
11010	Criminal Intelligence Commanders Course	168.55	1,338.95			1,507.50	1	7			8	168.55	191.28			188.44	36	252			288	1	1	1		3
11020	Criminal Intelligence Data Analyst	2,212.49	3,438.29			5,650.78	6	9			15	368.75	382.03			376.72	480	720			1200	4	1	1		6
11030	Criminal Intelligence Data Collector	1,591.20	11,218.55	5,070.56		17,880.31	4	26	13		43	397.80	431.48	390.04		415.82	315	2080	1032		3427	2	3	2		7
11040	Organized Crime Informant Development and Maintenance	45.00	5,541.48	2,973.88		8,560.36	1	29	15		45	45.00	191.09	198.26		190.23	40	1160	600		1800	1	4	3		8
11050	Specialized Surveillance Equip.	4,920.08	3,386.18	6,010.49		14,316.75	26	19	32		77	189.23	178.22	187.83		185.93	1078	760	1280		3118	3	3	3		9

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
12000	JUVENILE	$ 675.61	$ 22,144.71	11,669.98		34,490.30	2	52	33		87	$ 337.81	$ 425.86	$ 353.64		$ 396.44	80	4924	2720		7724	3	5	8		16
12005	Delinquency Control Institute		11,257.49	3,339.93		14,597.42		15	5		20		750.50	667.99		729.87		3470	1600		5070		1			1
12010	Juvenile Justice Update																									
12020	Juvenile Law Enforcement Officer's Training Course	675.61	10,634.44	8,330.05		19,640.10	2	34	28		64	337.81	312.78	297.50		306.87	80	1334	1120		2534	1	1	1		3
12025	Juvenile Officers Course		252.78			252.78		3			3		84.26			84.26		120			120	1		1		2
12040	Juvenile Procedures School																					1	3	6		10
13000	PERSONNEL	1,174.28	6,586.13	10,194.11		17,954.52	8	45	66		119	146.79	146.36	154.46		150.87	192	1068	1569		2829	1	4	3		8
13005	Background Investigation		290.86	371.00		661.86		4	5		9		72.72	74.20		73.54		84	105		189		1			1
13025	Internal Affairs	1,174.28	6,295.27	9,823.11		17,292.66	8	41	61		110	146.79	153.53	161.03		157.20	192	984	1464		2640	1	3	3		7
14000	COMMUNICATIONS	2,570.56	3,998.17	8,041.42		14,610.15	15	24	45		84	171.37	166.59	178.70		95.73	360	858	2072		3290	3	2	2		7
14005	Complaint/Dispatcher		1,996.44	2,766.26		4,762.70		9	10		19		221.83	276.63		250.66		498	688		1186	2	1	1		4
14010	Dispatcher/Complaint Desk Operator			5,181.17		5,181.17			34		34			152.39		152.38			1360		1360			1		1
14015	Criminal Justice Information Systems	2,570.56	2,001.73	93.99		4,666.28	15	15	1		31	171.37	133.45	93.99		150.52	360	360	24		744	1	1			2
15000	TRAINING	7,772.70	11,301.00	15,748.23		34,821.93	61	81	62		204	127.42	139.52	254.00		170.69	1906	2630	3177		7713	12	7	23		42
15005	Behavioral Objectives Course	1,725.85	1,000.52			2,726.37	11	8			19	156.90	125.07			143.49	264	148			412	2				2
15010	Criminal Justice Role Training Program																									
15015	Chemical Agents Instructors Course																									
15020	Firearms Instructors Course	2,296.78	5,390.01	1,804.95		9,491.74	18	40	15		73	127.60	134.75	120.33		130.02	784	1794	660		3238	3	2	2		7
15025	Instructor Development Course		222.35	601.13		823.48		2	12		14		111.18	50.09		58.82		80	960		1040	1		1		2
15045	Police Training Managers Course			10,864.44		10,864.44			15		15			724.30		724.30			1200		1200			1		1
15050	POST Special Seminar	3,750.07	4,688.12	1,939.14		10,377.33	32	31	19		82	117.19	151.23	102.06		126.55	858	608	277		1743	6	5	18		29
15055	Techniques of Teaching Criminal Justice Role Training			538.57		538.57			1		1			538.57		538.57			80		80			1		1
15065	Upgrading Instructors Training																									

REIMBURSEMENTS PAID DURING
THIRD QUARTER ENDING MARCH 31, 1977
1976/77 FISCAL YEAR

State of California — Department of Justice

Commission on Peace Officer Standards and Training

Administration Division - Claims Audit Section

Course Number	Course	Amount of Reimbursement					Number of Trainees					Cost Per Trainee					Man Hours of Training					Course Presentations				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Average	1st	2nd	3rd	4th	Total	1st	2nd	3rd	4th	Total
16000	COMMUNITY POLICE RELATIONS	$	$ 141.60	207.70		349.30		3	2		5	$	$ 47.20	$ 103.85		$ 69.86		135	90		225	1	1			2
16005	Community Police Relations		141.60	207.70		349.30		3	2		5		47.20	103.85		69.86		135	90		225	1	1			2
17000	JAIL	1,140.96	12,144.69	22,287.40		35,573.05	39	85	194		318	29.26	142.88	114.88		111.86	1557	3471	7886		12,914	9	12	10		31
17005	Jail Management		6,413.78	12,382.06		18,795.84		18	37		55		356.32	334.65		341.74		792	1628		2,420		2	1		3
17010	Jail Operations	1,140.96	5,730.91	9,905.34		16,777.21	39	67	157		263	29.26	85.54	63.09		63.79	1557	2679	6258		10,494	9	8	7		24
17015	Jail Operations and Property Procedures																						2	2		4
18000	LANGUAGE	4,222.45	2,366.67			6,589.12	7	4			11	603.21	591.67			599.01	840	480			1,320	1				1
18005	Total Immersion Spanish	4,222.45	2,366.67			6,589.12	7	4			11	603.21	591.67			599.01	840	480			1,320	1				1
19000	MISCELLANEOUS		833.25	441.85		1,275.10		4	2		6		208.31	220.93		212.51		144	72		216	4	3	1		8
19005	Aviation Security Course																						1			1
19010	Fire Investigation		833.25	441.85		1,275.10		4	2		6		208.31	220.93		212.51		144	72		216		2	1		3
19015	Non-Sworn Police Personnel Training																									
19020	Security Guard Baton Training																					4				4

AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
Course Certification/Decertification/Modification		May 27, 1977
Division: Standards and Training	Division Director Approval: Brad Koch	Researched By: Bradley W. Koch
Executive Director Approval: W. R. Darlington	Date of Approval: May 2, 1977	Date of Report: April 29, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use seprate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

Pursuant to the authority granted to the Executive Director by the Commission at its January 21 meeting, the following courses have been certified for presentation:

CERTIFIED

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Advanced Officer	Grossmont College	Advanced Officer	II	$83,200

Summary:

The Chiefs of Police of La Mesa, El Cajon, National City and Chula Vista have specifically requested certification of an Advanced Officer Course at Grossmont College. The coordinator of the College has indicated a willingness to expand their program to meet the needs of the east county area. Grossmont College intends to meet the skills and knowledge training needs through this course. The needs have been identified within the Training Needs Assessment. The course will be offered quarterly, September 5, 1977, January 27, 1978, March 15, 1978 and May 15, 1978. For one year a total of 160 law enforcement personnel will be trained at a cost of $83,200 to POST.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
P. C. 832 Arrest and Firearms	Grossmont College	Special	IV	None

Summary:

POST has been specifically asked by the Chiefs of Police of La Mesa, El Cajon, National City and Chula Vista to certify a P.C. 832 Course at Grossmont College. The timeliness of presentations as well as travel constraints for reserve officers is a significant consideration. (Only one course is available at Miramar College presently.) Course will be presented three times during the one year period, September 25, 1977, December 5, 1977 and March 10, 1978.

Utilize reverse side if needed

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Air and Marine Narcotics Smuggling	DOJ	Technical	IV	$15,360

Summary:

The course is designed to be presented in a 32-hour intensive format, 8 hours per day for four consecutive days. There will be a total of 90 students trained, 30 each of 3 presentations. Two presentations will be in Sacramento and one in Southern California.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Managing Performance Objective Training	Cal Poly, Pomona Rossi-Moore	Technical	III	$19,700

Summary:

This is a 22-hour, three day course designed to assist academy directors and training managers in implementing POST performance objective training. There will be six presentations with 20 students per class for 120 total trainees. The cost per trainee for the first offering will be $176.00 (developmental costs of $330 included in first offering). Additional offerings will be $160.00 per student. There are approximately 120 potential trainees available from academies and institutions certified to present POST approved training.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Advanced Homicide Investigation Seminar	CSU, San Jose	Technical	III	$13,350

Summary:

This is a 24-hour, three day advanced investigation course for experienced investigators and for supervisors who may be called upon to direct the activities of patrol officers assigned at a homicide scene. The course covers patrol officer involvement at the crime scene, defense procecution tactics, investigation of mass murders, unusual homicides, press relations, etc. The subject matter is rated in the training needs assessment study as a priority I training need listed as rank 3 in the service area and rank 5 statewide. Sixty experienced homicide investigative personnel and field patrol supervisors will be trained at an average cost per student of $222.00 including tuition, travel and per diem.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Questioned Documents Investigation	CSU, San Jose	Technical	III	$13,720

Summary:

A one week, job specific investigation course for personnel assigned to dealing with various aspects of questioned documents. Course will provide specific knowledge and expertise in laws, procedures, problems, and unit operations. The subject matter is a high priority II training need, listed as rank 13 both in the service area and statewide. Forty personnel from various departments throughout the state will be trained at an average total cost of $343.00 per student.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Officer Survival	San Bernardino County Sheriff's Department	Technical	III	$39,935.

Summary:

The requested certification is for an Officer Survival Course to train an estimated 120 students annually. Experimentally, it was presented twice before under the Advanced Officer Course format, in May 1975 and February 1976. The Training Needs Assessment identified this training as third highest in priority, statewide, and needed by an estimated 135 officers annually in Area 11, the southern counties along the eastern border of the state. The presenter will use the Fort Irwin National Guard Facility for practical problem exercises under simulated conditions. Proposed presentation dates are 8/22-26/77; 11/14-18/77; 2/13-17/78; and 5/15-19/78.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Crisis Identification and Management	Los Medanos College	Technical	IV	$2,295

Summary:

This course will teach police officers in the proper methods of dealing with people in crises: Victims of crime, family disputes, landlord/tenant disputes and death notification. The course will address the Police Role, Improved Police Performance, Officer Safety, Violence Prevention, Increased Victim Cooperation and Increased Community Relations. This course is a priority II course in Zone III and is rank ordered number six in the skills and knowledge training category. A total of seventy-five law enforcement personnel will be trained at a total cost to POST of $2,925.00.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Traffic Accident Investigation	Oakland Police Department	Technical	II	$1,875.

Summary:

This 40-hour course is designed to meet the requirements of 40600 CVC. It will be presented to all interested officers from other departments. Completion of this course will qualify traffic enforcement personnel to cite violations at the scene of an accident, using the California Vehicle Code. A total of 150 officers will be trained at an initial cost of $12.50 per student.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Robbery Investigation	San Jose State University	Technical	III	$5,400

Summary:

This is a 20-hour, two and one-half day course for investigators having limited robbery investigation experience. The course will provide the investigator with the knowledge and skills necessary to handle robbery cases. The subject matter is rated as priority #1 in the Training Needs Assessment with a rank of #4 in the service area and #3 statewide. Forty investigative personnel will be trained at an average cost per student of $135 including tuition, travel and per diem.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Sexual Assault Investigation	Los Medanos College	Technical	II	$12,645.

Summary:

This is a 24-hour course, presented in three successive eight-hour days. It is designed to enhance investigative functions, understand victims'needs and acquaint the police with community resources. It prepares the student with police duties in a rape investigation, psychological impact upon the victim and role playing. Behavorial objectives are employed. Sex crime investigation is a Priority I training need in Zone III and is rank ordered number 5 in job specific. Seventy-five law enforcement officers will be trained at a total cost of $12,645.00, including 60% salary reimbursement.

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
International Senior Executive Terrorism Seminar	California Specialized Training Institute	Executive Development Seminar	IV	$12,583

Summary:

The 24-hour Executive Development Seminar titled, "International Senior Executive Terrorism Seminar," is a course designed to make attending law enforcement and other governmental officials in California aware of recent projections that terrorism will increase in the United States. World renowned experts will be brought together to discuss the subject. The total fiscal impact is $12,583 for the one course presentation, but is only $84.00 per student due to the number of reimbursable students expected to attend.

(This course was certified to be presented ONE TIME ONLY)

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Management Course	CSU, Northridge	Management	Contract	$4,994.45

Summary:

The California State University, Northridge, Business Management Bureau, will present one Management Course presentation under contract on May 16-27, 1977. This is an interim presentation of the Management Course pending approval by the Commission of a contract for 5 additional presentations.

DECERTIFIED

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Supervisory Update	L.A.P.D.	Technical	IV	

Summary:

Los Angeles Police Department has had the above course certified since April 25, 1975 as a Supervisory Update Course. The past 15 courses have been cancelled.

MODIFIED

Course Title	Presenter	Course Category	Reimbursement Plan	Fiscal Impact
Analysis of Urban Terrorist Activity	DOJ-Advanced Training Cntr.	Technical	IV	$40,000

Summary:

The 80-hour, Plan IV technical course entitled, "Analysis of Urban Terrorist Activity," was certified to the Department of Justice, Advanced Training Center, on August 1, 1975. After a complete analysis of the first three presentations, the DOJ training staff is requesting that the course length be reduced to 44 hours. This action will cut the fiscal impact of the course from $82,000 to $40,000.

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

EDMUND G. BROWN JR., Governor
EVELLE J. YOUNGER, Attorney General

EXECUTIVE OFFICE
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ADMINISTRATION
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Reimbursements
(916) 322-2235

STANDARDS AND TRAINING
(916) 322-2180

ADMINISTRATIVE COUNSELING
(916) 445-0345

TECHNICAL SERVICES
(916) 445-4515

May 4, 1977

Mr. Jeffrey A. Schwartz, President
Law Enforcement Training and Research
Associates, Inc.
618 National Avenue
Mountain View, California 94043

Dear Mr. Schwartz:

Your request for certification of a course titled "Juvenile Crisis Intervention" has been denied by staff because of previous administrative difficulties experienced between POST and staff members of Law Enforcement Training and Research Associates (LETRA), Inc.

It is suggested that you consider pursuing certification of the above course through an established college or university, providing that a need can be demonstrated for presentation of the course.

In the event you wish to appeal staff's decision, you may apply for a hearing before the Commission by requesting time on the Commission's agenda. In order to be placed on the formal agenda, it is necessary to contact the Executive Office of POST at least thirty days prior to the Commission's next meeting.

Commission meetings are currently scheduled this year for:

May 27, 1977	Monterey, California
July 29, 1977	Sacramento, California
October 13, 1977	Palm Springs, California
December 9, 1977	Sacramento, California

Sincerely yours,

W. R. Garlington

WILLIAM R. GARLINGTON
Executive Director

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Commission Policy Manual		Meeting Date May 27, 1977
Division Executive Office	Division Director Approval	Researched By Brooks W. Wilson
Executive Director Approval W. R. Gallington	Date of Approval 4-26-77	Date of Report April 22, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

ISSUE, BACKGROUND AND ANALYSIS

Commission actions which have ongoing policy implications are to be reviewed at the next meeting to ensure clarity and understanding as written for the policy manual. With the Commission's concurrence, the action taken on Item M at the March Commission meeting will be written as follows in the Commission Policy Manual.

Basic Certificate Issuance to Chiefs Selected From Out of State

The POST "Basic Course Equivalency Examination" may be used to assess the qualifications of a California police chief for the Basic Certificate when the chief is selected from outside the State of California. Any deficiencies identified in the examination may be corrected by attending portions of a certified basic course which corresponds to the area of deficiency.

This policy does not preclude waivers for equivalent training under Section 1008 of the Regulations when such equivalency can be demonstrated.

Utilize reverse side if needed

POST 1-187

State of California

Commission on Peace Officer Standards and Training

Resolution

WHEREAS, W. BERT RITCHEY has served as a Public Member of the POST Advisory Committee since 1972; and

WHEREAS, W. BERT RITCHEY has always served with diligence and dedication; and

WHEREAS, W. BERT RITCHEY has sacrificed much from his private life to contribute towards his service as an Advisory Committee member; and

WHEREAS, W. BERT RITCHEY has contributed significantly towards the accomplishment of the goals of the Commission on Peace Officer Standards and Training through his service; now therefore be it

RESOLVED: that the members of the Commission on Peace Officer Standards and Training, do hereby commend W. BERT RITCHEY for his years of dedicated service to the Commission and to California Law Enforcement.

May 27, 1977
Date

W. J. Anthony
Chairman

W. R. Harlington
Executive Director

AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
Modification of Commission Procedure G-1 of PAM		May 27, 1977
Division	Division Director Approval	Researched By
Executive Office		B. W. Wilson
Executive Director Approval	Date of Approval	Date of Report
W. R. Gallington	May 3, 1977	May 3, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

As the result of a discussion with Commissioner McCauley about the San Francisco General Survey, it was determined that Pam Section G-1 was in conflict with Commission action from the October 1974 meeting. A review of those minutes indicate it was the Commission's intent to require a resolution/agreement from the local legislative body concurrent with the Commission's approval to conduct a General Survey.

The present language in PAM, Commission Procedure G-1, 1-10 is stated below in bold type. It is suggested the Commission approve the added wording (italics) to bring the manual and Commission policy into agreement.

> 1-10. Written Agreement: A written agreement or understanding shall be executed between the requesting local jurisdiction and the Commission on Peace Officer Standards and Training. *Whenever the service to be provided is a General Survey, the written agreement must be similar to that shown in illustration 1-2 and must be ratified by way of resolution by the legislative body of that jurisdiction.*

Utilize reverse side if needed

Example Agreement
Illustration 1-2

The Commission on Peace Officer Standards and Training
State of California

AGREEMENT

Section 13513, Penal Code, states: "Upon request of a local jurisdiction, the Commission shall provide a counseling service to such local jurisdiction for the purpose of improving the administration, management or operations of a police agency and may aid such jurisdiction in implementing improved practices and techniques."

In conformance with the foregoing section, and in response to a letter dated _____, from _____, Chief of Police/Sheriff and City Manager/City Administrator or Mayor, of the City/County of _____, in which administrative counseling service has been requested for the _____ Department, it is agreed that the Commission on Peace Officer Standards and Training will provide such service.

Conditions of Service

Starting at a time mutually agreed upon by the two parties, the staff members of the Field Counseling Bureau will conduct a survey of the _____ Department.

The survey will consist of study and evaluation of the organization of the Department, its management and operational processes. The survey will be accomplished through review and analysis of departmental reports, records, manuals and directives, and by observation of actual procedures, systems and techniques used in the operation. Members at various levels in the organization will be queried and pertinent responses will be utilized in the evaluation. Also, members of local government and lay persons who may contribute significant information may be contacted.

It is agreed that POST staff members and special consultants working under the direction of POST in the study shall be accorded the right to examine and review such pertinent records, directives, policies and other written material which affect or influence the management and control of the _____ Department, and that Department members cooperate and give reasonable assistance to the POST staff in order that the study may proceed expeditiously.

Upon completion of the study a written survey report will be submitted by POST to the Sheriff/Chief of Police and Mayor/City Administrator/City Manager. An additional number of copies of the report will be given to the City/County at that time.

It is agreed that, after submission of the survey report, members of the POST Field Counseling Bureau staff will return to the Department at three, six, and twelve months intervals for the purpose of reviewing progress in the implementation of survey recommendations deemed appropriate for implementation by the City/County. In each instance a summary progress report shall be prepared by the consultants for submission to the Chief of Police/Sheriff and Mayor/City Manager/City Administrator. The scheduled return visits by the consultants are to be considered as a part of an ongoing consultation process which will permit actual review and evaluation of the Department's operations and give continuity and direction in the orderly development of improved organization and management practices for the _____ Department.

This agreement is structured primarily as a guide for the implementation of a cooperative plan. It does not give authority for arbitrary actions by the Commission or members of its staff which would be incompatible or in conflict with the objectives of other agreeing parties.

It is understood that no cost shall accrue to the City/County of _____ for the POST counseling service or the survey report other than those mutually agreed upon.

This agreement is acceptable.

_____ Dated _____

City Manager/City Administrator/Mayor

_____ Dated _____

Chief of Police/Sheriff

_____ Dated _____

Executive Director
Commission on Peace Officer
Standards and Training

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET		
Agenda Item Title Budget Report -- F. Y. 1977/78		Meeting Date May 27, 1977
Division Executive Office	Division Director Approval	Researched By
Executive Director Approval W. R. Darlington	Date of Approval May 4, 1977	Date of Report May 4, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use seprate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

The Senate Finance Committee, on May 3, 1977, approved the POST budget as presented. The Assembly Ways and Means Committee, on March 15, approved the Legislative Analyst's recommendation to reduce the administrative budget by $50,000. Because of the conflict, the final budget approval will be by the Joint Committee sometime in June.

In addition, the Senate Finance Committee has included the following resolution as part of its approval. Staff agrees the request is worthwhile, fits in with our present concern for improved driver training classes, and can be conducted without additional staff.

Senate Finance Committee Resolution, May 3, 1977:

It is recommended that the Commission on Peace Officer Standards and Training, in conjunction with the Office of Traffic Safety, report, by November 1, 1977, to the fiscal committees of the Legislature and the Joint Legislative Budget Committee on factors contributing to the incidence of vehicular accidents involving peace officers and on a suggested comprehensive program to reduce such accidents. The review should include an assessment of the impact of defensive driver training and the influence of other factors which affect driver performance. It should also include a cost-effectiveness analysis of existing or proposed programs aimed at reducing such accidents.

Utilize reverse side if needed

State of California | Department of Justice

Memorandum

To : COMMISSIONERS

Date : March 14, 1977

From : Executive Office
Commission on Peace Officer Standards and Training

Subject: DEPARTMENT OF FINANCE STUDY OF POST PROGRAMS

The Department of Finance, Program Evaluation Unit, conducted a review of the POST program during the late summer and fall of 1976. The final report of the Department of Finance study team was recently delivered to POST.

Attached is a summary of significant observations and suggestions extracted from the study.

Each observation or suggestion has been identified with an item number. Staff comments are provided on each item. The most significant items were reviewed by the POST Advisory Committee members at their last meeting. Advisory Committee input has helped staff draft some of the comments.

The following items are believed to be the most significant:

Item 5: Suggests a stronger role for POST in measuring peace officer effectiveness.

Item 7: Suggests that POST reassess the practice of reimbursing for salary.

Item 8: Recommends an Attorney General's Opinion to interpret PC Section 13523 ("The commission shall grant aid only on the basis that is equally proportionate among cities, counties, and districts.").

Item 14: Suggests that POST cease issuing Intermediate and Advanced Certificates because they stimulate higher police salary, and do not signify specific proficiency levels.

Item 15: Suggests that POST should not reimburse for non-statewide training needs.

Item 17: Suggests exploration of expansion of POST's role to encompass all criminal justice components.

Item 18: Suggests (as does Item 5) that POST undertakes more efforts in the evaluation of peace officer effectiveness.

Commissioners should particularly be concerned with Item 8. It is possible that the Attorney General's Opinion suggested could rule that POST's overall reimbursement scheme is not in conformance with the legal mandate. Because of the potential far reaching effects of the issue raised in Item 8, and the broad policy implications of some other items, I believe it important for a Committee of Commissioners to meet and review this report with staff. If the Commission concurs, such a review meeting should take place before the May Commission meeting.

Bill Garlington

WILLIAM R. GARLINGTON
Executive Director

Attachment

DEPARTMENT OF FINANCE REPORT ON THE POST PROGRAM

SUMMARY OF DEPARTMENT OF FINANCE FINDINGS
AND POST STAFF COMMENTS

Item 1

"An additional cause of participation in the POST training program with or without reimbursements is that many officers and agencies believe it to be mandatory. It is a fact that legislation enacted in 1973 (Chapter 477) requires all local law enforcement officers to complete a POST-approved basic course of training before exercising the powers of a peace officer; however, the legislation is worded so that it is the responsibility of the individual to obtain this training, it is not necessary for the local agency to provide the training or for POST to reimburse for it."

Comment: Virtually all cities and counties participated in the POST program prior to passage of this 1973 legislation.

Obviously the responsibility for public protection falls on the hiring agency and that agency has no choice but to assure that officers hired are trained. Additionally, current case law holds that agencies may be held liable for failure to properly train their personnel.

There is a growing trend in ADA supported police academies towards enrollment of nonemployed students. Ultimately, great numbers of peace officer applicants may already have acquired this training at their own expense.

Item 2

"...there can be a widespread difference between the minimum number of training hours required and the maximum number for which POST will reimburse. Apparently, in many cases where POST has determined that training is needed, they are unable to determine how much. For example, a 200-hour minimum basic course curriculum for recruit officers has been established, but POST will reimburse for up to 400 hours. POST can neither justify that the 200 hours is the minimum necessary for a recruit to competently discharge his duties, nor can they explain what improvements in recruit skills are obtained by reimbursing for the additional 200 hours. The same is true for other mandatory courses. In essence, POST is funneling monies into areas where they not only do not know whether they are providing a sufficient amount or too much, but also what benefits are to be reaped."

Comment: In the last several years we have been making a concerted effort to identify which skills and knowledge areas are required for particular positions. In the case of the basic academy, we are moving away from the concept of "x" number of hours in a particular subject in favor of satisfactory performance to reach specified objectives. We believe the Finance staff concurs with this approach, as evidenced by other comments in the report.

We are also making progress in identifying specific skills and knowledge requirements for each type of position occupied by a peace officer. This job-specific concept equates the minimum training to the specific skills necessary to perform these functions, based on an analysis of the functions.

Item 3

"Recent action by the Commission to decertify a number of Advanced Officer, Supervisory, and Technical courses because they did not meet necessary criteria: (1) a demonstrated need, and (2) appropriateness of subject matter, leads us to question the effectiveness of POST's course screening procedures as they have operated in the past. Further, POST has not achieved a statewide system for coordination of courses and course presentations, so the value of their initial screening of course proposals, at least from a cost effectiveness standpoint, is highly questionable. It appears that a primary problem in the present certification process is that POST does not know in advance what the need for training will be; they are always in a position of reacting to the requests of local law enforcement groups instead of determining what the true needs are in advance, and planning towards those needs. Thus, duplication of training efforts and suboptimal utilization of trainers and training resources can result."

Comment: Work completed and in progress on "Master Calendaring" of courses, and the recently completed statewide training needs assessment study should address these issues.

In addition, consulting efforts are ongoing to assist law enforcement agencies with assessment of agency training needs. More effective planning for training at the local level will assist POST in planning to meet local needs.

Item 4

"While it appears that for the required courses, POST has begun to accept the need to match training to job requirements, we could find no evidence that such a tool had been considered for use in developing and evaluating the technical courses certified by POST. In general, POST's efforts have centered around determining the quality of the training process and not its relation to the skills needed by law officers to effectively perform their duties.

We would hope that POST will increase its efforts to match training to required skills, for only then can it begin to demonstrate the value of the training given."

Comment: Current efforts by the Commission to emphasize "job specific training" and complete a comprehensive statewide job analysis addresses this concern. The statewide training needs assessment also identified priority needs for training in specific skills.

Item 5

"Further, we found that POST officials believe that their purpose in setting training standards is limited to attempting to equip officers with the best possible skills--it is not to ensure that law enforcement officers are more effective. Whether or not skills learned are used in an effective manner they believe to be solely the responsibility of the local jurisdiction. Hence, POST perceives its responsibilities to stop at the classroom door.

Undoubtedly, the authors of Section 13503(e) of the Penal Code had intended for POST to assume an active role in measuring effectiveness, but it would be impractical to interpret this to mean that POST should be personally responsible for actual day-to-day effectiveness in the discharge of an officer's duties. That clearly must rest with the line managers and supervising officers at the local level. *However, we feel that POST should share with local agencies responsibility for improving that effectiveness statewide by helping to (a) determine the law enforcement officer's role in society, (b) develop performance objectives, (c) develop on-the-job measuring tools, and (d) evaluate statistics to determine effectiveness.* Without evaluating the end result of training in terms of increased peace officer effectiveness, POST will be unable to determine the actual effectiveness of its training program."

Comment: We are unable to agree with the Department of Finance staff's comments relative to the fact that "POST perceives its responsibilities to stop at the classroom door." We believe that it is ineffective to equip officers with the best possible skills and then to return them to an organizational setting where they cannot utilize these skills. Our concern in this area is stressed quite strongly in our management counseling program.

It should also be stressed that POST's overall role represents an effective sharing of responsibility with local government. POST Commissioners are representatives of local government and it is they who establish POST's broad policy.

The second part of the Finance staff's comments stating that "POST should share with local agencies the responsibility for improving effectiveness statewide..." is entirely appropriate. We have

attempted to do many of these things, beginning with our activities in Project STAR to determine the law enforcement officer's role in society. We would certainly desire to be a partner in further activities in this regard.

Obviously a great deal of work has been done in this area. However, the Finance staff seems to be recommending that POST attempt measurement of peace officer effectiveness in its purest and ultimate sense. Whether development of such measurement criteria is feasible is in doubt.

Item 6

"We believe Project STAR and the Revised Basic Course to be a sincere effort by POST to improve the effectiveness of California's police officers in enforcing laws through tailoring training to develop the skills required in modern police work. We can only hope that these projects represent a new direction by POST and that they will be followed by further attempts to validate POST's certified training courses by a thorough analysis of the role and duties of today's police."

Comment: The currently authorized job analysis is a major "further attempt" in this direction.

Item 7

"Fluctuations in the percentage of salary paid seem to be directly related to the amount of anticipated revenues."

"Originally, the idea behind devoting such a large portion of monies to salaries was to allow for replacement of staff during training. The requirement for training was not intended to carry with it the hardship of a reduced number of staff on the job. However, for practical reasons, the replacement of staff on a short-term basis is nearly impossible and in most organizations it is not done."

"To compound the problem in putting the funds to their intended use, the monies received from POST go directly into the General Fund of the city or county. This is a result of stipulations in local charters which require revenues to be deposited in the General Fund. Therefore, when police agencies are planning or budgeting for training, anticipated POST reimbursements are used as a bargaining tool, without which (we were told) city managers and county supervisors would not appropriate adequate funds for police training. In addition, as salaries are budgeted with or without expected absences for training, in many cases local governments seem to be using salary reimbursements as a general budget supplement."

"Dollar for dollar, the money expended for salary reimbursements does not seem to have the same impact on the amount of training received as do the

other reimbursement categories. Additionally, as described previously, the mechanism of salary reimbursements is fraught with administrative and audit problems. For these reasons, *we suggest that POST reassess the practice of giving salary reimbursements in order to ensure that the funds being expended for local assistance are being given out in the manner which most effectively and efficiently 'encourage(s) and assist(s) local law enforcement agencies to meet and maintain minimum standards...in the training of law enforcement officers'*[3]"

Comment: The POST Commission has over time reaffirmed its commitment to salary reimbursement, and has recently reassessed the entire reimbursement issue. The incentive provided by salary money is generally regarded as a critical element in securing approval for training budgets. The salary money returned to cities and counties represents only a small portion of monies actually expended for training at the local level.

The problem of auditing use of salary reimbursement for training release is real, but establishing a clear audit trail might not be a cost effective measure. While it may appear that salary reimbursement monies deposited in the general fund are not expended for training, it may be argued that those cities and counties have already staffed at a higher level in order to accommodate training release needs.

POST is, however, continuing to look at alternate methods to insure the most effective and efficient use of the Peace Officers' Training Fund for local government. Current problems in training delivery systems, including such items as out of district permits and average daily attendance revenues and restrictions thereon, are receiving our attention from both the legislative amendment and administrative viewpoints. Our conversion of course materials to performance objectives may utlimately require changes in salary reimbursement provisions.

Item 8

"The statute specifies that "the Commission shall grant aid only on the basis that is equally proportionate among cities, counties and districts" (Penal Code Section 13523)."

"Equally proportionate, in everyday language, means a like or similar share of something. Under current procedures, dollars are equally available to all participants. They need only allow a person to be trained, make the request for the reimbursement, and the money is theirs. If equally proportionate can be read to mean, in this context, the same amount to each agency, this is not occurring--because the actual reimbursement range is from $0 to $2 million yearly. If it means the same amount per police officer in an agency, this is not occurring either--the range is $0 to $1,470. If 'equally proportionate' can be read to mean equally available, then POST is adhering to the requirement of the code; if not, then POST is not in compliance with its legal mandate."

"An Attorney General's opinion should be sought by POST to clarify this issue."

Comment: The POST Commission has interpreted this section to mean "equally available". Since local government has raised no concerns over the equity of this interpretation, the Commission has not desired to seek further opinions.

Item 9

"POST has played a vital role in establishing the momentum to train police officers. However, now the local agencies appear to be willing to assume the leadership role in determining what their officers need in the way of training. Thus, POST's role could become one of advisor, in which it would act as the meeting ground for police in resolving issues having statewide impact or significance. POST could provide for the law enforcement field what the American Medical Association or the American Bar Association provide for doctors and lawyers. It could be a professional association which is respected for its expertise and thereby valuable in providing a forum in which controversial issues can be dealt with and resolved. POST, in this role as a professional organization for police, could logically and efficiently be a resource agency to collect, analyze and conserve data about: (1) the impact of training on subsequent job performance and, (2) the impact of training on an entire agency or law enforcement statewide."

Comment: POST already fulfills the role described to a certain extent. Whether or not new efforts should or will be made in this area is a matter affected by policy decisions and environmental pressures.

Regardless of the "professionalization" role played by the Commission, it is believed that continuing need will exist for a leadership role in the selection and training standards area.

Item 10

"Although local agencies now often have the commitment and expertise to develop their own training programs, no local agency is as yet confident enough in its own ability to financially sustain a training program to give up POST reimbursements. Local agencies' momentum to train has preceded the fiscal commitment by local government necessary to assume full responsibility for law enforcement training. Thus, if POST reimbursements were reduced, training of local officers probably would be cut back also. In fact, officials of some agencies stated that, without POST's financial help, the only training they could continue would be that for new officers."

Comment: This statement implies support for continued POST subvention of local training costs. Similar statements have been made by local officials to support arguments in favor of salary reimbursement.

Item 11

"With several thousand recommendations recorded in the course of completing these studies, Administrative Counseling is very proud of an implementation rate of 77 percent ."

"POST's counseling services are generally thought to be valuable by those who have received them."

"These services also have been useful in adding a stamp of approval to a suggestion for change which has been previously rejected by local governing bodies. In this case, POST appears to have filled the role of a professional law enforcement association by putting its credentials behind an idea."

"POST has been known to miss the mark, however. In Antioch, the administrative counseling study report suggested the need for a computer and microfilming system for the police department. These resources are not available or used by an part of Antioch city government. The question this raises is whether recommendations are matched to the agency under study or whether at times POST may "stock solutions" which are considered "basic" to any good agency and are suggested without giving full consideration to the agency's resources."

Comment: Certainly "stock solutions" are used where appropriate. POST sincerely hopes and believes that it is giving full consideration to an agency's resources. The example referred to here does not necessarily indicate that such is not the case.

Item 12

"Additionally, where Administrative Counseling studies deal with the implementation or refinement of specific tools, e.g., records systems, crime clearance rates, as compared with overall evaluations of organizational 'health', this service seems to duplicate the efforts of POST's Field Management Training Program. Field management training is designed to let agencies study the management of model system, of one kind or another, throughout the State."

"We suggest that POST intensify the screening of requests for administrative counseling to ascertain whether field management training may be a more cost-effective means of meeting the expressed need."

Comment: Field Management Training was an outgrowth of the Administrative Counseling program. Local personnel were first referred to other departments to view in operation systems being recommended to them by POST. Field Management Training has since become both an alter-

native to Administrative Counseling and an augmentation of that service. Duplication is not believed to exist, and the screening suggested is currently practiced.

Item 13

"Thus, there seems to be a clear and continuing role for Technical Services in performing research studies and gathering information on a broad range of topics which are vital to the goal of 'increasing the effectiveness of law enforcement'."

"Technical Services could provide information to a local agency that has a specific problem and allay the need for a more costly visit by an Administrative Counseling consultant. POST does not appear to have considered this possibility, and *we suggest that in the future this alternative should be considered before administrative counseling services are provided."*

Comment: This suggestion was a strong consideration when the "Center for Police Management" was established in the Technical Services Division. To a great extent the services provided augmented the Administrative Counseling program, and provided services to departments that, for various reasons, did not avail themselves of Administrative Counseling services. Technical Services Division has been abolished, but the Center for Police Management is retained.

Item 14

"In our interviews with training officers of local law enforcement agencies, we questioned them on the value of POST certificates. Almost unanimously they replied that their primary use was in justifying higher police salaries; almost all local agencies have some form of incentive pay program under which officers are paid a premium for possession of POST certificates."

"One problem pointed out in our local agency visits was that, in most instances, certificates do not indicate a certain level of proficiency."

"Another problem we identified with the certificates is that they ultimately result in increasing the dollar value of salary reimbursements from POST. The mechanism by which this occurs works as follows:

1. Training points from POST-reimbursed courses are used to qualify an officer for a certificate.

2. Possession of a certificate entitles the officer to a salary increase.

3. The officer continues to be required to take certain courses designated by POST as mandatory, for which the agency receives a salary reimbursement based on the elevated salary.

While the development of pay incentive plans is a local option over which POST has no control, it appeared to us that the proliferation of POST certificates encourages the costly process described above.

While any changes made in the overall role of POST, as suggested in Chapter V, would have a direct impact on the nature and extent of the professional certification program, we believe changes in this program should be considered even if no changes are made in the overall role of POST. *The issuance of certificates which do not reflect increasing levels of proficiency should be discontinued. The simplest way to implement this change would be to cease awarding Intermediate and Advanced Certificates.* This would result in a savings of two clerical positions, as three clerical positions plus part of the time of one clerical supervisor are currently involved in issuing certificates."

Comment: It may reasonably be suggested that if local agencies were not providing incentive pay based on POST certificates, they would be providing incentive pay based upon longevity, education or other factors. At any rate, the certificates are believed to have made a strong contribution to the increased levels of educational and training attainments of local officers. And, the certificates are highly valued by many, if not most, officers regardless of the pay incentive.

The certificates do not establish certain levels of proficiency, but they do establish general levels. It would not likely be cost effective to build in proficiency measures.

Abolishment of the Intermediate and Advanced Certificates seems to be undesirable and counter to POST's goals. The certificates are "institutionalized" and abolishment would have far reaching "ripple" effects throughout law enforcement and local government. Retention seems also desirable insofar as they continue to provide stimulus for self-improvement of law enforcement personnel.

Item 15

"The clearest expression of the scope of state involvement is found in the opening section of the 1959 enabling legislation: '...the Legislature finds that vocational training and the enforcement of state laws ar matters of statewide interest and concern'. POST's task is to insure, through training, comparable enforcement of state laws statewide. Beyond what is reasonable to assume are basic skills, the State's role and responsibility may end and the local communities may begin in supporting what is unique in meeting its needs."

"There are some indications that the areas into which POST has expanded do not represent statewide needs. One has only to look at the list of technical courses which are currently certified to realize that many would be of little use to small, rural police departments."

"Insofar as POST is reimbursing for nonmandated courses or for nonstandardized portions of mandatory courses, the program may be supporting nonstatewide training needs."

"...it seems reasonable to confine the State's involvement to training officers in skills which are transferable statewide and which are required for the effective enforcement of state laws. In the Revised Basic Course POST has made strides in identifying those skills which are needed by new officers; *POST's efforts should now be directed towards identifying those skills required at all organizational levels for effective statewide law enforcement and design training programs to develop those skills.* This might require POST to withdraw from some current areas of involvement; particularly those which are classified as technical training."

Comment: The Commission has viewed the training program, coupled with selection standards, as the major component of its overall program that is intended to upgrade and improve law enforcement. In this way, optional courses are viewed as quite important to a balanced program.

Current efforts of the Commission to identify statewide and regional training needs certainly emphasize efforts in the direction suggested.

Item 16

"To facilitate training in these skills, the establishment of uniform hiring standards or qualifications is a task which the State can perform (and does perform for many other professions) better than each local community can for itself."

"The State should play a role here if only to resolve the issues efficiently--with one group of people working on the task as opposed to more than 500 groups."

Comment: This statement is observational. Additional work in this area is underway with current validation research.

Item 17

"...it was the conclusion of the review team that expansion of POST's efforts to all segments of the criminal justice system, both state and local, should be investigated further."

"Several mechanisms for extending the scope of POST's activities into additional components of the ciminal justice system suggest themselves, requiring evaluation in light of the constraints discussed above. One possibility, which would parallel POST's current activities in the specialized law enforcement programs, would be for POST to assume responsibility for setting selection and training standards and approving training courses without provisions for training reimburse-

ments. A second alternative could include reimbursement of criminal justice agencies for attendance at approved training courses. An additional possibility would be to fund the training institutions themselves, thereby reducing the user's training costs. The regional criminal justice training systems seem ready-made for this approach."

"Thus, while the regional criminal justice training centers appear to be an appropriate provider of training for criminal justice practitioners, the impact of Education Code provisions regarding ADA reimbursements on the financing of such training needs to be fully explored before expanded use of these facilities is encouraged."

Comment: POST is currently exploring these areas of concern. Discussions are underway with the Office of Criminal Justice Planning to determine if pilot presentations of criminal justice-oriented training courses, for the segments of the criminal justice system not now participating in the POST program, could be administered on a cost-effective basis by POST.

This is a controversial issue and many law enforcement officials fear the ultimate loss of POT funds should POST's role be expanded.

Item 18

"For much the same reasons that the State provides a unique service in establishing standards, *the State can most efficiently gather from all local agencies whatever can be known about law enforcement effectiveness and peace officer effectiveness.* The need for this information was expressed in 1967 legislation (Chapter 1640, Statutes of 1967). Effectiveness data can be useful statewide; therefore, it is reasonable to suggest that the State assume the role of repository. While we realize that the task of defining 'effectiveness' in the context of law enforcement is not an easy one, we believe that the time has come for POST to validate its activities in light of the 1967 mandate."

"Recognizing the need for effectiveness measurement is a first step; the actual undertaking of an evaluation of the effectiveness of training efforts is a second step which is long overdue."

Comment: While many past and current efforts relate to effectiveness of the POST training program, the implication here is that POST training be evaluated in terms of its actual impact on fulfillment of the police purpose. This cannot be done until there exists both consensus regarding the mission of police agencies, and means to measure the effectiveness of those agencies and their officers.

It would seem appropriate for POST to be a resource to local government and the professional organizations that fostered the POST concept initially. Certainly, the evaluation of effectiveness is an appropriate undertaking, but one that could most effectively emerge from the practitioners. Administrative imposition of effectiveness measures would be inappropriate.

State of California | Department of Justice

Memorandum

To : WILLIAM R. GARLINGTON
Executive Director

Date : April 28, 1977

Via: Glen E. Fine, Bureau Chief
Special Projects Bureau

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

Subject: PENAL CODE SECTION 13523: ALLOCATIONS TO CITIES AND TO COUNTIES

ISSUE

What is the meaning of that part of Penal Code Section 13523 which reads: "The Commission shall grant aid only on a basis that is equally proportionate among cities, counties, and districts."

CONCLUSION

Each enumerated governmental entity will have their peace officers' salaries/expenses reimbursed in equal proportions when they participate in POST training. For example, if POST reimburses 100% of the travel expenses for a sworn personnel to travel to Sacramento from San Francisco, POST is obligated to reimburse 100% to the peace officer who is traveling to Sacramento from Los Angeles.

DISCUSSION

There is no available case law interpreting Penal Code Section 13523 so legislative history and the rules of statutory construction must be relied upon for guidance in anticipating how a court would interpret the statute. The two are closely interrelated because it is the statutory rule of construction which authorizes the use of legislative history.

Civil Procedure Code Section 1858 which is a part of the general principles of evidence is reproduced below:

> Construction of Statutes and Instruments, General Rule. In the construction of a statute or instrument, the office of the Judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars, such a construction is, if possible, to be adopted as will give effect to all.

Investigation into the several wordings which Section 13523 has gone through since it was originally enacted in 1959 helps in ascertaining the legislative purpose. Jordt v. California State Board of Education, 35 C.A.2d 591, 96 P.2d 809 (1940).

The original version of PC 13523 appears below. The relevant phrases which have counterparts in the statute as it exists today are underlined.

> The Commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, and city and county which has applied and qualified for aid pursuant to this Chapter a sum which will reimburse the city, county, or city and county in an amount not to exceed one-half of the salary paid to each peace officer, meeting the standards prescribed pursuant to this Chapter, during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight. If the moneys in the Peace Officers' Training Fund budgeted by the Commission for such salary reimbursement are insufficient to allocate such amount to each participating city, county, and city and county, the amount allocated to each shall be reduced proportionately.
>
> In no event shall any allocation be made to any city, county, or city and county which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by the Commission as applicable to personnel recruited or trained by such city, county, or city and county during such period.

Although the last sentence in the first paragraph above has no direct counterpart in the present statute, I believe it should be read and interpreted together with the entire paragraph, in order to cast some light upon the meaning of the statute as it presently exists. In my discussion of the omitted sentence (i.e., the sentence which reads, "If the moneys in..."), I will not be attempting to argue that the statute as it presently exists should be read to include this omitted provision. This would be contrary to case law on statutory interpretation. See Rich v. State Board of Optometry, 45 Cal.Rptr. 512, 235 C.A.2d 591 (1965). Instead, I will argue that the word "proportionate" as used in the 1959 version is being similarly used in the current version.

On March 14, 1967, Senator Alquist introduced SB 585 to amend several Penal Code Sections relating to POST. The Legislative Counsels' Digest summarized that part of the bill which dealt with PC 13523 as follows: "Revises the manner in which cities and counties are reimbursed for participating in the peace officer training program."

Reproduced below is the version introduced by Senator Alquist. The lines through the words indicate what was proposed to be deleted; the italicized words indicate the proposed new wording.

> § 13523. The commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, and city and county which has applied and qualified for aid pursuant to this chapter a ~~sum which will reimburse the city, county, or city and county in an amount not to exceed one-half of the salary paid to each peace officer meeting the recruitment standards and participating in training meeting the standards prescribed pursuant to this chapter, during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight. If the moneys in the Peace Officers' Training Fund budgeted by the commission for such salary reimbursement are insufficient to allocate such amount to each participating city, county, and city and county, the amount allocated to each shall be reduced proportionately~~ *an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and cities and counties and to the extent of actual need for the selection and training of peace officers and for meeting other standards established by the commission.*
>
> In no event shall any allocation be made to any city, county, or city and county which ~~has not, throughout the period covered by the allocation, adhered to the recruitment and training~~ *is not adhering to the* standards established by the commission as applicable to ~~personnel recruited or trained~~ by such city, county, or city and county ~~during such period~~.

On April 20, 1976, the above version was referred to the Senate Judiciary Committee. April 26 the sentence pertaining to "equally proportionate" was trimmed down to read:

> The commission shall grant aid only on a basis that is equally proportionate among cities, counties and cities and counties and to the extent of actual need for the selection and training of peace officers ~~and for meeting other standards established by the commission~~.

The above version remained unmodified until May 5, 1967. At that time, the sentence was trimmed even shorter.

> The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and cities ~~and counties and to the extent of actual need for the selection and training of peace officers~~ *and counties*.

It is this version which Governor Ronald Reagan signed in September 1967. Minor changes by amendment have been made since then (1969 and 1970) which are not relevant to the current issue of determining the meaning of "equally proportionate".

Unlike the United States Congress, the California Legislature does not have extensive recordation of its daily debates. So short of contacting past legislators whose testimony may not be acceptable to a court, those seeking statutory interpretation must rely upon logical inference and legally sustainable applications of the statute. Logical inferences can be made from the word changes from version to version as the bill travels through the legislative process. From these inferences or interpretations one can project consequences.

In regard to consequences, the court has said, "When language of a statute is unclear, intent of the legislature is to be ascertained from all circumstances and from consequences that flow from various interpretations of the statute." Golden v. City of Oakland, 122 Cal.Rptr. 400 (1975). If the inference is logical the consequence should be workable; where the inference is illogical the consequence may be an absurdity. The courts have a duty to interpret statutes to make them workable and reasonable. Burns v. Mass. Bonding and Ins. Co. Absurd results should be avoided. Reater v. Bd. of Supervisors of San Mateo County, 220 C.314, 30 P.2d 417 (1934).

The original 1959 version of Section 13523 (see page 2) referred to reimbursements in an amount not to exceed one-half of the salary and exactly one-half of the expenses of a peace officer in training. In the present version, the fractional designation is replaced by "an amount determined by the commission..." It is my contention that the more or less equal reimbursement concept which was more fully specified in the original version was carried over into the new version by use of the phrase "equally proportionate". By eliminating the one-half fraction, the law gave POST the discretion to determine the reimbursable percentage but to assure equality of reimbursement to individual peace officers, regardless of the size of their agency, the "equally proportionate" phrase was incorporated into the statute.

The idea of proportionality also existed in the original version. It existed in the section pertaining to reduction of reimbursement amounts when the moneys in the Peace Officers' Training Fund were insufficient. As mentioned on page 2, this section has no counterpart in the present version. However, I would argue that the concept of proportionality was also carried over into the current version by use of the phrase "equally proportionate".

In summary, as the first paragraph of Section 13523 reads today, it arguably carries some of the equality safeguards of the original version yet provides the flexibility necessary for long-term maintenance of the Peace Officers'

Training Fund. Annual allocation of moneys in an "amount determined by the commission" precludes the necessity for the protection clause in the original version, i.e., the clause which allowed for proportionate reduction of reimbursement when the moneys were low in the Fund. The specificity of fractions which resulted in equal reimbursement under the original version was eliminated and replaced by a general phrase which, as currently applies, results in equal reimbursement of a given percentage regardless of the beneficiary agency.

If POST were confronted with a demand to distribute moneys from the Peace Officers' Training Fund in a manner other than suggested above, the result would be a financial collapse. Additionally, the purpose of the fund would be defeated. For example, should a party argue that "equally proportionate" means that each city or county should receive in return an amount equal to the proportion of the total funds which they contribute via collection of fines, some agencies may find that they would not have sufficient funds to train their peace officers while others may have extra money. The result would be that the former jurisdictions would have personnel trained at a less than desirable level, and the latter jurisdictions might have available money but no demands for training or an inability to send personnel for training due to insufficient manpower to allow time off for training. Manpower is the result of local allocations for law enforcement.

Conceding for argument purposes, that the above paragraph is an expression of the literal construction of the words "equally proportionate", there is a legal maxim that statutes should not be construed contrary to such literal construction. Departure, however, from such a literal construction is permissible where one can be reasonably assured that the legislature meant to say something different. Bakersfield Home Bldg. Co. v. J.K. McAlpine Land and Development Co., 26 C.A.2d 444, 79 P.2d 410 (193[illegible]). Such a departure is also permissible where action in accordance with literal phraseology would produce harmful results, injustices, absurdities, or inconsistencies. Leo v. Bd. of Medical Examiners, 36 C.A.2d 490, 97 P.2d 1046 (1940), Meier v. Superior Ct. of California in and for Stanislaus County, 67 C.A. 135, 77 P.490 (1924). It is very possible that such consequences would occur if POST were forced to adhere to the construction proffered in the previous paragraph.

In addition to the legislative history argument and the necessity to avoid unreasonable statutory interpretation, two other arguments can be made to sustain the present application of Section 13523. One, the concept of *pari materia* is applicable; two, deference is usually given to the administrative agency's interpretation unless it is clearly unconstitutional.

The concept of *pari materia* involves construction of statutes on the same subject with reference to each other. Statutes in *pari materia* "should be read together and given full force and effect as far as possible". Commission v. Butte County Rice Growers Association, 25 C.2d 624, 154 P.2d 892 (1945). Although Sections 13520-13523 are all in *pari materia*, Section 13522 is the most relevant for the interpretation POST wants to promote.

> § 13522 Application for Aid, Contents. Any city, county, city and county, or district which desires to reserve state aid. The initial application must be accompanied by a certified copy of an ordinance, or in the case of the University of California and the California State University and Colleges a resolution, adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county, city and county, or district will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

A reading of the statute indicates that more than one application is made for aid by each jurisdiction. There is the initial application which is fairly detailed and subsequent shorter applications. Currently, POST periodically reimburses in amounts equal to the aid requested in applications received following personnel training. The reimbursement is on a per capita basis.

This per capita approach was apparent in the 1959 version of Section 13523 wherein amounts were specified as reimbursable per peace officer. In order to harmonize the per capita application for aid as it exists under Section 13522, the present interpretation of Section 13523 must be consistent. In other words, allocation in an "equally proportionate" manner must be per trainee.

The POST interpretation of Section 13522 (application for aid) and its significance in sustaining the *pari materia* argument can be supported by another rule of statutory construction. The rule as stated in H-R Trucking and Equipment Co. v. State Board of Equalization, 166 C.A.2d 378, 383, 333 P.2d 151 (1959) is applicable.

> The contemporaneous and practical construction of a statute by those whose duty it is to carry it into effect, while not controlling, is always given great respect. Contemporaneous interpretation of a statute long acquiesced in by all persons who could possibly have an interest in the matter, has been held to be sufficient to justify a court in resolving any doubt it might have as to the meaning of ambiguous language employed by the Legislature in favor of sustaining such long unquestioned interpretation. (Emphasis added)

There is available case law which is contrary to H-R Trucking. In those cases, however, the court has found that a "clearly erroneous" interpretation precluded the acceptance of the administrative interpretation. Blatz Brewing Co. v. Collins, 88 C.A.2d 438, 199 P.2d 34 (1948), Christensen v. Thurber, 120 C.A.2d 517 (1953). I do not believe POST's interpretation is "clearly erroneous" and therefore Section 13523, insofar as it uses the phrase "equally proportionate", should be given an interpretation which "will promote rather than defeat the general purpose and policy of the law". DMV v. Pereles, 125 Cal.App. 789, 12 P.2d 1093 (1932).

SUMMARY

The conclusion that the phrase "equally proportionate" means that reimbursement shall be made to agencies on an equal per capita basis is supported by four theories of statutory construction. First, an examination of the original version of Section 13523 and its subsequent amendments indicates that the concept of equal per capita reimbursement was carried over by use of the phrase "equally proportionate". Second, where a statute is ambiguous, it should be interpreted to make it workable and reasonable. Third, an ambiguous statute should be interpreted with reference to statutes on the same subject and harmonized. Fourth, great deference is usually given to an administrative agency's interpretation of a statute where such interpretation is not clearly erroneous.

ELIZABETH HONG
Special Legal Consultant
Special Projects Bureau

IN REFERENCE TO:

TAB E, page 7 of the

Department of Finance Report

Antioch Police Department
301 TENTH STREET
ANTIOCH, CALIFORNIA 94509
(415) 757-2236

E. A. CARLSON
CHIEF OF POLICE

May 13, 1977

William R. Garlington, Executive Director
Commission on Peace Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Bill:

I have just reviewed the summary of the Department of Finance Finding and P.O.S.T. Staff Comments, which were received by this department a week ago. Since Antioch is the only city specifically mentioned in the report, I am taking the liberty to comment on the subject of my concern, Item 11, page 6.

Basically, I am a strong supporter of the services of the administrative study projects that were provided by P.O.S.T., and your records should reflect my previous letters of endorsement.

My critism and concern of the studies and published recommendations are based upon the negative aspects that the report reflected to the laymen, who even though they were councilmen and city administrators were not able to recognize the correct or excellence of the numbers of procedure and practices employed in the department studied, but the report appeared to emphasize that the recommendations were essential to improving the department's operation.

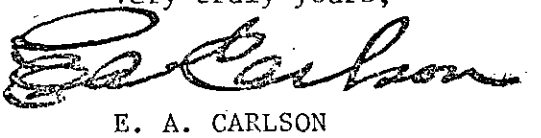
In reference to the recommendation for computer and microfilming systems for the City of Antioch, the comments offered by P.O.S.T. to refute "Stock Solutions is correct". The subject was thoroughly discussed during the evaluation process with the P.O.S.T. consultants and for several years prior had been a subject of concern to this department.

In practical matters of implementation, the Police Department adopted and complied with all itemized recommendations that could be accomplished without capital expenditures. A portion of record tabulations is being placed on the city computer, but the City Council failed to recognize the urgent need of reorganization until the 1975-76 fiscal

year, at which time a partial revamping and upgrading was initiated, but at this time we are still anticipating total reorganization into three divisions.

Without the support and recommendations of P.O.S.T., many medium size agencies would have difficulty pursuading their councils of needed changes.

Very truly yours,



E. A. CARLSON
Chief of Police

EAC:bb

AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
Life Experience Degree Programs		March 25, 1977
Division Administration Division	Division Director Approval	Researched By Administration Division
Executive Director Approval W. R. Darlington	Date of Approval March 2, 1977	Date of Report March 2, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

Some California colleges and universities have initiated degree programs in which units of credit are awarded for knowledge acquired in non-scholastic activities. These programs are referred to as Life Experience Degree Programs.

California law enforcement officers have been enthusiastic in their acceptance of and participation in Life Experience Degree Programs. The attainment of degrees has accelerated, with the lessening of inconvenience to the participants. However, the concomitant effects on local governments that have established career development programs offering salary increments based on the attainment of college units and degrees are creating some concern.

Frequently POST professional certificates are accepted as satisfying requirements or in lieu of college credits in career development programs. When the certification and career development programs were developed, academic credit and degrees were acquired in the traditional manner. There now appears to be a conflict between supporters of traditionally and non-traditionally acquired college credits and degrees.

At its January 21, 1977, meeting, the Commission adopted guidelines for the Professional Certificate Program in regards to the acceptance of college credits and degrees awarded on the basis of experience. These guidelines establish a limit on the number of units that may be accepted and does not allow the use of the same experience for both acquiring a college degree and meeting POST's experience requirements for certificates. Many of the problems and concerns associated with the award of college credits and degrees based on experience have been resolved through the cooperative efforts of POST and the educational community. However, correspondence has been received concerning the Commission's recently adopted guidelines from those who support the Life Experience Degree Programs and those who are critics.

The correspondence from those who offer Life Experience Degree Programs indicate the Commission's guidelines are appropriate and workable. Those who oppose awarding of college credits on life experience indicate that the Commission guidelines are too lenient.

Copies of aforementioned correspondence and the policy adopted by the Commission on January 21, 1977, are attached.

Utilize reverse side if needed

LIFE EXPERIENCE DEGREE PROGRAMS

Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows:

- No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree.

- No more than six units of credit based on experience are included in an individual's transcript that has not resulted in the award of a degree.

- No more than six units of credit will be allowed for other than law enforcement occupational, supervisory or managerial experience.

- Units of credit based on experience are limited to courses which are offered by the awarding educational institution.

- Transcripts which include units of credit based on experience are accompanied by an explanation by the educational institution relative to the award of such units.

- Experience or training related to law enforcement is allowable only once; either to satisfy the experience or training requisites for the issuance of a professional certificate, or as awarded units of credit for experience.

CITY OF SANTA MARIA • 110 EAST COOK STREET • SANTA MARIA, CALIFORNIA 93454 • 805-925-0951

March 24, 1977

Commission on Peace Officers'
Standards and Training
7100 Bowling Drive
Sacramento, CA 95823

LIFE EXPERIENCE DEGREE PROGRAM

The City of Santa Maria is opposed to the decision of the Commission on Peace Officers' Standards and Training to accept life experience credits toward P.O.S.T. certificates. This City has allowed educational incentive pay for police employees who have completed the intermediate and advanced P.O.S.T. certificates. This incentive program was designed to reward employees achieving educational degrees in a job-related academic area. Both the City and the employee have benefitted from the program in that the employee has gained new skills and knowledge which could not have been achieved on the job. This has been beneficial to the police officer and to the community.

The City of Santa Maria Educational Incentive Pay Program specifically denies credit for college units gained through experience gained on the job. Thus, the life experience degree programs proposed by the Commission would not be acceptable for educational incentive pay purposes.

The Commission has placed some limitations on the number of credits that may be allowed for the P.O.S.T. certificate. One of these is that life experience units are limited to courses which are offered by the awarding educational institution. It seems clear from recent changes in school curriculums that this is a meaningless limitation. A number of schools have offered bona fide credits for life experience courses which have no meaning or relevance to the degree which is offered. An example is a university which offers three credit units for writing one's resume.

We hope the Commission will reconsider its decision concerning life experience credits so that the P.O.S.T. certificates will retain their benefit to the employee and the community.

GORDON GILL
Deputy City Administrator

GG/sam

THE
1000-MILE
CAMPUS

April 14, 1977

Commission on Peace Officers
Standards and Training
7100 Bowling Drive
Sacramento, California 95823

Dear Ladies or Gentlemen:

I am writing with respect to bulletin 77-1, "Life Experience Degree Program."

The bulletin is of particular interest to us because we will be developing a statewide baccalaureate program in criminal justice administration during the course of the coming academic year. At the present time we have a sizable number of law enforcement personnel enrolled in a statewide graduate program in public administration, many of whom are assisted by LEEP funding.

Credit for prior learning is not awarded in Consortium graduate programs, so personnel presently involved in that program would be unaffected by your bulletin.

I am in full support of the objectives of the bulletin, but have several questions of interpretation on which we will need elucidation.

We do not award credit for "life experience" in our undergraduate programs. We do give credit for prior learning demonstrated by the student in terms of academic equivalence; i.e., learning equivalent to the expected outcome of courses of instruction offered by The Consortium or by our participating campuses. Credit is awarded on the basis of standardized examinations approved in lieu of specified courses, or a program of individual assessment utilizing a variety of approaches for

The Consortium
Of
The California State
University And Colleges

400 GOLDEN SHORE • LONG BEACH, CALIFORNIA 90802 • (213) 590-5696

determining the extent and equivalence of prior learning, recommended by a faculty professor and approved by a faculty assessment committee. A maximum of nine semester units elective credit may be earned in this manner but the number of units which can be earned in the major is unlimited on the grounds that credit is awarded by a faculty committee of the major academic department. As a matter of operational fact, no student has earned more than six units of credit in this manner. Students may earn up to a maximum of thirty units of credit in approved standardized examinations, but once again no student has earned that much credit. Credits earned are recorded on student transcripts by course number and title with the indication that the credit was earned by examination or by individual assessment. (Actually, the individual assessment approach is a challenge examination approach given greater systemization and control. Most institutions which award credit via challenge examination do not indicate this to be the case on their transcripts.)

We do not grant "block credit," and do not grant credit for experience on the assumption that a student learned something from the experience. As indicated above, the learning must be demonstrated in terms of course equivalence.

I have no idea whether the multi-campus program development committee which will work on the criminal justice major will put particular emphasis on assessment of prior learning. Even if they do not, there are general Consortium policies which apply to all Consortium undergraduate programs, as described above. It could be that a restiction for this particular major could be written in the proposal, and approved by the Chancellor as an exception to the general rule; or it could be a restriction that would adhere to our general policies, even if they are in conflict with bulletin 77-1, warning applicants for credit by evaluation regarding POST restrictions.

It will be helpful to us, nonetheless, in developing our proposal to know whether credit awarded in the manner described above would come under the restrictions described in your bulletin.

We would appreciate hearing from you.

Sincerely yours,

George E. McCabe
Director

GEM:ca

cc: Dr. G. Edward Rudloff
Dr. Barrie D. Bortnick
Dr. Ralph D. Mills
Dr. Robert O. Bess

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

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(916) 445-4515

EDMUND G. BROWN JR., Governor
EVELLE J. YOUNGER, Attorney General

May 4, 1977

George E. McCabe, Director
The Consortium of The California
State University and Colleges
400 Golden Shore
Long Beach, California 90802

Dear Mr. McCabe:

This is in reply to your recent letter concerning the Life Experience Degree Program. We understand your interest in the Life Experience Degree Program and appreciate your taking the time to express your ideas and concerns to us.

Units of credit awarded for prior learning or experential learning which is verified by examination or assessment are subject to the Commission's guidelines expressed in Bulletin 77-1.

It is anticipated that the Life Experience Degree topic will be included in the agenda of the Commission's meeting of May 27, 1977 at the Hilton Inn, Monterey. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you in regard to this matter, please feel free to contact me.

Sincerely,

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

CALIFORNIA STATE UNIVERSITY • LOS ANGELES

5151 STATE UNIVERSITY DRIVE LOS ANGELES, CALIFORNIA 90032 (213) 224-3713

February 22, 1977

William J. Anthony, Chairman
Commission on Peace Officer Standards & Training
7100 Bowling Drive
Suite 250
Sacramento, CA 95823

Dear Sir:

I have just read POST Bulletin 77-1 and congratulate the Commission in its prompt action with respect to "Life Experience Degree Programs". Your revised policy will help to preserve the integrity of the Professional Certification Program.

As a member of the Accreditation Committee of the Academy of Criminal Justice Sciences, I can assure the Commission we will give such programs close scrutiny. There is an additional problem related to the situation. Most of the colleges (in this area) which offer "Life Experience Degrees" are NOT ACCREDITED. Was it the original intent of the Commission that educational units used in certification be from fully accredited institutions?

If this is the case, some method should be devised to inform hundreds of local peace officers that educational units earned at non-accredited institutions will not be considered for certification. Additionally, some system will probably be needed to verify accredited status, by the POST unit processing the certificates.

The Western Association of Schools and Colleges accredits California institutions, and the Council on Post-Secondary Education may be able to provide information on other states.

Sincerely,

Allen P. Bristow

Allen P. Bristow
Professor
Department of Criminal Justice

APB:ks

STATE OF CALIFORNIA
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EDMUND G. BROWN JR., Governor
EVELLE J. YOUNGER, Attorney General

February 25, 1977

Allen P. Bristow, Professor
Department of Criminal Justice
5151 State University Drive
Los Angeles, California 90032

Dear Professor Bristow:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present your comments to us.

Degrees and units of credit are accepted only when acquired from accredited colleges and universities. The status of the awarding institution is verified in the Education Directory - Colleges and Universities, as prepared by the National Center for Educational Statistics.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

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February 18, 1977

Richard Young
Chief of Police
Alameda Police Department
Santa Clara Avenue and Oak Street
Alameda, California 94501

Dear Chief Young:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

ALAMEDA POLICE DEPARTMENT

SANTA CLARA AVENUE AND OAK STREET
ALAMEDA, CALIFORNIA 94501

Non-emergency (415) 522-1220

RICHARD YOUNG
Chief of Police

Emergency Only Dial 911

REFERENCE
NUMBER

February 14, 1977

William J. Anthony, Chairman
Commission on Peace Officer Standards and Training
7100 Bowling Drive
Sacramento, CA 95823

Subject: LIFE EXPERIENCE DEGREE PROGRAM, BULLETIN 77-1.

Dear Mr. Anthony:

The Alameda Police Department administrative staff has reviewed your new policy concerning credit for life experience. It is a step in the right direction which, hopefully, will correct some inequities which have lately been creeping into college degree programs. I anticipate that we will adopt your policy in our own Educational Incentive Award Program.

Very sincerely yours,

Richard Young

RICHARD YOUNG
Chief of Police

Cl/vg

CITY OF UNION CITY
1154 Whipple Road • Union City, California 94587 • Phone 471-3233

Ed
217

February 14, 1977

Commission on Peace Officers' Standards
and Training
7100 Bowling Drive
Sacramento, CA 95823

Gentlemen:

This is in response to your Bulletin #77-1 regarding the life experience degree program. You indicate at the conclusion of that bulletin that there is additional information available from your office. Would you please forward whatever additional information you might have.

When the question of the life experience was first raised by local universities, many administrators in local government took exception to the program. We went so far as to contact the accreditation society responsible for certifying that universities meet minimum standards and that their degrees are appropriately conferred. Despite our protestations it appears that the life experience degree program will continue to be offered through many universities. As a result, I have instructed our Personnel Office to cease accepting baccalaureate and associate art degrees on their face. We will now require a transcript to be provided to us so that we may look "behind" the degree and determine to our own satisfaction if there is sufficient academic work to meet our standards. While I recognize that educational standards and methods are changing, I also recognize that many of those changes may not represent a change for the better.

The decision by the Commission on Peace Officers' Standards and Training to accept life experience credits towards POST Certificates is signal step backward in an otherwise highly-regarded program. Like many cities, we have an educational incentive program, part of which is tied to obtaining POST Certificates. Up to now we have felt that such a program has been beneficial, both to our police officers and to the community, and have been active before the City Council in promoting its continuation. I do not think it unfair to say that the high calibre and status of your certificate program was the major factor in persuading the City Council that incentive pay for police officers was warranted. Given your latest set of policies regarding the life experience degree program, that confidence is seriously undermined. You may be assured that we will bargain vigorously at the negotiating table to obtain the right to look "behind" the POST Certificate to determine if it is backed up with

A-064

academic work and new skills, or with vapid credits assigned by an educational institution more concerned with filling its treasury than with its commitment to excellence.

No decision is irrevocable. I sincerely urge the Commission to reconsider its policy and to recommit itself to the high standards for which POST has been known.

Very truly yours,

WILLIAM ZANER
City Manager

WZ:bh

cc: Chief Kirkpatrick, Union City Police
Dean Randy Hamilton, Dept. of Public Administration, Golden Gate University
George Bist, President, Union City Police Association
Donald F. McIntyre, City Manager, Pasadena
Robert F. Grogan, City Administrator, Santa Maria
Don Driggs, City Manager, Fremont

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

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(916) 445-4515

February 18, 1977

William Zaner
City Manager
City of Union City
1154 Whipple Road
Union City, California 94587

Dear Mr. Zaner:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

With regard to your request for further information regarding the Life Experience Degree Program, the offer to provide additional information which was made in Bulletin 77-1 pertains to providing information and explanations relative to the Commission's policy regarding units of credit based upon experience. If you have specific questions, we would be happy to respond.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

ALFRED NORTH WHITEHEAD COLLEGE
of liberal and career studies

OFFICE OF THE PROVOST

February 15, 1977

Mr. Otto H. Saltenberger
Police Officers Standards and
Training Commission
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Saltenberger:

Word has reached me concerning a meeting of POST on January 20, 1977, at which time an agenda item entitled Life Experience Degree Program was presented for discussion. I note that the Commission was seeking approval as a policy the statement presented as item one in the notes distributed,

> "Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows: No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree."

Officials at POST are to be congratulated in adopting this generous provision with respect to collegiate opportunities open to adult students. It conforms to policies now in effect in many institutions.

The past few years have demonstrated dramatically the need for colleges and universities to develop highly innovative programs at the baccalaureate and higher levels to meet present and emerging needs for the education of deserving adults in our society. Education at all levels is presently undergoing exacting reappraisal; it is evident that the role of colleges must be expanded to accommodate adult learners. President Varner, of the University of Nebraska, has said, "Our society will not permit us to ignore the large number of adult learners currently unserved by the existing efforts of higher education. The real question is whether ... the institutions we represent have the imagination, the vigor, and the determination to follow through ..."

I am happy to be able to call attention to the efforts of the University of Redlands since 1971 to work in the direction of fulfilling these

THE UNIVERSITY OF REDLANDS
REDLANDS, CALIFORNIA 92373 · TELEPHONE (714) 793-2121, EXT. 224

needs. One area in which we have worked consistently is that of the Administration of Justice; a number of police officers have been attracted to our program over the years. We offer the degree of Bachelor of Arts with emphasis in Public Service and Management. Students entering this program are eligible to receive credit for non-institutional learning acquired during their careers. It should be noted that we have not identified this as credit for life experience; it is regarded as credit for what has been learned from experience. At A. N. Whitehead College of the University of Redlands, a review of our students who have completed the program indicates that, on an average, 9.6 semester units of credit have been granted for non-institutional learning. To limit credit for non-institutional learning to six units outside the field of law enforcement, (item 3 of POST Interim policy), serves to defeat efforts to encourage breadth of background. An average of 19 semester units of credit has been granted for attendance at professional schools. In those instances where students have presented for credit consideration an evaluation under provisions of the Swan Bill, special care has been exercised to avoid duplication. Except for a limited number of situations in which some latitude has been extended by an academic review board, the student entering the degree program at A. N. Whitehead College of the University of Redlands must have completed the first two years (60 semester units) with an average grade of not less than 2.0; a minimum of 30 units must be completed with the University for the degree. We have found our police officer degree candidates to be highly motivated; many of them have enrolled in programs leading to advanced degrees, and we are proud to have them as active members of the University alumni group.

As chief administrator of the A. N. Whitehead College of the University of Redlands, I endorse the items proposed for inclusion as part of Commission Procedure F1 (Professional Certification Program), Section I-4.c. I am happy to have this opportunity to sketch for you the details of the University program in the Administration of Justice.

Sincerely,

Gordon C. Atkins

Gordon C. Atkins
Provost

DEPARTMENT OF JUSTICE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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February 25, 1977

Gordon C. Atkins, Provost
The University of Redlands
Alfred North Whitehead College
Redlands, California 92373

Dear Provost Atkins:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

City of Martinez

POLICE DEPARTMENT

525 HENRIETTA STREET • MARTINEZ
CALIFORNIA 94553 • (415) 228-4141

February 22, 1977

Mr. William Garlington
Executive Director
Commission on Peace Officer
Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Attention: George Williams

Dear George:

In reference to our conversation on February 18, 1977 relative to the Life Experience Degree programs based on prior experience and the position taken by P.O.S.T. (Bulletin 77-1), my thoughts on this are as follows:

I support the trend that is developing throughout higher education toward "non traditional learning credit" and "credits for educational or training programs offered by non collegiate institutions". I believe it is important for persons to achieve limited academic recognition for the cognitive, affective and psychomotor experience they have acquired outside of a college classroom.

I suspect that the limits of non traditional credit is a real issue in this concept. It is my belief, based on my personal observations, that the basic educational foundations for higher learning are achieved during the first two academic years of college, therefore, a standard should be established in any non traditional degree program that demonstrates the student has acquired a two year college level learning experience.

I also believe that life experience credit should only be awarded for demonstrated skills that have relevance to the students' profession and the degree being pursued.

I also believe that any college or university offering credit for past training and life experience should publish their standards for awarding credit and that this standard be academically defensible.

MARTINEZ

February 22, 1977

I support the position taken by the Commission on Peace Officer Standards and Training on life experience credit, however, I wonder if 40 experience units being granted without a defensible examination might be too liberal. In any event, P.O.S.T. has established an acceptance standard that California law enforcement personnel must meet for the award of certificates. I suspect that the various academic accrediting bodies will set appropriate and acceptable academic standards in the near future.

If I can assist you or the Commission at any time, please do not hesitate to call upon me.

Sincerely,

J. W. Warren
Chief of Police

JWW:ll

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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February 24, 1977

J. W. Warren, Chief
Martinez Police Department
525 Henrietta Street
Martinez, California 94553

Dear Chief Warren:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

February 17, 1977

Mr. William Garlington, Director
Commission on Peace Officer
Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Garlington:

We at the Sunnyvale Department of Public Safety concur with your opinion set forth in Bulletin: 77-1, "Life Experience Degree Program."

I feel that officers pursuing degrees under the "traditional" educational system exhibit those traits generally associated with higher education. The ultimate result is that these men have a broader educational base and appear to contribute more to the department.

If I or the department can be of any assistance to you on this issue, please feel free to contact us.

Very truly yours,

J. Ammerman, Chief
Dept. of Public Safety

JA:JRR:jb

ADDRESS ALL MAIL TO: P.O. BOX 607 • SUNNYVALE, CALIFORNIA 94088 • PHONE (408)739-0531
Locations: City Hall, 456 West Olive • Public Safety, 650 West Olive • Library, 665 West Olive

STATE OF CALIFORNIA
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EDMUND G. BROWN JR., Governor
EVELLE J. YOUNGER, Attorney General

February 25, 1977

J. Ammerman, Chief
Department of Public Safety
City of Sunnyvale
P. O. Box 607
Sunnyvale, California 94088

Dear Chief Ammerman:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

Saint Mary's College of California
Office of External Degree Programs
P.O. Box 397
Moraga, California 94575

415/ 376-2540

February 3, 1977

Chairman of the Commission
Police Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Chairman:

We at Saint Mary's College would like to go on record as being in full support of the POST policy of accepting up to forty units of experiential learning toward the bachelor's degree. It is the feeling of our College that college-level learning, whatever the source, is valid and that higher education is doing a disservice to adult students by not acknowledging and crediting documentation of a very wide range of learning experiences. It is a credit to POST that it has developed an established policy in this important academic area.

Sincerely,

Nancy Dyar
Director

ND/mb

FEB 4 10 39 AM '77
COMMISSION ON POST

STATE OF CALIFORNIA

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February 18, 1977

Nancy Dyar, Director
Saint Mary's College of California
Office of External Degree Programs
P. O. Box 387
Moraga, California 94575

Dear Ms. Dyar:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977 at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

POLICE DEPARTMENT

P. O. BOX 199 320 "E" STREET

GATEWAY TO RECREATION

WATERFORD ⊙ CALIFORNIA
95386

February 25, 1977

Office of Chief of Police
MICHAEL K. MINARD
Telephone: 874-2349

Mr. Ray Bray
Commission on Peace Officer Standards and Training
7100 Bowling Drive #250
Sacramento, California 95823

Dear Ray,

In reading the most recent "Post Scripts," I was pleased to see that we could get "Hold-Up" posters from you. I have seen them in several business places in other cities and think they are great. Now all we have to do is get the crooks to believe what they read!

At any rate, Ray, if you would send us forty or fifty of them, I'd like to get every place in town to display them.

While I have the opportunity, I'd also like to commend POST for doing something about the USF "life experience" ripoff. Those of us who worked hard for our college degrees agree with your proposed policy. Keep up the good work!

Sincerely,

Michael K. Minard
Chief of Police

MM/mw

DEPARTMENT OF JUSTICE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

EVELLE J. YOUNGER, Attorney General

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March 2, 1977

Michael K. Minard
Chief of Police
City of Waterford
P. O. Box 199
Waterford, California 95386

Dear Chief Minard:

This is in reply to your recent letter concerning the "Hold'Up" posters and the Life Experience Degree Program.

Mr. Ray Bray has informed me that the posters you requested are being forwarded to you.

We understand your concern with the Life Experience Degree Program and appreciate your taking the time to present your comments to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding the Life Experience matter, please feel free to contact me.

Sincerely,

George W. Williams

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

City of Fremont
City Government Building
Fremont, California 94538

(415) 791-4111

March 2, 1977

William J. Anthony
Chairman
Commission on Peace Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Anthony:

I have received your Bulletin #77-1, dealing with the subject of the Life Experience Degree Program. I am amazed the Commission would give consideration and credit as outlined in your bulletin.

The cities of the Bay Area have taken particular issue with the University of San Francisco in offering a BA program which includes a significant degree of credit for life experience. Fremont has, as do many other cities in the State, an educational incentive program in which academic achievement results in increased compensation. The POST certificates are similarly rewarded in many jurisdictions. The San Francisco University program, referred to earlier, has been disallowed by this City and many other jurisdictions as not an acceptable program toward education incentive awards. Additionally, the University itself is being reviewed as to its accreditation in offering such programs. This review of the University has not been released as yet to my knowledge.

It is my opinion that the principles involved in disallowing life experience in the university atmosphere are similarly applicable to the POST certificates.

Without going into any length as to my dismay as to the announcement of the Commission, I would urge that reconsideration be given to any allowance for life experience and further that the staff investigate the issues raised in the San Francisco program, as well as the position of many cities throughout California.

Sincerely,

Don Driggs
City Manager

DD:ew

cc: Loren Enoch, County Administrator
Donald McIntyre, City Manager, Pasadena
Robert Grogan, City Administrator, Santa Maria
William Zaner, City Manager, Union City

STATE OF CALIFORNIA
EDMUND G. BROWN JR., Governor

DEPARTMENT OF JUSTICE
EVELLE J. YOUNGER, Attorney General

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March 9, 1977

Don Driggs
City Manager
City of Fremont
City Government Building
Fremont, California 94538

Dear Mr. Driggs:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I or POST staff may be of assistance to you regarding this matter, please feel free to contact us.

Sincerely,

W. J. Anthony

WILLIAM J. ANTHONY
Chairman

TO:

George Williams
POST

FROM: Michael M. Howe MM
Dean, Continuing Education

DATE: March 4th, 1977

SUBJECT: POST Bulletin 77-1

1. Background

The University of San Francisco has been granting credit for prior learning for external degree students since the Fall of 1974. Many students in our program are law enforcement personnel and will be effected by Bulletin 77-1.

2. Comments

We are in agreement that there should be guidelines concerning granting credit for prior learning, avoiding duplication of credit, and maintaining accurate records. The Bachelor degree in Vocational Education is a deceptive model, however, for establishing guidelines. The BVE is designed to grant credit for experience, the granting of which is accomplished in a rather mechanistic manner.[1] In our programs credit is granted for learning and not experience. Credit is granted only when deemed pertinent to educational, professional and personal goals. Setting numerical limits is artificial, rather the limit should be related to student goals.

As presently designed, it is our opinion that the limits imposed in 77-1 would be extremely difficult to make workable. The unworkability hinges upon the equation of our programs with the BVE program. When credit is granted for learning, it will be difficult for POST to attach a time or experience component to that.

We want to be certain that the records we maintain are a good service to the student.[2]

Training points should not be utilized for credit for prior learning to gain education points and, then, both submitted for an Advanced or Intermediate certificate.

3. Recommendation

Education points and college degrees which are acquired through the award of units based upon prior experiential learning are accepted as follows:

[1]See attachment A. [2]See attachment B.

UNIVERSITY OF SAN FRANCISCO

Credit for prior experiential learning is related to educational and professional goals achieving the baccalaureate degree. ___% must be related to law enforcement occupational, supervisorial or managerial experiential learning.[3]

Learning in any degree program has educational, professional and personal components. For POST purposes the professional and educational are paramount. However, under present POST guidelines a person could achieve a Bachelor of Fine Arts and that degree would qualify for an Advanced Certificate.

Restrictions on education points awarded from experiential learning should not be stricter (or looser) than on any other kind of education points in the "traditional" setting. However, the Commission may want to set a standard on the subject matter of education points.

Credit for prior experiential learning is granted by experts appointed by the institution granting credit.

When an institution establishes programs, qualified persons are hired to staff the needed activities. If a new department with classroom-based instruction is added, it's credit awarded is acceptable through-out the academic community. If a new component is added which uses the same experts to award credit via different, but credible means, credit awarded should be accepted in a like manner.

Training related to law enforcement is allowable only as training points. Training offered for training points cannot also be offered as any part of the basis of attainment of education points arising from credit granted for prior experiential learning.

Preventing duplication of credit for the attainment of a college degree is a matter of paramount importance. Duplication should be rigorously avoided in the POST certificate process also. Record keeping processes should be such that duplication is prevented.

Records indicating the granting of credit for prior experiential learning are accompanied by information from the educational institution outlining the basis for granting credit.

This is necessary to insure that accurate information is transmitted from academic institutions to any program participant, so that the person can indicate to any and all concerned the nature of the processes pertaining to the award of his degree/credit.

[3]Percentages to be determined by POST

Attachment "A"

Taken from p.38-39, USF response to WASC (Site) Report, February 18, 1977.

Pages lines
18 5-8

University of San Francisco could benefit from a review of the state approved standards used for granting academic credit for non-academic activities related to the vocational education baccalaureate degree for work experience.

Because the California Code was of little guidance, University personnel visited the Bureau of Industrial Education office in Sacramento for further information. Explanation of procedures by Bureau staff indicated that indeed a standard set of procedures was used to gather detailed information by which decisions are made on whether and if so, how much credit to award for occupational, supervisorial, and managerial experience.

After an entry interview with a counsellor on the applicant's campus, to determine eligibility, the applicant fills out an extensive application for evaluation of work experience. This application is evaluated clerically on a formula basis and a unit count forwarded to the Board of Examiners, who recommend and forward to a committee of Bureau chiefs, who recommend and forward to the Head of Vocational Education. This person then recommends to the head of the campus involved.

These are fine and adequate procedures. However, in no place in the entire procedure is the applicant required to explicitly demonstrate learning. Credit by all accounts is awarded for experience. It is the explicit tenent of the University of San Francisco that credit can only be awarded for demonstrable learning that arises from experience and not for experience itself.

We, therefore, find inadequare the recommendation that our programs could benefit from review of state approved standards for, in our judgement, we have developed far more vigorous policies and procedures "for granting academic credit for non-academic activities."

ATTACHMENT B

UNIVERSITY OF SAN FRANCISCO

Continuing Education

Credit for Prior Learning

In Fall, 1975, an Assessment Center was established on campus to evaluate college-level learning for students requesting such evaluation. A more detailed explanation of this process will be made available to you upon request. Materials submitted as the basis for requested credit are evaluated by the academic departments of the University. Evaluation is reviewed by a committee of full-time tenure-track faculty members.

Units for Certificated Learning represent credit based upon an analysis of various in-service training and certificate programs. Each program is periodically reviewed to assure continuing maintenance of standards.

Units for Faculty Assessed Learning represent credit based upon an analysis by a competent faculty member of individual learning evidence presented by students.

Substantiating materials are available upon request from the Registrar and microfiche of all pertinent substantiating material may be viewed by persons authorized by the student.

_____ has been evaluated and found to be equivalent to _____ unit(s) of credit in _____.

_____ has been evaluated and found to be equivalent to _____ unit(s) of credit in _____.

_____ has been evaluated and found to be equivalent to _____ unit(s) of credit in _____.

_____ has been evaluated and found to be equivalent to _____ unit(s) of credit in _____.

_____ has been evaluated and found to be equivalent to _____ unit(s) of credit in _____.

Yours truly,

Michael M. Howe
Director, Continuing Education

STATE OF CALIFORNIA
EDMUND G. BROWN JR., Governor

DEPARTMENT OF JUSTICE
EVELLE J. YOUNGER, Attorney General

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March 9, 1977

Michael M. Howe
Dean, Continuing Education
University of San Francisco
San Francisco, California 94117

Dear Mr. Howe:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interest in the Life Experience Degree Program and appreciate your taking the time to present comments to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

TAB G

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET		
Agenda Item Title Definition of a Peace Officer - PORAC Resolution		Meeting Date May 27, 1977
Division Management Services	Division Director Approval Ron Stallmann	Researched By Bobby Sadler Center for Police Mgmt.
Executive Director Approval W. R. Darlington	Date of Approval May 12, 1977	Date of Report May 4, 1977
Purpose: Decision Requested [X] Information Only [ ] Status Report [X]		Financial Impact Yes (See Analysis per details) [ ] No [X]

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use seprate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

Background:

On January 15, 1977 PORAC submitted a Resolution asking POST to use its resources and additionally coordinate the efforts of professional peace officer organizations in the development of an operational definition of "peace officer". Further, the Resolution asks that POST coordinate legislation to that end.

The Center for Police Management in December 1976 was assigned to conduct a study, "Identification and Analysis of Peace Officer Categories in California", as the first step toward development of training standards for Specialized Law Enforcement; mandated by 13510.5 P.C.

Additional emphasis was given to the study by way of a request from the Senate Committee on Judiciary for POST assistance in identifying the various duties and responsibilities of California peace officers.

Analysis:

The Center has completed the study identifying peace officer categories; their applicable provisions of law regarding authority, duties, and responsibilities; and typical practices and limitations as perceived by incumbents. The study discloses a number of definitive problems as well as considerable confusion in the status of peace officers and their powers in California.

Recommendations:

- It is recommended that POST continue to cooperate with the Senate Committee on Judiciary with a view toward further study and problem solution.
- Provide the attached information to PORAC for its use in developing a definition and/or legislation.
- It is further recommended that POST initiate a series of problem-solving seminars utilizing major professional peace officer organizations to develop appropriate training standards for the specialized agencies and to resolve the problem of eligibility for entry into the POST Specialized Program.

Utilize reverse side if needed

POST 1-187

Identification and Analysis of Peace Officer Categories in California

May 1977

THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

PREFACE

In the past, the duties performed by selected classes of peace officers in California have been studied and analyzed by the Commission on Peace Officer Standards and Training (POST). Those studies were conducted to furnish empirical information which would allow POST to develop appropriate peace officer standards and provide relevant peace officer training courses.

Initially, those studies were directed, almost exclusively, toward the duties performed by members of county sheriffs' offices, city police departments, district police departments, and the California Highway Patrol. More recently, such studies have included local reserve and auxiliary peace officer, the University of California Police, and nearly every other class of California peace officers. Generally, the more recent studies were performed to determine which classes of peace officers should be included in the POST training and/or reimbursement programs.

During 1976, the California Senate Committee on Judiciary, Subcommittee on Peace Officers, held hearings to determine if the existing peace officer statutes are in need of revision. On November 9, 1976, William R. Garlington, Executive Director, Commission on Peace Officer Standards and Training, testified before that Senate Committee. He was informally requested to provide assistance by identifying the duties and responsibilities of the various peace officer classes in California. Representatives of the committee also expressed interest in the jurisdictions of the various classes of peace officers and a definition of the term "peace officer".

On January 15, 1977, the Peace Officers' Research Association of California (PORAC) requested POST to coordinate the efforts of all professional peace officer organizations to develop an operational definition of the term "peace officer". In addition, PORAC requested POST to recommend appropriate legislation concerning this matter.

In response to these requests and others, the Center for Police Management, Commission on Peace Officer Standards and Training, was assigned the responsibility to conduct research concerning the various classes of peace officers which exist within the State. The research effort has been completed relative to the duties and responsibilities of the existing classes of peace officers and the statutory laws which pertain to them. In addition, further research regarding the jurisdictions of the various classes of peace officers is in progress.

The information which is currently available indicates the problems associated with the study are complex and extend beyond the mere definition of the term "peace officer" as well as the existing Penal Code sections which specify the persons who are peace officers.

The research suggests that the Commission on Peace Officer Standards and Training should not:

- state which classes of peace officers should be modified, expanded or eliminated, or
- propose legislation regarding changes to the existing peace officer statutes.

These recommendations are made because such actions are political in nature and the responsibility of elected legislative representatives. POST's role should be to provide unbiased research information to the Legislature and other interested parties so they may take appropriate action. The following material contains the results of POST's research efforts to date.

May 1977.

PEACE OFFICER CATEGORIES

An effort has been made to group the different classes of peace officers within the State into categories. The results of that effort appear in the matrix entitled, "Peace Officer Categories".

The varying classes of peace officers were placed in vertical columns under the headings "local", "state", "federal", "volunteer", and "private". Those headings appear on the horizontal axis of the matrix and are intended to specify the kind of employment undertaken by each class.

Broad responsibility groupings were created for the vertical axis of the matrix. The different classes of peace officers are horizontally opposed to those groupings. The groupings are intended to specify the broadest responsibility of each class of peace officer.

Definitions of Groupings

LOCAL GENERAL - Refers to members of county sheriffs' offices, city police departments, and district police departments who have primary general law enforcement responsibilities and are restricted only by geographic area.

STATE TRAFFIC - Refers to members of the California Highway Patrol who have general traffic enforcement responsibilities throughout the State.

STATE INVESTIGATION - Refers to the Department of Justice special agents who have general law enforcement investigative responsibilities on a statewide basis.

SPECIAL AREA JURISDICTION - Refers to the jurisdiction of the peace officers who are employed to intensify the law enforcement activities in a special geographic area. Example special areas are harbor districts, state properties, and housing authorities. These peace officers may have full law enforcement responsibilities which are usually restricted to the special area of employment. These peace officers may be restricted by subject matter.

SPECIAL SUBJECT JURISDICTION - Refers to the jurisdiction of the peace officers who are employed to intensify law enforcement activities on special problems. Example special problems are fish and game law enforcement, arson prevention, and alcoholic beverage control. These peace officers may be restricted by geographic area.

SPECIAL PROCESS - Refers to the duties of the peace officers who are responsible for facilitating the orderly progress of legal proceedings. Example proceedings are court and legislative hearings. These peace officers may be restricted by area.

CUSTODY - Refers to the duties of the peace officers who are primarily responsible for maintaining custody or controlling the activities of specific persons. These peace officers are usually restricted by subject matter.

MISCELLANEOUS - Refers to the peace officers whose jurisdictions or duties cannot logically be placed within one of the previous groupings. These peace officers are usually restricted by subject matter and geographic area.

Comments

This matrix was created to divide the existing peace officers into logical categories for study purposes. The location of a given class of peace officers in any specific category is not meant to increase the status or denigrate that class of peace officers. No importance has been attached or intended by the order of categories used.

PEACE OFFICER CATEGORIES

	LOCAL	STATE	FEDERAL	VOLUNTEER	PRIVATE
Local General	Sheriff/Undersheriff/Deputy Sheriff City Policeman District Policeman			Reserve or Auxiliary/Sheriff, Deputy Sheriff or City Policeman	
State Traffic		Member/California Highway Patrol			
State Investigation		D.O.J. Agents (Agents' Superiors)			
Special Area Jurisdiction	Port-Harbor/Warden, Policemen and Special Officers * Regional Park District Police Officers Bay Area Rapid Transit District Officers Bethel Island Municipal Improvement District Police Officers Members/Community College Police Department Airport/Special Officers, Policemen and Security Officers Members/School District Security Patrol Municipal Utility District Security Officers County Security Guard Housing Authority Patrol Officers	Member/California State Police Division Member/University of California Police Dept. Member/State College Police Department Parks and Recreation/Marshals and Police (Cal Expo) Department of Health/State Hospital Administrator and Police Officers California State Police Division/Security Officers	Authorized Federal Employees		** Railroad or Steamboat Policeman *** Cemetery Authority Persons
Special Subject Jurisdiction	County/Fish and Game Warden Members/Local Arson Investigation Unit Local Park Rangers D.A. Inspector-Investigator	Members/Wildlife Protection Branch Department Fish and Game Fish and Game Deputies State Fire Marshal, Assistant and Deputy Marshals Members/State Arson Investigation Unit Division of Forestry/State Forester and Employees Department of Parks and Recreation/Officers and Employees **** Attorney General Investigator A.B.C. Director and Enforcement Persons D.M.V. Officers and Employees Division of Labor Law Enforcement/Investigators Department Navigation and Ocean Development/Director and Employees Consumer Affairs/Chief and Investigators-Medical Quality Assurance Investigators California Horse Racing Board/Secretary, Chief and Investigators State Department of Health/Investigators Welfare Fraud/Inspector or Investigator Bureau of Food and Drug/Chief and Inspectors	Voluntary Fire Wardens		
Special Process	Marshal/Deputy Marshal Constable/Deputy Constable	Legislature/Sergeant-at-Arms Supreme Court/Courts of Appeal/Bailiffs			
Custody	Probation Officer/Deputy Probation Officer	Youth Authority/Placement or Parole Officer-Ward Custody Employee-Transportation Officer Department of Corrections/Warden, Superintendent, Supervisor and Guard Department of Corrections/Law Enforcement Liaison Agent Department of Corrections/Parole Officer			
Misc.	Coroner/Deputy Coroner Members/Fire Department or Fire Protection Agency	Members/California National Guard (when activated) Treasurer's Office/Guards and Messengers Department of Transportation/Toll Services Chief, Captains, Lieutenants and Sergeants			

* S.F. Port Commission Police have been disbanded.
** Currently, there are no commissioned Steamboat Policemen.
*** Some cemetery authorities are local special districts and not private.
**** The Attorney General has not designated and A.G Investigators.
Other: Nevada State Prison Officer or Employee not shown.

TYPICAL PRACTICES AND LIMITATIONS

Generally, police powers are delegated to peace officers in proportion to their needs. Those needs are generated by the duties and responsibilities assigned to the individual classes of peace officers. A matrix has been developed to illustrate the differences between the duties and responsibilities of the various classes of peace officers.

After a review of the available literature, 20 significant duties, responsibilities, and practices of peace officers were determined and defined. Appendix A contains those definitions. Those items of conduct are cited and arranged on the horizontal axis of a matrix in accordance with the frequency of their application to the various classes of peace officers. That matrix is entitled, "Typical Practices and Limitations".

The peace officers designated in the Penal Code are cited and arranged in the vertical axis of the matrix according to their previously determined categories as expressed on the "Peace Officer Categories" matrix.

Comments

Information was obtained for the "Typical Practices and Limitations" matrix by telephone from practitioners. The responses of the practitioners were used on the matrix without further verification. Those responses which appear to be inconsistent with existing statutory law, are indicated by asterisks on the matrix.

Three items of conduct, investigative responsibility, peace keeping responsibilities, and patrol responsibilities, are divided into two aspects; i.e., limited and broad. If an individual class of peace officers performs one aspect of those three conducts, by definition the performance is singular. One item of conduct, issues criminal or juvenile citations, refers to the issuance of "notices to appear". The terms "citation" and "notice to appear" are synomymous in this study.

Typical Practices and Limitations

Peace Officers	Arrests without warrant	Carries handgun	Carries police baton	Issues criminal or juvenile citations	Serves arrest warrants	Wear distinctive police uniform	Operates emergency vehicle	Limited investigative responsibility	Operates distinctively marked police vehicle	Serves search warrants	Crowd control responsibilities	Uses tear gas weapons	Limited peace keeping responsibilities	Limited patrol responsibilities	Broad investigative responsibility	Regulates vehicular traffic	Serves civil process	Operates confinement institution	Broad peace keeping responsibilities	Broad patrol responsibilities	Comments
Sheriff Undersheriff/Deputy Sheriff	X	X	X	X	X	X	X		X	X	X	X			X		X	X	X	X	
City Policeman	X	X	X	X	X	X	X		X	X	X	X			X	X		X	X	X	
District Policeman	X	X	X	X	X	X	X		X	X	X	X			X	X			X	X	
Reserve or Auxiliary/Sheriff, Deputy Sheriff or City Policeman	(1)	X	X	(1)	(1)	X	X		X	(1)	X	X			(1)	X	(1)	X	(1)	(1)	See footnote **
Member/California Highway Patrol	X	X	X	X	X	X	X	X	X	X		X	X			X					
Department of Justice Agents (Agents' Superiors)	X	X		X	X		X			X		X			X						
Port-Harbor/Warden, Policemen and Special Officers	X	X	X	X	X	X	X	X	X			X	X	X							S.F. Port Commission Police disbanded
Regional Park District Police Officers	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X					
Bay Area Rapid Transit District Officers	X	X	X	X	X	X	X		X	X	X	*	X	X	X						
Bethel Island Municipal Improvement District Police Officers		X	X	X		X	X							X							One police officer/Levee Foreman
Members/Community College Police Department	X	X	X	X	X	X	X		X		X	*	X	X							Maximum duties performed by colleges contacted
Airport/Special Officers, Policemen and Security Officers	X	X	X	X		X	X		X		X		X	X		X					
Members/School District Security Patrol	X	X	X	X	X	X	X		X	X	X		X	X	X						
Municipal Utility District/Security Officers	X	*	X	X	X	X	X	X	X				X	X							
County Security Guards	X	X	X			X	X	X	X		X		X	X							
Housing Authority Patrol Officers	X	X	X	X	X	X		X	X			*	X	X							
Member/California State Police Division	X	X	X	X	X	X	X		X	X	X	X	X	X	X						
Member/University of California Police Department	X	X	X	X	X	X	X		X	X	X	*	X	X	X	X					
Member/State College Police Department	X	X	X	X	X	X	X		X	X	X	*	X	X	X	X					
Parks and Recreation/Marshals and Police	X	X	X	X		X	X		X		X	X	X	X							California Exposition and State Fair
Department of Health/State Hospital Administrator and Police Officers	X		X	X	X	X	X	X	X	X	X	X	X	X				X			Uniformed officers do not carry handguns
California State Police Division/Security Officers	X	X	X	X		X	X		X			*		X							
Authorized Federal Employees	X	X	X	X	X	X	X	X	X	X	X		X	X		X					Written consent needed
Railroad or Steamboat Policeman	X	X	X	X	X	X			X	X			X	X	X						No steamboat/policemen have been commissioned
Cemetery Authority Persons	X					X			X		X			X							Uniformed officers do not carry handguns. Not trained - 832 PC.
County/Fish and Game Warden	X	X	X	X	X	X	X	X	X	X											
Members/Wildlife Protection Branch/ Department of Fish and Game	X	X	X	X	X	X	X	X	X	X		X									
Fish and Game/Deputies	X			X		X			X												Uniformed officers do not carry handguns
State Fire Marshal, Assistant and Deputy Marshals				X				X		X											
Members/Local Arson Investigation Unit	X	X	X	X	X		X	X		X											
Members/State Arson Investigation Unit	X	X	X	X	X			X		X											
Division of Forestry/State Forester and Employees	X	X	X	X	X	X	X	X		X				X							
Voluntary Fire Wardens	X			X	X	X	X	X		X											Uniformed officers usually do not carry handguns
Local Park Rangers	X	X	X	X		X	X	X	X		X		X	X							
Parks and Recreation/Officers and Employees	X	X	X		X	X	X	X	X		X		X	X		X					
District Attorney Inspector - Investigator	X	X	X		X		X			X		X			X						
Attorney General Investigator																					No appointments made
A.B.C. Director and Enforcement Persons	X	X		X	X			X		X		X									
Department of Motor Vehicles Officers and Employees		X			X		X	X	X	X											
Division of Labor Law Enforcement/ Investigators	X	X	X	X	X			X		X							X				
Department of Navigation and Ocean Development/Director and Employees								X													
Consumer Affairs/Chief & Investigators - Medical Quality Assurance Investigators	X	X			X			X		X							X				
California Horse Racing Board/Secretary, Chief and Investigators		X						X									X				
Department of Health/Investigators								X		X											
Welfare Fraud/Inspector or Investigator								X													
Bureau of Food and Drug/Chief and Inspectors	X			X	X			X		X							X				
Marshal/Deputy Marshal	X	X	X	X	X	X	X	X	X		X	X	X				X				
Constable Deputy Constable	X	X	X	X	X	X	X	X	X		X	X	X				X				
~~Legislature/Sergeant at Arms~~											X										Not trained - 832 PC
Supreme Court/Courts of Appeal/Bailiffs		X									X										
Probation Officer/Deputy Probation Officer	X	X						X			X		X	X				X			
Youth Authority/Placement or Parole Officer - Ward Custody Employee - Transportation Officer	X				X			X			X		X	X				X			Supervising ward custody employees included
Department of Corrections/Warden, Superintendent, Supervisor and Guard			X			X		X			X	X	X	X				X			Uniformed officers usually do not carry handguns
Department of Corrections/Law Enforcement Liaison Agent	X	X	X		X			X				X									
Department of Corrections/Parole Officer	X	X	X		X			X													
Coroner/Deputy Coroners		*	X					X				*									
Members/Fire Department or Fire Protection Agency				X			X														
Members/California National Guard	X	X	X				X					X	X								When activated
Treasurer's Office/Guards and Messengers	X	X						X													
Department of Transportation/Toll Services Chief, Captains, Lieutenants and Sergeants						X															Uniformed officers do not carry handguns - Not trained - 832 PC

* Legality in question

** There are three categories of Reserve Police Officers:

(1) Alone working
(2) Ride alone
(3) Limited function

NOTE: Nevada State Prison officer or employee not shown.

APPLICABLE PROVISIONS OF LAW

In the past, a great deal of legislative attention has been directed toward the various classes of peace officers. Since some classes have received more attention than others, it appears those classes have been of greater concern to the Legislature than those which have received little attention. A matrix has been developed to illustrate the Legislature's concern, as expressed in legislation, for each class of peace officers. That matrix is entitled, "Applicable Provisions of Law".

Existing statutory law was reviewed and those sections which differentiate between the various classes of peace officers were selected. Those sections are cited and arranged on the horizontal axis of the matrix according to their frequency of application. The peace officers named in the Penal Code are rank ordered on the vertical axis of the matrix in accordance with the number of sections of law which apply to them.

Comments

Sections 3300 (Procedural Bill of Rights Act) and 24103 (State Citizenship Requirements) Government Code were included in the matrix although there is some question regarding their constitutionality. They appear to reflect legislative interest. Sections 8597 and 8598 Government Code (Emergency Powers for State Peace Officers) were omitted from the matrix because they do not apply to the undersheriff/deputy sheriff class of peace officers which is used as the base of the matrix.

A copy of each code section used and any assumptions made about the applicability of the provisions of the sections are appended to this study as Appendix B.

Applicable Provisions of Law

Peace Officers	11105 PC / 13300 PC — Has access to summary criminal history information	12031 PC — Exempted from loaded firearms law	12027 PC — Exempted from concealed weapons law	171c PC / 171d PC — Exempted from State Capitol loaded firearms law	150 PC — May order adult male citizen to assist	830.7 PC — Must wear device with name or identification number	12403 PC — May possess tear gas	412 PC — Must stop uneven amateur boxing match	3206 GC — Must not wear uniform for political purposes	241-245 PC — Felony assault protection	22013 GC — May be excluded from federal social security	13510 PC / 13510.5 PC — POST sets minimum standards	12302 PC — May possess destructive device	217 H & SC — First aid and C.P.R. training required	335 PC — Must enforce gaming laws	24005 GC / 38634 GC — Must receive annual vacation	148.5 PC — Prohibits false crime report to	409.5 PC — May close calamity area	3300 GC — Included in procedural Bill of Rights Act	12201 PC — May possess machine gun	12501 PC — May possess firearms silencer	53069.7 GC — Reward may be posted for assailants of	525 B & PC — Prescription eyeglasses must be shatterproof	50920 GC — Covered by workman's compensation when working outside jurisdiction	24004 GC — Prohibited from practicing law or acting as collection agent	13022 PC — Must report justifiable homicides	832.3 PC — POST Basic Course required	832.4 PC — POST Basic Certificate required	832.5 PC — Citizens' complaint procedure required	24103 GC — Must be State citizen
Undersheriff/Deputy Sheriff	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	
City Policeman	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
District Policeman	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X					X	X	X		
Deputy Constable	X	X	X	X	X	X	X	X	X	X			X		X	X			X		X			X	X					X
Constable	X	X	X	X	X	X	X	X	X	X			X		X	X			X		X			X	X					
San Francisco Port Commission Policemen	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X					X								
Regional Park District Police Officers	X	X	X	X	X	X	X	X	X		X	X		X	X		X	X		X										
Deputy Marshal	X	X	X	X	X	X	X	X	X	X	X		X			X			X		X									X
Member/California Highway Patrol	X	X	X	X	X	X	X			X	X		X	X			X	X	X				X							
Marshal	X	X	X	X	X	X	X	X	X	X	X		X			X			X		X									
County Airport/Special Officers, Policemen and Security Officers	X	X	X	X	X	X	X	X	X		X			X	X	X	X					X								
City-District Airport/Special Officers, Policemen and Security Officers	X	X	X	X	X	X	X	X	X		X			X	X		X					X								
Port-Harbor/Warden, Policemen and Special Officers	X	X			X	X	X	X	X		X			X	X	X	X					X								
Reserve or Auxiliary/Sheriff, Deputy Sheriff or City Policeman	X				X	X	X	X	X	X				X	X		X	X				X								
Bay Area Rapid Transit District Officers	X	X	X	X	X	X		X	X	X		X	X											X						
Bethel Island Municipal Improvement District Police Officers		X	X	X	X	X	X	X	X		X			X	X		X													
Member/California State Police Division	X	X	X	X	X	X	X			X	X	X	X						X											
Member/State College Police Department	X	X	X	X	X	X				X	X	X	X					X		X										
Parks and Recreation/Marshals and Police (Cal Expo)	X	X	X	X	X	X	X	X				X		X	X		X													
Members/County Arson Investigation Unit	X	X	X	X				X	X	X	X		X	X		X							X							
Member/University of California Police Department	X	X	X	X	X	X				X		X	X					X		X										
Department of Health/State Hospital Administrator and Police Officers	X	X	X	X	X	X	X					X		X	X		X													
Members/City-District Arson Investigation Unit	X	X	X	X				X	X	X	X		X	X									X							
Railroad or Steamboat Policeman	X	X	X	X	X	X	X							X	X		X													
Members/Wildlife Protection Branch/ Department of Fish and Game	X	X	X	X	X	X	X			X	X	X																		
D.O.J. Agents (Agents' Superiors) A.G. Investigator	X	X	X	X			X			X	X	X	X																	
Members/Community College Police Department		X	X	X	X	X		X	X									X		X										
County Security Guards	X	X	X	X	X	X		X	X							X														
County/Housing Authority Patrol Officers	X	X	X	X	X	X		X	X							X														
County/Fish and Game Warden	X	X	X	X	X	X		X	X							X														
District Attorney Inspector - Investigator	X	X	X	X			X	X	X						X		X													
Probation Officer/Deputy Probation Officer	X	X	X	X				X	X	X	X					X														
Department of Corrections/Warden, Superintendent, Supervisor and Guard	X	X	X	X	X	X	X			X	X																			
Members/California National Guard (when activated)	X	X	X	X			X			X			X							X	X									
Members/School District Security Patrol	X	X	X	X	X	X		X	X																					
City/Housing Authority Patrol Officers	X	X	X	X	X	X		X	X																					
Authorized Federal Employees	X	X	X	X	X	X	X			X																				
Fish and Game/Deputies	X	X	X	X	X	X	X					X																		
Division of Forestry/State Forester and Employees	X	X	X	X	X	X					X	X																		
Members/Fire Department or Fire Protection Agency								X	X	X	X		X	X		X							X							
California State Police Division/ Security Officers	X	X	X	X	X	X						X																		
Members/State Arson Investigation Unit	X	X	X	X						X			X	X																
Voluntary Fire Wardens	X	X	X	X	X	X	X																							
Youth Authority/Placement or Parole Officer - Ward Custody Employee - Transportation Officer	X	X	X	X			X			X	X																			
Cemetery Authority Persons	X	X	X	X	X	X																								
Parks and Recreation/Officers and Employees	X	X	X	X	X	X																								
A.B.C. Director and Enforcement Persons	X	X	X	X			X					X																		
Department of Corrections/Law Enforcement Liaison Agent	X	X	X	X			X				X																			
Department of Corrections/Parole Officer	X	X	X	X						X	X																			
Department of Transportation/Toll Services Chief, Captains, Lieutenants and Sergeants	X	X	X	X	X	X																								
Municipal Utility District/Security Officers	X				X	X		X	X																					
State Fire Marshal, Assistant and Deputy Marshals	X	X	X	X								X																		
Local Park Rangers	X				X	X		X	X																					
Department of Motor Vehicles Officers and Employees	X	X	X	X								X																		
Division of Labor Law Enforcement/ Investigators	X	X	X	X								X																		
Consumer Affairs/Chief & Investigators - Medical Quality Assurance Investigators	X	X	X	X								X																		
California Horse Racing Board/Secretary, Chief and Investigators	X	X	X	X								X																		
Bureau of Food and Drug/Chief and Inspectors	X	X	X	X								X																		
Department of Navigation and Ocean Development/Director and Employees	X	X	X	X																										
Legislature/Sergeant at Arms	X	X	X	X																										
Supreme Court/Courts of Appeal/Bailiffs	X	X	X	X																										
Treasurer's Office/Guards and Messengers	X	X	X	X																										
Coroner/Deputy Coroners								X	X							X														
Department of Health/Investigators	X																													
Welfare Fraud/Inspector or Investigator	X																													

CONCLUSIONS

The Legislature as well as other interested groups has expressed concern relative to the apparent proliferation of peace officer powers as control is diminished through fragmentation. Confusion is created as employee groups strive toward acquiring peace officer status to support increased salary, retirement benefits, and more extensive training while employing jurisdictions and the public face possible economic disadvantages.

Currently, categories of peace officers in California are greatly confused and without clearly defined duties, responsibilities, and authority either geographically or with regard to subject matter jurisdiction.

The need for peace officer powers varies from class to class within the categories so each class must be considered individually. In general, the peace officer classes which deal directly with the public in public areas have a greater need for peace officer powers than those with duties which are primarily security, investigative, procedural, or custodial in nature.

It appears clear that the first step toward restoring continuity within the categories would be to delete those classes that simply do not exist, those which contain no incumbents. This effort should be followed by steps to delete those classes which have elected to voluntarily forfeit their peace officer powers by their inability or unwillingness to comply with the provisions of Penal Code Section 832 regarding training. Further, it would seem appropriate to delete all peace officer categories which have gained powers only for the purpose of issuing Notices to Appear. Such notices may be issued by public officers under the provisions of Penal Code Section 836.5.

The most significant peace officer powers are the right to make peace officer warrantless arrests, with a degree of civil immunity, and the right to carry a concealed weapon <u>on or off duty.</u> It appears any class of peace officer which does not have a significant or routine need for these powers can function effectively with only the power of a public officer which carries civil immunity.

The argument that firemen need peace officer status to enter private property without permission of the owner or occupant indicates a need to alter existing trespass statutes rather than a need for firemen to be peace officers.

Clearly, actions can be taken by the Legislature to significantly reduce the numbers and categories of peace officers without reducing governments' ability to deal effectively with the crime problem.

Existing statutes contain over 30 separate terms referring to peace officers. These terms in various codes should be reduced to a minimum.

CONDUCT AS PERCEIVED

ARRESTS WITHOUT WARRANT

Refers to routine necessity to make both misdemeanor and felony "on the spot" arrests without the benefit of arrest warrant. These are "reasonable cause" arrests.

CARRIES HANDGUN

Refers to revolvers or automatic pistols which are routinely available or carried, openly or concealed, on the persons of the peace officers indicated.

CARRIES POLICE BATON

Refers to the routine availability or carrying of authorized police nightsticks, batons or riot sticks.

ISSUES CRIMINAL OR JUVENILE CITATIONS

Refers to the issuance of criminal (misdemeanor) or juvenile non-traffic citations. Does not refer to traffic or parking citations.

SERVES ARREST WARRANTS

Refers to arrest activities conducted pursuant to court ordered arrests.

WEARS DISTINCTIVE POLICE UNIFORM

Refers to the attire normally worn by the majority of the on-duty police personnel of the concerned agencies. A distinctive police uniform is a uniform which appears to an average citizen to be a police uniform. Such a uniform prominently displays a badge and usually a handgun.

The uniform normally worn by firemen and uniforms of the blazier type, which conceals any handguns worn and does not display badges, does not qualify.

OPERATES EMERGENCY VEHICLE

Refers to the operation of a motor vehicle which is authorized to disregard some vehicle code laws under emergency conditions.

LIMITED INVESTIGATIVE RESPONSIBILITY

Refers to the responsibility to conduct investigations on a narrow range of incidents which may be violations of federal, state or local laws. Secondary, limited or misdemeanor investigative responsibility also qualifies.

Typical tasks performed are similar to those performed by other investigators.

Broad investigative responsibility does not qualify.

OPERATES DISTINCTIVELY MARKED POLICE VEHICLE

Refers to a police vehicle which appears as such to the average citizen. Such a vehicle has prominently displayed emergency vehicle lights and distinctively worded (police, security, warden, investigator, ranger, etc.) police emblems. Emergency vehicles which have exempt plates, spotlights and unusual radio antennae - but no police emblems - are considered to be unmarked vehicles.

Official looking vehicles which prominently display emergency vehicle lights but do not have distinctively worded police emblems do not qualify.

SERVES SEARCH WARRANTS

Refers to search activities conducted pursuant to court ordered searches.

CROWD CONTROL RESPONSIBILITIES

Refers to the restraint or governance of large numbers of people on a routine basis. The activities of those people can be lawful or unlawful (as in riotous situations).

Crowd Control Responsibilities - cont'd.

Typical tasks include:

- Maintaining order at large public meetings.
- Maintaining order at sporting or entertainment events.
- Assisting with the orderly and rapid movement of persons on public conveyances.
- Maintaining order at disaster scenes.
- Maintaining order at labor disputes and civil demonstrations.

USES TEAR GAS WEAPONS

Refers to the right and necessity to possess and use tear gas weapons. The peace officers indicated normally carry a tear gas weapon, of the "mace" type, on a routine basis.

LIMITED PEACE KEEPING RESPONSIBILITIES

Refers to the responsibility to keep the peace on a basis which is limited. Example limitations are:

- Limited to certain hours of the day.
- Limited to non-public, private or restricted areas.
- Limited to major riot situations.
- Performed as a secondary or ancillary duty.
- Performed to supplement the public peace keeping efforts of the local sheriff or police department.

Typical tasks can include:

- Intervenes in disputes between citizens.
- Renders assistance to sick and injured persons.
- Responds to calls regarding criminal, traffic or suspicious activities.
- Patrols for crime and accident risk situations and acts to eliminate them.
- Riot suppression activities on an exceptional basis.
- Crowd control activities as an ancillary duty.

Limited Peace Keeping Responsibilities - cont'd.

This responsibility may consume a large proportion of the personnel resources of the concerned agencies; however, a special clientele is normally served, an atypical situation exists or there is a heavy emphasis on the protection and security of public or private property. Very limited peace keeping activities, which are not considered to be an ordinary part of the job assignment, do not qualify.

Broad peace keeping responsibilities do not qualify.

LIMITED PATROL RESPONSIBILITIES

Refers to 24 hour, seven day per week patrol of an area which is closed to the general public some of the time. Such an area would be non-public, private or restricted from the public on a part-time basis. Crime control patrol which supplements the efforts of the local sheriff or police department is included here. Patrol of a public area for the purpose of crime control (i.e., broad patrol responsibilities) does not qualify.

BROAD INVESTIGATIVE RESPONSIBILITY

Refers to the primary responsibility to conduct investigations on a wide range of incidents which may be violations of federal, state or local laws.

Typical tasks include:

- Preliminary inquiry into matter.
- Gathering evidence.
- Interviewing victims, witnesses and suspects.
- Case preparation.
- Filing of criminal charges with the judiciary.
- Testifying in court.

Limited investigative responsibility does not qualify.

REGULATES VEHICULAR TRAFFIC

Refers to the provision of a full range of motor vehicle traffic regulation service on a routine basis.

Regulates Vehicular Traffic - cont'd.

Typical tasks include:

- Physical arrest or issuance of "notices to appear" to persons violating traffic movement, motor vehicle registrations or parking laws.
- Investigations concerning the causes of motor vehicle traffic accidents.
- Rendering assistance to persons who have been involved in motor vehicle accidents or have encountered misfortune on the streets or highways.
- Preventing motor vehicle accidents and providing for the rapid and orderly movement of motor vehicle traffic.

This responsibility is performed on a 24 hour, seven day per week basis and consumes a large proportion of the concerned agencies personnel resources.

Traffic direction and parking enforcement orientated programs with little traffic enforcement do not qualify.

SERVES CIVIL PROCESS

Refers to the service or execution of civil process.

This category of activity includes the service of subpoenas; however, agencies which rarely execute civil process other than subpoenas are not included in this category.

OPERATES CONFINEMENT INSTITUTION

Refers to the operation of detention facilities, jails, prisons and mental institutions which hold prisoners on a 24 hour, seven day per week basis. Temporary holding facilities do not qualify.

BROAD PEACE KEEPING RESPONSIBILITIES

Refers to the primary responsibility for:

- Intervening in disputes between citizens,
- Protection of public and private property, and
- Provision of a wide range of services to citizens.

Broad Peace Keeping Responsibilities - cont'd.

This responsibility is to the general public and not to a limited clientele such as a college community, users of a public conveyance/ facility or residents of a selected area.

Typical tasks include:

- Intervenes in family crisis situations.
- Intervenes in disputes between citizens.
- Patrols for hazards and attractive nuisances.
- Searches for missing children and disoriented adults.
- Renders assistance to sick and injured persons.
- Responds to calls regarding criminal or suspicious activities.
- Patrols for crime risk situations and acts to eliminate them.

These responsibilities consume a large proportion of the personnel resources of the concerned agencies and all must be performed on a 24 hour, seven day per week basis.

Limited peace keeping responsibilities do not qualify.

BROAD PATROL RESPONSIBILITIES

Refers to the 24 hour, seven day per week primary responsibility to patrol a specified public area for the purpose of crime control. Security patrol of a non-public, private or restricted area without routine public contact or crime control patrol which supplements the efforts of a local sheriff or police department does not qualify.

11105 P. C.

§ 11105. State summary criminal history information; maintenance; furnishing to authorized persons; fingerprints on file without criminal history; fees

(a)(1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(i) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about such person.

(ii) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to any of the following, when needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, the provisions of Chapter 1321 of the Statutes of 1974 and of Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state as defined in Section 830.1, subdivisions (a) and (b) of Section 830.2, subdivisions (a), (b), and (k) of Section 830.3, subdivisions (a), (b), and (c), of Section 830.5, and Section 830.5a.

(3) District attorneys of the state.

(4) Prosecuting city attorneys of any city within the state.

(5) Probation officers of the state.

(6) Parole officers of the state.

(7) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08 of the Penal Code.

(8) A public defender or attorney of record when representing a person in a criminal case and when authorized access by statutory or decisional law.

(9) Any agency, officer, or official of the state when such criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(10) Any city or county, or city and county, or district, or any officer, or official thereof when access is needed in order to assist such agency, officer, or official in fulfilling employment, certification, or licensing duties, and when such access is specifically authorized by the city council, board of supervisors or governing board of the city, county, or district when such criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(11) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120), Chapter 1, Title 1 of Part 4 of the Penal Code.

(12) Any person or entity when access is expressly authorized by statute when such criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(13) Health officers of a city, county, or city and county, or district, when in the performance of their official duties enforcing Section 3110 of the Health and Safety Code.

(c) The Attorney General may furnish state summary criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, the provisions of Chapter 1321 of the Statutes of 1974 and of Section 432.7 of the Labor Code shall apply:

(1) Any public utility as defined in Section 216 of the Public Utilities Code which operates a nuclear energy facility when access is needed in order to assist in employing persons to work at such facility, provided that, if the Attorney General supplies such data, he shall furnish a copy of such data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To a peace officer of another country.

(4) To public officers (other than peace officers) of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States when such information is needed for the performance of their official duties.

(5) To any person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(6) The courts of the United States, other states or territories or possessions of the United States.

(7) Peace officers of the United States, other states, or territories or possessions of the United States.

(8) To any individual who is the subject of the record requested when needed in conjunction with an application to enter the United States or any foreign nation.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying such request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished pursuant to this section, the Department of Justice may charge the person or entity making the request a fee which it determines to be sufficient to reimburse the department for the cost of furnishing such information. Any state agency required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the agency for such expense. All moneys received by the department pursuant to this section, Section 12054 of the Penal Code, and Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to such sections when appropriated by the Legislature therefor.

(f) Whenever there is a conflict, the processing of criminal fingerprints shall take priority over the processing of applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record when the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(Added by Stats.1975, c. 1222, p. —, § 2. Amended by Stats.1976, c. 683, p. —, § 1.)

§ 13300. Furnishing to authorized persons; fingerprints on file without criminal history; fees

(a) As used in this section:

(1) "Local summary criminal history information" means the master record of information compiled by any local criminal justice agency pursuant to Chapter 2 (commencing with Section 13100), Title 3 of Part 4 of the Penal Code pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about such person.

(2) "Local summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than that local agency, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the local agency.

(3) "Local agency" means a local criminal justice agency.

(b) A local agency shall furnish local summary criminal history information to any of the following, when needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, the provisions of Chapter 1321 of the Statutes of 1974 and of Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state as defined in Section 830.1, subdivisions (a) and (b) of Section 830.2, subdivisions (a), (b), and (k) of Section 830.3, subdivisions (a), (b), and (c) of Section 830.5, and Section 830.5a.

(3) District attorneys of the state.

(4) Prosecuting city attorneys of any city within the state.

(5) Probation officers of the state.

(6) Parole officers of the state.

(7) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(8) A public defender or attorney of record when representing a person in a criminal case and when authorized access by statutory or decisional law.

(9) Any agency, officer, or official of the state when such criminal history information is required to implement a statute, a regulation, or an ordinance that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(10) Any city or county, or city and county, or district, or any officer, or official thereof when access is needed in order to assist such agency, officer, or official in fulfilling employment, certification, or licensing duties, and when such access is specifically authorized by the city council, board of supervisors or governing board of the city, county, or district when such criminal history information is required to implement a statute, a regulation, or an ordinance that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(11) The subject of the local summary criminal history information.

(12) Any person or entity when access is expressly authorized by statute when such criminal history information is required to implement a statute, a regulation, or an ordinance that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information, and contains requirements or exclusions, or both, expressly based upon such specified criminal conduct.

(c) The local agency may furnish local summary criminal history information, upon a showing of a compelling need, to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any entity, in fulfilling employment, certification, or licensing duties, the provisions of Chapter 1321 of the Statutes of 1974 and of Section 432.7 of the Labor Code shall apply:

(1) Any public utility as defined in Section 216 of the Public Utilities Code which operates a nuclear energy facility when access is needed in order to assist in employing persons to work at such facility, provided that, if the local agency supplies such data, it shall furnish a copy of such data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To a peace officer of another country.

(4) To public officers (other than peace officers) of the United States, other states, or possessions or territories of the United States, provided that access to records similar to summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States when such information is needed for the performance of their official duties.

(5) To any person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the local summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(6) The courts of the United States, other states, or territories or possessions of the United States.

(7) Peace officers of the United States, other states, or territories or possessions of the United States.

(8) To any individual who is the subject of the record requested when needed in conjunction with an application to enter the United States or any foreign nation.

(d) Whenever an authorized request for local summary criminal history information pertains to a person whose fingerprints are on file with the local agency and the local agency has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying such request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever local summary criminal history information furnished pursuant to this section is to be used for employment, licensing, or certification purposes, the local agency shall charge the person or entity making the request a fee which it determines to be sufficient to reimburse the local agency for the cost of furnishing such information, provided that no fee shall be charged to any public law enforcement agency for summary criminal history information furnished to assist it in employing, licensing, or certifying a person who is applying for employment with the agency as a peace officer, or criminal investigator. Any state agency required to pay a fee to the local agency for information received under this section may charge the applicant a fee sufficient to reimburse the agency for such expense.

(f) Whenever there is a conflict, the processing of criminal fingerprints shall take priority over the processing of applicant fingerprints.

(g) It is not a violation of this article to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this article to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record when the inclusion of the information in the public record is authorized by a court, statute, or decisional law.
(Added by Stats.1975, c. 1222, p. ——, § 6, operative July 1, 1978.)

Operative July 1, 1978.

(1) Coroner/deputy coroners cannot carry concealable firearms except by local ordinance. Therefore, they are not, as a group, excluded from the above concealed weapons and weapons laws.

(2) Municipal utility district/security officers can carry firearms only when there is a public emergency. Therefore, they are not excluded from the above concealed weapons and weapons laws.

§ 12031. Carrying of loaded firearms; misdemeanor; exceptions.

(a) Except as provided in subdivision (b)(c), or (d), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace officer is honorably retired may, upon initial retirement of the peace officer, or at any time subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this paragraph. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this paragraph.

(2) * * * Members of the military forces of this state or of the United States engaged in the performance of their duties.

(3) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(4) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(c) Subdivision (a) shall not apply to any of the following who have completed a regular course in firearms training approved by the Commission on Peace Officers Standards and Training:

(1) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 18 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(2) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(3) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(d) Subdivision (a) shall not apply to any of the following who have been issued a certificate pursuant to Section 12033. Such certificate shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of his power as a peace officer, and who is employed * * * while not on duty as such peace officer.

(1) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or de-

livery of any money, treasure, bullion, bonds, or other thing of value within this state.

(2) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority (i) if hired prior to January 1, 1977; or (ii) if hired on or after January 1, 1977, if they have completed a course in the carrying and use of firearms as prescribed by the Department of Consumers Affairs.

(3) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(4) Uniformed security guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(5) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers * * *.

(6) Employees or agents of a burglar alarm company while responding to an alarm, or such employees or agents, when in uniform, while on duty for the purpose of responding to an alarm. Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring alarm company agents to register their name and a file copy of their state identification card with the city, county or city and county. No fee may be charged nor may any application be required by the city, county or city and county for such registration.

(e) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(f) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(g) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(h) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(i) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(j) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(k) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(l) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

(Amended by Stats.1970, c. 93[illegible] 1696, § 1; Stats.1970, c. 1292, p. 2390, § 2; Stats. 1972, c. 579, p. 1007, § 39; St. [illegible]974, c. 1090, p. 2317, § 2; Stats.1975, c. 1170, p. —, § 1, operative Jan. 1, 1977; S[illegible]s.1976, c. 1425, p. —, § 9; Stats.1976, c. 1426, p. —, § 4.)

§ 171c. Loaded firearms; bringing into or possession of within state capitol, legislative offices, etc.; exceptions

Text of section operative until July 1, 1977

Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, * * * any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, * * * a member of the military forces of this state or * * * the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 * * *, who brings a loaded firearm into, or possesses a loaded firearm within, the State Capitol, any legislative office, any office of the Governor or other constitutional officer, or any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento * * *, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than five years.

(Amended by Stats.1970, c. 259, p. 523, § 1.)

For text of section operative July 1, 1977, see § 171C, post.

§ 171d. Loaded firearms; taking into, or possession of, within governor's mansion or residence of other constitutional officer, etc.; exceptions

Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate family or a person acting with his permission with respect to the Governor's Mansion or any other residence of the Governor, any other constitutional officer or a member of his immediate family or a person acting with his permission with respect to such officer's residence, or a Member of the Legislature or a member of his immediate family or a person acting with his permission with respect to such legislator's residence, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1000), or by both such fine and imprisonment, or by imprisonment in the state prison * * *, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

(Amended by Stats.1976, c. 1125, p. —, § 13.10; Stats.1976, c. 1139, p. —, § 130, operative July 1, 1977.)

1976 amendment operative July 1, 1977

§ 12027. Persons exempt

Section 12025 does not apply to or affect any of the following:

(a) Peace officers

(a) Peace officers listed in Section 830.1, 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace office is honorably retired may, upon initial retirement of the peace officer, or at anytime subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this subdivision. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this subdivision.

(b) Merchants

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of armed forces

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this state.

(d) Authorized military or civil organizations

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(f) Members of shooting clubs

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

(h) Members of antique gun clubs

(h) Members of any club or organization organized for the purpose of collecting and displaying antique or historical pistols, revolvers or other firearms, while such members are displaying such weapons at meetings of such clubs or organizations or while going to and from such meetings, or individuals who collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk. If the vehicle is not equipped with a trunk, such firearm shall be kept in a locked container in an area of the vehicle other than the utility or glove compartment.

(Amended by Stats.1974, c. 1090, p. 2316, § 1.)

1974 Amendment. Added the second paragraph in subd. (a).

Law Review Commentaries

Policeman—wearing gun while testifying. Alfred Gitelson and Perry Polski. (1971) 3 U.West L.A.L.Rev. 57.

12403 P. C.

(1) Bay Area Rapid Transit District Officers
(2) Member/University of California Police Department
(3) Member/State College Police Department
(4) Members/Community College Police Department

Apparently not authorized by 12403 P. C. to carry or use chemical agents because they are not called policemen, or the generic term police officers, in the 830 et. seq. P. C.

§ 12403. Exemptions; peace officers

* * * Nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, agent of the law enforcement liaison unit, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; any employee of the Department of the Youth Authority who is a peace officer pursuant to Section 830.5 and is assigned to the department's missing ward unit; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of thier duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

(Amended by Stats.1971, c. 298, p. 609, § 1; Stats.1972, c. 1377, p. 2852, § 109; Stats. 1973, c. 142, p. 408, § 55.1, urgency, eff. June 30, 1973, operative July 1, 1973; Stats. 1974, c. 546, p. 1360, § 20; Stats.1974, c. 420, p. 1018, § 2, urgency, eff. July 10, 1974.)

§ 12403.1 Exemptions; military and naval forces and federal law enforcement officers

Nothing in this chapter shall prohibit any member of the military and naval forces of this state or of the United States or any federal law enforcement officer from purchasing, possessing, or transporting any tear gas or tear gas weapon for official use in the discharge of his duties.

(Amended by Stats.1976, c. 1118, p. —, § 1.)

1976 Amendment. Made section applicable to "any federal law enforcement officer", and to "tear gas".

§ 12403.5 Exemptions; private investigators; private patrol operators or uniformed patrolmen employees

Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person

has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.
(Added by Stats.1971, c. 1651, p. 3557, § 2.)

§ 12403.6 Employee of departments of justice or health; inapplicability of chapter

Provisions within this chapter shall not be construed to prohibit any Department of Justice or Department of Health employee, while acting within the scope of his duties, from possessing any tear gas or tear gas weapon for the purposes of examination, testing, or court appearance or any other official activity undertaken pursuant to the provisions of this chapter.
(Added by Stats.1976, c. 1118, p. —, § 2.)

§ 12403.7 Exemptions; weapons approved for self-defense; regulations; training

(a) Notwithstanding any other provision of law, any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

(1) No person convicted of a felony shall purchase, possess, or use tear gas or tear gas weapons.

(2) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(3)(i) No person shall purchase, possess or use any tear gas weapon which expels a projectile, or which expels the tear gas by any method other than an aerosol spray, or which is of a type, or size of container, other than authorized by regulation of the Department of Justice.

(ii) The department, with the cooperation of the State Department of Health, shall develop standards and promulgate regulations regarding the type of tear gas and tear gas weapons which may lawfully be purchased, possessed, and used pursuant to this section.

(iii) The regulations of the department shall include a requirement that every mace container and tear gas weapon which may be lawfully purchased, possessed, and used pursuant to this section have a label which states: "WARNING: The use of this substance or device for any purpose other than self-defense is a felony under California law. The contents are dangerous—use with care."

(4)(i) No person shall purchase, possess or use any tear gas or any tear gas weapon who has not completed a course certified by the Department of Justice in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has completed such a course. Such a course may be taken in any training facility certified by the Commission on Peace Officer Standards and Training to offer such training. Such a training facility is authorized to charge a fee covering the actual cost of such training.

(ii) The Department of Justice, in cooperation with the Commission on Peace Officer Standards and Training, shall develop standards for a course in the use of tear gas and tear gas weapons.

(5) No person shall purchase, possess or use any tear gas or tear gas weapon if such person has not been issued a permit by the police chief or sheriff having jurisdiction over the person's place of legal residence. The police chief or sheriff shall issue a permit to any person who has completed the course of training specified in paragraph (4), who is not a minor, and who has not been convicted of a felony. The police chief or sheriff may charge a fee covering the actual cost of processing the application which shall also include the fee charged by the Department of Justice for noncriminal fingerprint card processing. The valid permit shall be carried on the person when carrying tear gas or tear gas weapons and shall be presented for examination to the vendor from whom any tear gas or tear gas weapons are purchased. The sale of tear gas or tear gas weapons by a vendor to a person who fails to present an identifying permit is a violation of Section 12420.

(6) Any person who has a valid permit, who uses tear gas or tear gas weapons except in self-defense or as authorized for training purposes by the department is guilty of a public offense and is punishable by imprisonment in a state prison for 16 months, or two or three years or in a county jail not to exceed one year or by fine not to exceed one thousand dollars ($1,000) or by both such fine and imprisonment.

(7) No person shall purchase, possess, or use any tear gas or tear gas weapon pursuant to this section prior to July 1, 1977.
(Added by Stats.1976, c. 1340, p. —, § 2.)

Section 3 of Stats.1976, c. 1340, p. —, provided:

"It is the intent of the Legislature if both this bill and Senate Bill No. 42 [Stats.1976, c. 1139] are both chaptered and become effective January 1, 1977 that Section 2 of this act shall become operative and Section 1 of this act shall not become operative."

Library References
Weapons ⚷4.
C.J.S. Weapons § 3 et seq.

150 - 830.7 P.C.

(1) Members/California National Guard (when activated)

(2) Members/Fire Department or Fire Protection Agency

Are not considered to be uniformed peace officers because of non-police appearing uniforms.

§ 150. Neglect or refusal to join posse comitatus or to aid officers; punishment

Every * * * able-bodied person above 18 years of age who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any uniformed peace officer or by any judge, is punishable by fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000).

(Amended by Stats.1976, c. 1171, p. —, § 23.)

1976 Amendment. Substituted "Every able-bodied person" for "Every male person" at beginning of section.

§ 830.7 Badge or nameplate bearing identification number

Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of such officer.

(Added by Stats.1969, c. 1458, p. 2978, § 1.)

412 P. C.

(1) University of California
(2) State Colleges
(3) Cemetery Authorities

Not considered to be political subdivisions for purposes of 412 P. C. enforcement.

Includes peace officers called "policemen" or generic term "police officers" by 830 et. seq. P. C.

§ 412. Boxing; prohibition; aiding or abetting; wagering; punishment; authorizing and regulation of amateur boxing exhibitions

Any person, who, within this state, engages in, or instigates, aids, encourages, or does any act to further, a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, taking or to take place either within or without this state, between two or more persons, with or without gloves, for any price, reward, or compensation, directly or indirectly, or who goes into training preparatory to such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as aider, abettor, backer, umpire, referee, trainer, second, surgeon, or assistant, at such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who sends or publishes a challenge or acceptance of a challenge, or who knowingly carries or delivers such challenge or acceptance, or who gives or takes or receives any tickets, tokens, prize, money, or thing of value, from any person or persons, for the purpose of seeing or witnessing any such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who, being the owner, lessee, agent, or occupant of any vessel, building, hotel, room, enclosure or ground, or any part thereof, whether for gain, hire, reward or gratuitously or otherwise, permits the same to be used or occupied for such a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who lays, makes, offers or accepts, a bet or bets, or wager or wagers, upon the result or any feature of any pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as stakeholder of any such bet or bets, or wager or wagers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars and be imprisoned in the county jail not less than thirty days nor exceeding one year; provided, however, that amateur boxing exhibitions may be held within this state, of a limited number of rounds, not exceeding four of the duration of three minutes each; the interval between each round shall be one minute, and the contestants weighing one hundred and forty-five pounds or over shall wear gloves of not less than eight ounces each in weight, and contestants weighing under one hundred and forty-five pounds may wear gloves of not less than six ounces each in weight. All gloves used by contestants in such amateur boxing exhibitions shall be so constructed, as that the soft padding between the outside coverings shall be evenly distributed over the back of said gloves and cover the knuckles and back of the hands. And no bandages of any kind shall be used on the hands or arms of the contestants. For the purpose of this statute an amateur boxing exhibition shall be and is hereby defined as one in which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, except as herein expressly provided. Nor shall

any person appear as contestant in such amateur exhibition who prior thereto has received any compensation or reward in any form for displaying, exercising or giving any example of his skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his athletic skill or knowledge; provided, however, that a medal or trophy may be awarded to each contestant in such amateur boxing exhibitions, not to exceed in value the sum of $35.00 each, which such medal or trophy must have engraved thereon the name of the winner and the date of the event; but no portion of any admission fee or fees charged or received for any amateur boxing exhibition shall be paid or given to any contestant in such amateur boxing exhibition, either directly or indirectly, nor shall any gift be given to or received by such contestants for participating in such boxing exhibition, except said medal or trophy. At every amateur boxing exhibition held in this state and permitted by this section of the Penal Code, any sheriff, constable, marshal, policeman or other peace officer of the city, county or other political subdivision, where such exhibition is being held, shall have the right to, and it is hereby declared to be his duty to stop such exhibition, whenever it shall appear to him that the contestants are so unevenly matched or for any other reason, the said contestants have been, or either of them, has been seriously injured or there is danger that said contestants, or either of them, will be seriously injured if such contest continues, and he may call to his assistance in enforcing his order to stop said exhibition, as many peace officers or male citizens of the state as may be necessary for that purpose. Provided, further, that any contestant who shall continue to participate in such exhibition after an order to stop such exhibition shall have been given by such peace officer, or who shall violate any of the regulations herein prescribed, for governing amateur boxing exhibitions, shall be deemed guilty of violating this section of the Penal Code and subject to the punishment herein provided.

Nothing in this section contained shall be construed to prevent any county, city and county, or incorporated city or town from prohibiting, by ordinance, the holding or conducting of any boxing exhibition, or any person from engaging in any such boxing exhibition therein.

(Enacted 1872. Amended by Stats.1899, c. 121, p. 153, § 1; Stats. 1903, c. 283, p. 409, § 1; Stats.1915, p. 1930, § 1, Initiative Measure, adopted election Nov. 3, 1914.)

3206 G.C.

§ 3206. Participation in political activity by officer or employee of local agency while in uniform

No officer or employee of a local agency shall participate in political activities of any kind while in uniform.

(Added by Stats.1976, c. 1422, p. ——, § 2.)

§ 241. Assault; punishment

Text of section operative until July 1, 1977

An assault is punishable by fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison not exceeding two years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, by subdivisions (a) to (e), inclusive, of Section 830.2, Section 830.5, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.
(Amended by Stats.1972, c. 618, p. 1137, § 112; Stats.1976, c. 420, p. —, § 1; Stats. 1976, c. 1126, p. —, § 1; Stats.1976, c. 1138, p. —, § 1.)

For text of section operative July 1, 1977, see § 241, post

§ 241.4 Assault against peace officer; punishment; definition

Text of section operative until July 1, 1977

An assault is punishable by fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison not exceeding two years.

As used in this section, "peace officer" refers to any person designated as a peace officer by paragraph (13) of subdivision (a) of Section 830.4.
(Added by Stats.1976, c. 1130, p. —, § 1.)

For text of section operative July 1, 1977, see § 241.4, post

§ 243. Battery; punishment

Text of section operative until July 1, 1977

A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for not less than one nor more than 10 years. When it is committed against a person and serious bodily injury is inflicted on such person, the offense shall be punished by imprisonment in the county jail for a period of not more than one year or imprisonment in the state prison for a period of not more than five years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, by subdivisions (a) to (e), inclusive, of Section 830.2, Section 830.5, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

As used in this section, "serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(Amended by Stats.1972, c. 618, p. 1137, § 113; Stats.1975, c. 1114, p. —, § 1; Stats. 1976, c. 420, p. —, § 2; Stats.1976, c. 1126, p. —, § 3; Stats.1976, c. 1138, p. —, § 3.)

For text of section operative July 1, 1977, see § 243, post

§ 243.1 Battery against custodial officer; punishment

When a battery is committed against the person of a custodial officer as defined in Section 831 of the Penal Code, and the person committing the offense knows or reasonably should know that such victim is a custodial officer engaged in the performance of his duties, and such custodial officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(Added by Stats.1976, c. 1126, p. —, § 6.)

For another § 243.1, added by Stats.1976, c. 1139, p. —, § 150.1, see § 243.1, post

§ 243.2 Battery against peace officer; punishment; definition

Text of section operative until July 1, 1977.

A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for not less than one nor more than 10 years.

As used in this section, "peace officer" refers to any person designated as a peace officer by subdivision (a) of Section 830.3.

(Added by Stats.1976, c. 1390, p. —, § 1.)

§ 243.4 Battery against peace officer; punishment; definition

Text of section operative until July 1, 1977

A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for not less than one nor more than 10 years.

As used in this section, "peace officer" refers to any person designated as a peace officer by paragraph (13) of subdivision (a) of Section 830.4.

(Added by Stats.1976, c. 1130, p. —, § 3.)

For text of section operative July 1, 1977, see § 243.4, post

§ 245. Assault with deadly weapon or force likely to produce great bodily injury; punishment

Text of section operative until July 1, 1977

(a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for six months to life, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, by subdivisions (a) to (e), inclusive, of Section 830.2, Section 830.5, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

(Amended by Stats.1970, c. 796, p. 1510, § 1; Stats.1972, c. 618, p. 1138, § 114; Stats. 1976, c. 420, p. —, § 3; Stats.1976, c. 1126, p. —, § 7; Stats.1976, c. 1138, p. —, § 5.)

§ 245.1 "Fireman" and "emergency rescue personnel" defined.

As used in Sections 148.2, 241, 243 and 245, "fireman" includes any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in firefighting, fire supervision, fire suppression, fire prevention, or fire investigation.

As used in Section 148.2, "emergency rescue personnel" means any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in the on-the-site rescue of persons or property during an emergency as defined by subdivision (c) of Section 148.3.

(Amended by Stats.1973, c. 471, p. 946, § 2.)

1973 Amendment. Inserted definition of "emergency rescue personnel".

§ 245.2 Assault upon peace officer with deadly weapon or force likely to produce great bodily injury; punishment

Text of section operative until July 1, 1977

Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer, and who knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, when such peace officer is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

As used in this section, "peace officer" refers to any person designated as a peace officer by subdivision (a) of Section 830.3.

(Added by Stats.1976, c. 1133, p. —, § 1.)

For text of section operative July 1, 1977, see § 245.2, post

§ 245.4 Assault with a deadly weapon upon peace officer; punishment, effect of previous conviction of felony; ownership of weapon deemed nuisance; definition

Text of section operative until July 1, 1977

Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer, and who knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, when such peace officer is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

As used in this section, "peace officer" refers to any person designated as a peace officer by paragraph (13) of subdivision (a) of Section 830.4.

(Added by Stats.1976, c. 1130, p. —, § 5.)

For text of section operative July 1, 1977, see § 245.4, post

Repeal

This section is repealed under the terms of § 7 of Stats.1976, c. 1130, p. —, on July 1, 1977, see note under § 241.4.

§ 22013. Policeman, persons included

"Policeman" as used in this part includes members of the California Highway Patrol, * * * state safety members of the Public Employees' Retirement System employed by the * * * Department of Justice, sheriffs, undersheriffs, deputy sheriffs, marshals and deputy marshals, and any other employee of a public agency other than the state or University of California in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d) (5) (A) of the Social Security Act.[1]
(Amended by Stats.1970, c. 708, p. 1335, § 1; Stats.1972, c. 1377, p. 2816, § 20.5.)

§ 22013.1 Policeman; law enforcement personnel of fish and game department

"Policeman" as used in this part also includes persons employed in the Department of Fish and Game in connection with its warden service, whose principal duties consist of active law enforcement service, including immediate supervision by persons employed to perform the duties now performed under the titles of chief and assistant chief of warden service, and captain of patrol boats; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218 (d) (5) (A) of the Social Security Act.
(Added by Stats.1970, c. 1626, p. 3438, § 6.)

§ 22013.2 Policeman; police officers of California state police division

"Policeman" as used in this part also includes members of the California State Police Division who are peace officers and whose principal duties consist of active law enforcement.
(Added by Stats.1971, c. 1657, p. 3571, § 4.)

Operative effect of 1971 addition, see note under section 20612.

§ 22013.3 Policeman; persons employed in positions set forth in section 20017.77

"Policeman" as used in this part also includes persons employed in positions set forth in Section 20017.77; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d) (5) (A) of the Social Security Act[1].
(Added by Stats.1972, c. 1035, p. 1915, § 3.)

§ 22013.4 Policeman

"Policeman" as used in this part also includes persons designated by Section 31470.6 as persons whose principal duties consist of "active law enforcement"; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d) (5) (A) of the Social Security Act.[1]
(Added by Stats.1972, c. 633, p. 1183, § 1.)

§ 22013.5 Policeman; member of state university or college police department

"Policeman" as used in this part also includes persons employed as members of a state university or state college police department who are peace officers and whose principal duties consist of law enforcement.
(Added by Stats.1973, c. 703, p. 1273, § 1.)

§ 22013.6 Policeman; county probation officers and juvenile hall employees

"Policeman" as used in this part also includes persons employed in positions set forth in Section 20021.8 and Section 31469.4; provided such designation is not contrary to any definition, ruling, or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d)(5)(A) of the Social Security Act.[1]

This section shall be operative only in counties which elect to terminate the social security coverage of county probation officers and juvenile hall employees in that county and elect to include such officers and employees within the safety membership retirement category.
(Added by Stats.1976, c. 1479, p. —, § 1.)

[1] 42 U.S.C.A. § 418.

13510 P. C.

§ 13510. Rules of minimum standards; adoption; amendment

For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, policemen of a district authorized by statute to maintain a police department, or peace officer members of a * * * district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, policemen of a district authorized by statute to maintain a police department, and peace officer members of a * * * district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.
(Amended by Stats.1973, c. 1075, p. 2166, § 2.)

13510.5 P. C.

The wording of this section indicates it is intended to upgrade state peace officers, so local peace officers, e.g. local arson investigators, and private peace officers, e.g. railroad or steamboat policemen, are excluded even though they are cited in the section.

§ 13510.5 Rules of minimum standards; certain peace officers

For the purpose of maintaining the level of competence of state law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards for training of peace officers as defined in subdivisions (b), (d), and (e) of Section 830.2, subdivisions (c), (d), (e), (f), (g), (h), (j), (*l*), and (*o*) of Section 830.3, Section 830.31, subdivisions (a)(1), (a)(6), and (a)(7) of Section 830.4, and special and narcotic agents as defined in subdivision (a) of Section 830.3. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.
(Added by Stats.1975, c. 1172, p. —, § 1.)

§ 12302. Exemptions

Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

(Added by Stats.1967, c. 1283, p. 3086, § 1. Amended by Stats.1968, c. 1222, p. 2328, § 635; Stats.1968, c. 1393, p. 2750, § 2.5.)

217 H & S.C.

Includes peace officers called "policemen" or generic term "police officers" by 830 et. seq. P.C.

Includes arson investigators, because they are not administrative personnel.

§ 217. First aid training; law enforcement officers and firemen; exception

All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, ocean and public beach lifeguards, and firemen in this state shall be trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation. The training * * * shall * * * meet the standards * * * for first aid * * * training prescribed by the state department and shall be satisfactorily completed by such policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, ocean and public beach lifeguards, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the state department * * * in cardiopulmonary resuscitation each year and in other first aid every three years shall also be required.

The state department shall designate a public agency or private nonprofit agency to provide for each county the training required by this section. Such training shall be provided at no cost to the trainee.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

As used in this section, "ocean and public beach lifeguard" means any regularly employed and paid officer, employee, or member of a public aquatic safety department or marine safety agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state.

As used in this section, "fireman" means any regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state or member of an emergency reserve unit of a volunteer fire department or fire protection district.

(Amended by Stats.1971, c. 1593, p. 3241, § 65, operative July 1, 1973; Stats.1972, c. 1247, p. 2434, § 1.)

Operative effect and subordination of amendment by Stats.1971, c. 1593, p. 3424, to other 1971 legislation affecting this section, see note under section 20.

335 P.C.

Includes all peace officers called "police officers" or the generic term "policemen" by 830 et. seq. P.C. Subordinants to District Attorney, sheriff and constable included, because such duties also bind employees.

§ 335. District attorneys and peace officers; enforcement duties; neglect of duty

DUTIES OF DISTRICT ATTORNEYS, SHERIFFS, AND OTHERS. Every District Attorney, Sheriff, Constable, or police officer must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this Chapter, and every such officer refusing or neglecting so to do, is guilty of a misdemeanor.

(Enacted 1872.)

24005 G. C.

§ 24005. Vacations

County officers and employees are entitled to a vacation with pay for each year of full-time service. Vacations shall not be cumulated from year to year. Elected county officers under bond are not subject to the provisions of this section. (Added Stats.1947, c. 424, p. 1100, § 1, as amended Stats.1959, c. 314, p. 2242, § 1.)

38634 G. C.

§ 38634. Leaves of absence; annual

In every city having a regularly organized paid police force, the city legislative body or other body having the management and control of the police force shall grant every member of the force an annual leave of absence of 15 days from active duty. (Added Stats.1949, c. 79, p. 184, § 1.)

Derivation: Stats.1891, c. 49, p. 47, § 1; Stats.1907, c. 44, p. 43, § 1.

148.5 P. C.

Includes all peace officers called "police officers" or the generic term "policemen" by 830 et. seq. P. C. Subordinates to District Attorney included, because a report to one of them is also to the superior.

§ 148.5 False report of criminal offense; misdemeanor

Every person who reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney, or member of the California Highway Patrol that a felony or misdemeanor has been committed, knowing such report to be false, is guilty of a misdemeanor.

(Added by Stats.1957, c. 813, p. 2028, § 1.)

Peace officers who are employed by agencies strictly defined as "police departments" indicated. Peace officers employed by California State "Police Division" are not included.

§ 409.5 Authority of peace officers to close disaster area; unauthorized entry; exception

(a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, police departments or sheriff's office may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, police departments or sheriff's office may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section. (Enacted 1872. Amended by Stats.1965, c. 212, p. 1177, § 1; Stats. 1969, c. 1096, p. 2096, § 1.)

§ 3300. Short title

This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3301. Definition; legislative findings and declaration

For purposes of this chapter, the term public safety officer means all peace officers, as defined in Section 830.1 and subdivisions (a) and (b) of Section 830.2 of the Penal Code, including peace officers who are employees of a charter city or county. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that such stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3302. Political activity

Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3303. Investigations and interrogations; conduct; conditions

When any public safety officer is under investigation and subjected to interrogation by his commanding officer, or any other member of the employing public safety department, which could lead to punitive action, such interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for such off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to such interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his express consent nor shall his home address or photograph be given to the press or news media without his express consent.

(f) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be en-

titled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.

(g) If prior to or during the interrogation of a public safety officer it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his constitutional rights.

(h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any public safety officer, that officer, at his request, shall have the right to be represented by a representative of his choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

(i) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3304. Lawful exercise of rights; insubordination; administrative appeal

(a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3305. Comments adverse to interest; entry in personnel file or in other record; opportunity to read and sign instrument; refusal to sign

No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3306. Response to adverse comment entered in personnel file; time

A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3307. Polygraph examination; right to refuse; effect

No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere

else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3308. Financial disclosure; right to refuse; exceptions

No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under a state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3309. Search of locker or storage space; consent; search warrant

No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3310. Procedures of public agency providing same rights or protections; application of chapter

Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.
(Added by Stats.1976, c. 465, p. —, § 1.)

§ 3311. Mutual aid agreements; effect of chapter upon

Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deed necessary or desirable by the jurisdictions or the agencies involved.
(Added by Stats.1976, c. 465, p. —, § 1.)

12201 P. C.

There apparently is no such thing as a "city marshal's office." Marshals and deputy marshals of a municipal court not mentioned. The term "police department" is strictly defined, so peace officers employed by California State "Police Division" are not included.

§ 12201. Exemptions

Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

(Added by Stats.1953, c. 36, p. 661, § 1. Amended by Stats.1959, c. 1646, p. 4025, § 1.)

12501 P. C.

§ 12501. Exemptions

Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

(Added by Stats.1953, c. 36, p. 665, § 1. Amended by Stats.1968, c. 1222, p. 2328, § 64.)

53069.7 G. C.

The term "police officer" is strictly construed. "Policemen" is included, because it is a generic term. "Sheriff" and subordinates are considered to be "police officers" while marshals, constables and their subordinates are not.

§ 53069.7 Killing or assaulting with deadly weapon or inflicting serious bodily harm upon police officer; reward

A city or county may offer and pay a reward not exceeding five thousand dollars ($5,000) for information leading to the arrest and conviction of any person or persons killing or assaulting with a deadly weapon or inflicting serious bodily harm upon a police officer of the city or county while he is acting in the line of duty, prior to or after the effective date of this section.

(Added by Stats.1971, c. 1436, p. 2840, § 1, urgency, eff. Nov. 8, 1971.)

§ 525. Dispensing, prescribing or selling eyeglasses having shatter-resistant lenses to certain persons

No dispensing optician, optometrist, or physician and surgeon shall dispense, prescribe, or sell any eyeglasses for use of a person whose sight is limited to one eye, a person who is a member of the California Highway Patrol or of a county sheriff's office, a city policeman, a person who is a fireman employed by the fire department of a city, county, or fire protection district and who normally wears such glasses for on-duty employment, or a person who is under 18 years of age, unless such eyeglasses are made with case-hardened lenses, with lenses made of laminated glass, with lenses made of resin material, or with lenses made of any other material resistant to shattering and which shall not be installed in frames manufactured of flammable material.

(Added by Stats.1963, c. 1380, p. 2921, § 1. Amended by Stats.1969, c. 1337, p. 2684, § 1.)

§ 50920. "Peace officer" defined. As used in this article, the term "peace officer" shall be deemed to include only a sheriff, undersheriff, deputy sheriff, constable, marshal or deputy marshal of a county, city and county or judicial district, a marshal or policeman of a city or town, regularly employed and compensated as such and not under suspension or otherwise lacking in good standing as such. (Added Stats.1959, c. 395, p. 2326, § 1.)

24004 G. C.

§ 24004. Sheriff, clerk, constable, or deputies; restrictions

(a) A sheriff, clerk, or constable, or any of their deputies, shall not do any of the following:

(1) Practice law or have as a partner a lawyer or anyone who acts as a lawyer for a collection agency.

(2) Act as a collector or for any collection agency or have as a partner a collector or anyone who acts as a collector for a collection agency in the county where he resides and holds office. * * *

(b) Paragraph (1) of subdivision (a) shall not apply to a reserve or auxiliary deputy sheriff who is admitted to practice law in this state. However, a reserve or auxiliary deputy sheriff may not represent any person in any matter concerning an event or transaction if the reserve or auxiliary deputy sheriff has performed or knows he will perform any act relating to the event or transaction in performance of his duties as a reserve or auxiliary deputy sheriff.

(Amended by Stats.1975, c. 289, p. —, § 1.)

§ 24004.5 Deputy sheriffs; qualified to practice law; legal advice to employer

Nothing in Section 24004 shall be construed to prohibit a deputy sheriff who is otherwise qualified to practice law from giving legal advice to his employer when directed to do so within the course and scope of his employment.

(Added by Stats.1973, c. 274, p. 668, § 1.)

Library references

Sheriffs and Constables ⟹79.
C.J.S. Sheriffs and Constables § 37.

13022 P. C.

The terms "sheriff" and "chief of police" are expanded to include their subordinates. Intention of statute is construed to mean city, police district and county chief law enforcement agency heads only.

§ 13022. Report of justifiable homicides

Each sheriff and chief of police shall annually furnish the * * * Department of Justice, on a form prescribed by the Attorney General, a report of all justifiable homicides committed in his jurisdiction. In cases where both a sheriff and chief of police would be required to report a justifiable homicide under this section, only the chief of police shall report such homicide.

(Amended by Stats.1972, c. 1377, p. 2856, § 119.7.)

832.3 P.C.

§ 832.3 Sheriffs, undersheriffs, deputy sheriffs, city and district policemen; employment after Jan. 1, 1975; completion of training course

(a) Except as provided in subdivision (b), any sheriff, undersheriff, or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall successfully complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in a supervised field training program approved by the Commission on Peace Officers Standards and Training.

(b) Inoperative

(Added by Stats.1973, c. 477, p. 950, § 1. Amended by Stats.1974, c. 1397, p. 3055, § 1, urgency, eff. Sept. 26, 1974.)

Subd. (b) added by Stats.1974, c. 1397, p. —, § 1, authorizing certain officers to exercise peace officer powers prior to completion of subd. (a) training, became inoperative by force of its own terms on Jan. 1, 1976.

1974 Amendment. Added the exception at the beginning of subd. (a); added subd. (b); and added the last paragraph.

Library References
Municipal Corporations ⟹184(2).
Sheriffs and Constables ⟹3, 19.
C.J.S. Municipal Corporations § 571.
C.J.S. Sheriffs and Constables §§ 5 to 7, 24, 25.

832.4 P.C.

§ 832.4 Undersheriffs, deputy sheriffs, city and district policemen; employment after Jan. 1, 1974; basic certificate within 18 months

(a) Any undersheriff or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1974, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his employment in order to continue to exercise the powers of a peace officer after the expiration of such 18-month period.

(b) Housing authority patrol officers of the City of Los Angeles shall be and shall remain a part of the Los Angeles City Housing Authority Retirement System and shall not become a part of any other peace officer retirement system or plan.

(Added by Stats.1973, c. 478, p. 950, § 1. Amended by Stats.1974, c. 1006, p. 2166, § 3.)

1974 Amendment. Added subd. (b).

832.5 P.C.

§ 832.5 Citizens' complaints against personnel; investigation; publication

Each sheriff's department and each city police department in this state shall establish a procedure to investigate citizens' complaints against the personnel of such departments, and shall make a written description of the procedure available to the public.

(Added by Stats.1974, c. 29, p. 43, § 1.)

24103 G.C.

§ 24103. Qualifications

A person shall not be appointed deputy sheriff, deputy constable, or deputy marshal unless he is a citizen of this State. (Added Stats. 1947, c. 424, p. 1102, § 1, as amended Stats.1959, c. 1298, p. 3448, § 1.)

830. Peace officer defined, generally. Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.—Stats. 1968, Chap. 122.

830.1. Peace officer: county, city, community. Authority of same. Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, any policeman of a city, any policeman of a district authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, or any constable or deputy constable, regularly employed and paid as such, of a judicial district, is a peace officer. The authority of any such peace officer extends to any place in the state:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs him; or

(b) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense. Stats. 1968, Chap. 1222.

830.2. Highway Patrol, California State Police, California National Guard, University of California, state college police departments, San Francisco Bay Area Rapid Transit Districts designated as peace officers. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender, (2) to make arrests for crimes committed in his presence or upon state properties, or (3) as provided in Sections 8597, 8598 and 8617 of the Government Code.

(c) Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 23501 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 23501 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 23501 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of the University of California Police Department as a peace officer.

(e) A member of a state college police department appointed pursuant to Section 24651 of the Education Code is a peace officer whose authority extends to any place in the state; provided that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 24651 of the Education Code. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within the area specified in Section 24651 of the Education Code; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such request, or to act upon his complaint.

Notwithstanding any other provisions of this code, including but not limited to Section 830.3, the provisions of this subdivision shall govern the authority and jurisdiction of a member of a state college police department as a peace officer.

(f) A member of the San Francisco Bay Area Rapid Transit District Police Department appointed pursuant to Section 28767.5 of the Public Utilities Code is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the law in or about properties owned, operated or administered by the district when performing necessary duties with respect to patrons, employees and properties of the district. Provided, further, that he shall not otherwise act as a peace officer in enforcing the law except (1) when in pursuit of any offender or suspected offender from within or about properties owned, operated or administered by the district when performing necessary duties with respect to patrons, employees and properties of the district; (2) to make arrests otherwise lawful for crimes committed, or which there is probable cause to believe have been committed, in his presence or within or about properties owned, operated or administered by the district; or (3) when, while in uniform such officer, as a peace officer, is requested by a peace officer or other person to render such assistance as is appropriate under such circumstances to the officer or other person making such circumstances to the officer or other person making such request, or to act upon his complaint.—Amended, Stats. 1976, Chap. 420.

NOTE: Chapter 1079 affected Penal Code Section 830.2 by adding in subdivision (e) wherever "state college" appeared "or university". However Section 109 of Chapter 1079 states that any other act taking effect by January 1, 1977, shall prevail over this act (Chap. 1079) whether enacted prior or subsequent to this act. Thus Chapter 420 which adds subdivision (f) prevails.

830.3 Designation of law enforcement agencies and personnel as peace officers. (a) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs, and investigators of the Board of Medical Quality Assurance, are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) (1) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code are peace officers. The authority of any such peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(2) Other deputies of the Department of Fish and Game deputized pursuant to Section 851 of the Fish and Game Code, and county fish and game wardens deputized pursuant to Section 875 of such code, are peace officers, provided that the exclusive duty of such deputies or county fish and game wardens shall be the enforcement of the provisions of the Fish and Game Code and the regulations made pursuant thereto.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Park and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(k) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the primary duty, except as provided in Section 8597 of the Government Code, of fire department or fire protection agency members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to the prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(l) The Chief and such inspectors of the Bureau of Food and Drug as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(m) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(o) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace

officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(p) All investigators of the State Department of Health are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law relating to the duties of the State Department of Health. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, the investigators shall not carry firearms.

(q) The authority of any peace officer listed in subdivisions (c) through (p), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.—Amended, Stats. 1976, Chap. 42, 1406, 1435.

830.4. Security personnel, special police, guards, etc., are peace officers. Authority of same. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2. of the Harbors and Navigation Code.

(6) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(7) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(8) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(9) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(10) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(11) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(12) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(13) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(14) Security guards of the County of Los Angeles.

(15) (A) Persons regularly employed and designated by the Board of Directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(16) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973, or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before September 25, 1973, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after September 25, 1973, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such persons, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdvision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of the Sheriff of San Mateo County.

(17) Housing authority patrol officers employed by the City of Los Angeles or by the Housing Authority of the County of Contra Costa or by the Housing Authority of the County of Los Angeles.

(18) (A) Persons regularly employed and designated by the City of Fresno as airport security officers for the Fresno Air Terminal.

(B) Before exercising the powers of a peace officer, all persons so employed shall have satisfactorily completed the course of instruction so required by Sections 832 and 832.1.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(19) Any person regularly employed as an airport security officer by any airport operated by the City of Palm Springs if he meets the following requirements:

(A) If employed by the City of Palm Springs on or before July 1, 1976, he shall have completed the course of instruction required by Section 832 by September 1, 1976, or if employed after July 1, 1976, he shall have completed the course of instruction required by Section 832 within 60 days of employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer.

(B) He shall be commissioned as a peace officer by the City Council of the City of Palm Springs.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.—Amended Stats. 1976, Chap. 94, 147, 1079, 1291, 1292.

NOTE: It is the intent of the Legislature that the changes effected by this act shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties; and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workers' compensation or similar injury or death benefits, or other employee benefits.

830.5. Authority of parole officer, warden, superintendent, supervisor or guard. Officers or employees of Nevada State Prison. (a) Any parole officer of the State Department of Corrections, placement or parole officer of the Youth Authority, probation officer, or deputy probation officer is a peace officer. Except as otherwise provided in this subdivision, the authority of any such peace officer shall extend only (1) to conditions

of parole or of probation by any person in this state on parole or probation; (2) to the escape of any inmate or ward from a state institution; (3) to the transportation of such persons; and (4) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code. The authority of any parole officer of the State Department of Corrections shall further extend to violations of any penal provisions of law which are discovered in the course of and arise in connection with his employment.

(b) Any warden, superintendent, supervisor, or guard employed by the Department of Corrections, and any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority, and any transportation officer of the Department of the Youth Authority, is a peace officer. The authority of any such peace officer shall extend only (1) as is necessary for the purpose of carrying out the duties of his employment, and (2) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code. When he is carrying out his duties, any such supervisor, guard, officer, or employee who is engaged in transportation of prisoners or apprehension of prisoners or wards who have escaped is a peace officer whether acting within or without this state.

(c) When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

(d) Any peace officer under this section shall have the same status of a peace officer provided for in subdivision (a) or (b) of Section 830.2 for the purpose of obtaining any group insurance benefits available to such peace officers.

(e) Any peace officer under this section shall have the full powers and duties of a peace officer as provided by Section 830.1 when acting pursuant to Section 8617 of the Government Code.—Amended, Stats. 1972, Chap. 198.

830.5a. Peace officer powers granted to agents of the law enforcement liaison unit of the Department of corrections. (a) Any agent of the law enforcement liaison unit of the Department of Corrections is a peace officer. The authority of any such peace officer shall extend only (1) to the investigation and

apprehension of parole violators; (2) to the investigation and apprehension of any inmate or ward who has escaped from a state institution; (3) to any violation of a penal provision which arises and is discovered in the course of his performance of his employment duties; (4) to the transportation of such persons; (5) to the coordination of such activities with other criminal justice agencies; and (6) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code.

(b) Any peace officer under this section shall have the same status of a peace officer provided for in subdivision (a) or (b) of Section 830.2 for the purpose of obtaining any group insurance benefits available to such peace officers.

(c) Any peace officer under this section shall have the full powers and duties of a peace officer as provided by Section 830.1 when acting pursuant to Section 8617 of the Government Code.—Added, Stats. 1974, Chap. 420.

830.6. Reserve auxiliary or deputized peace officers. Authority of same. (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, or as a deputy sheriff, and is assigned specific police functions by such authority, such person is a peace officer; provided, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to properly assist such officer.—Stats. 1968, 1222.

Fricke, C.P. 8th, p. 19.

830.7. Uniformed officers required to wear nameplate or badge. Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of such person.—Added, Stats. 1969, Chap. 1458.

830.9. Security officers of rapid transit district are designated peace officers. Authority of same. Repealed, Stats. 1976, Chap. 420.

830.10. The Coroner and deputy coroner declared to be peace officers. Authority of same. (a) The coroner and deputy coroners, regularly employed and paid as such, of a county are peace officers. The primary duties of such peace officers are those set forth by Sections 27469 and 27491 through 27491.4, inclusive, of the Government Code. However, such coroner and

deputy coroners shall not be authorized to carry concealable weapons capable of being concealed upon the person, unless they are authorized to do so by an ordinance or resolution of the county board of supervisors.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.—Amended, Stats. 1972, Chap. 618.

830.11. Welfare fraud investigator or inspector is a peace officer, authority of same. (a) Any welfare fraud investigator or inspector, regularly employed and paid as such by the county welfare department, is a peace officer when individually designated as such by local ordinance or resolution; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Welfare and Institutions Code as set forth in the enforcement sections of such code. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such welfare fraud investigators or inspectors are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or resolution.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.—Added, Stats. 1971, Chap. 1122.

[NOTE] It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

830.12. Municipal Utility district security officers designated peace officers. Authority of same. (a) Persons designated as security officers by a municipal utility district pursuant to Section 12819 of the Public Utilities Code are peace officers while engaged in the performance of their duties as security officers.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property, the protection of which is the immediate duty of such officer.

(c) The district shall adopt regulations controlling the use of firearms by such security officers. Such regulations shall ensure that such peace officers shall not carry firearms except when there is a public emergency, as defined by such regulations, necessitating the immediate use of firearms.—Added, Stats. 1974, Chap. 1119.

830.31. Marshals and police appointed by the Director of Parks and Recreation declared to be peace officers. Authority of same. Marshals and police appointed by the Director of Parks and Recreation pursuant to Section 3324 of the Food and Agricultural Code are peace officers, provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 3324 of the Food and Agricultural Code and the authority of any such officer extends to any place in the state; provided, that except as provided in Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action. Added, Stats. 1973, Chap. 1152.

830.35. Authority of policemen of the San Francisco Port Commission. (a) Policemen of the San Francisco Port Commission are peace officers; provided, that the primary duty of such peace officer shall be the enforcement of statutes and ordinances relating to the San Francisco Harbor.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3 or Section 830.6 of this code or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance, as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.—Added, Stats. 1972, Chap. 618.

830.36. Peace officers; Bethel Island Municipal Improvement District. (a) Police officers appointed by the Bethel Island Municipal Improvement District pursuant to Section 93 of Chapter 22 of the Statutes of 1960, First Extraordinary Session, are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of laws relating to the district and ordinances of the district.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment.—Amended, Stats. 1976, Chap. 1079.

831. Custodial officer defined—limitation of authority. Supervision by a peace officer. (a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city having a population of over 2,000,000 who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence therein.

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

(c) Every person, prior to actual assignment as a custodial officer, shall have satisfactorily completed the Commission on Peace Officer Standards and Training courses specified in Section 832 of the Penal Code and the Commission on Peace Officer Standards and Training course on jail operations.

(d) At any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1 of the Penal Code, on duty at the same time to supervise the performance of the custodial officers.

(e) This section shall not be construed to confer any authority upon any custodial officer except while on duty.

(f) A custodial officer may use reasonable force in establishing and maintaining custody of persons delivered to him by a law enforcement officer; to make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant; to release without further criminal process persons arrested for intoxication; and to release misdemeanants on citation to appear in lieu of or after booking.—Added, Stats. 1974, Chap. 887.

§ 165. Authorized emergency vehicle

An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State University and Colleges, sheriff's department, the California Highway Patrol, or the California State Police Division.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(6) Peace officer personnel of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(7) Peace officer personnel employed and compensated as members of a security patrol of a school district while carrying out the duties of their employment.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

(Amended by Stats.1971, c. 438, p. 903, § 178, operative May 3, 1972; Stats.1972, c. 431, p. 796, § 52; Stats.1973, c. 35, p. 55, § 1; Stats.1974, c. 581, p .1401, § 1.)

Section 201 of Stats.1971, c. 438, p. 911, provided: "Any section of any act enacted by the Legislature at its 1971 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act."

§ 8597. Peace officers

Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers:

(a) All members of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The State Forester and the classes of the Division of Forestry who are designated by the State Forester as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.

(d) All members of the California State Police Division.

(e) Peace officers who are state employees within the provisions of Section 830.5 of the Penal Code.

§ 8598. Local emergency within region or area; peace officers

Whenever a local emergency exists within a region or area of the state and the California Highway Patrol * * *, the California State Police Division, or the Department of Corrections or the Department of the Youth Authority employing any peace officer within Section 830.5 of the Penal Code is requested by properly constituted local authorities to assist local law enforcement, the * * * officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers.

(Added by Stats.1970, c. 1454, p. 2854, § 2. Amended by Stats.1971, c. 1469, p. 2899, § 2; Stats.1972, c. 198, p. 420, § 2.)

TAB I

Insert at back of correspondence received on ADA item

RESOLUTION OF THE
ADMINISTRATION OF JUSTICE ADVISORY COMMITTEE
TO RIO HONDO COLLEGE

WHEREAS the Rio Hondo Regional Training Center provides law enforcement training and education for over thirty law enforcement agencies,

WHEREAS students attending the numerous programs reside out of the Rio Hondo College District,

WHEREAS the state apportionment only funds approximately half the cost of this education and training,

WHEREAS an excessive burden is placed on the local district taxpayers, it is herewith resolved that this group urgently request the Commission on Peace Officer Standards and Training to introduce, support and promulgate appropriate corrective legislation.

Resolution adopted April 27, 1977

William Martin, Committee Chairman

On behalf of the participating law enforcement agencies.

E.O.
T.S.
ADMIN.
A.C.
S.&T.

MAY 12 9 32 AM '77
COMMISSION ON POST

Mailed from:

City of South Gate
8620 CALIFORNIA AVE., SOUTH GATE, CA. 90280
OFFICE OF THE CHIEF OF POLICE

CALIFORNIA STATE UNIVERSITY • LOS ANGELES

5151 STATE UNIVERSITY DRIVE LOS ANGELES, CALIFORNIA 90032

University Police Department

May 5, 1977

Mr. Wm. J. Anthony
Chairman, Commission on POST
Asst. Sheriff
Los Angeles Sheriffs Dept.
Los Angeles, California 90012

Dear Chairman Anthony:

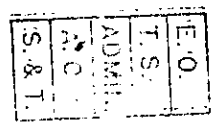
As a chief participant in a college operated police academy I am very concerned with the out-of-district (A.D.A.) problem. I sincerely hope that the commission under your leadership, will effect the appropriate Legislation to solve the problem.

Sincerely,

Richard C. Brug

Richard C. Brug,
Chief of Police

cc:W.Garlington
Executive Director, POST



MAY 9 11 36 AM '77
COMMISSION ON POST

Telephone:
(213) 837-1221
P. O. Box 808

Culver City Police Department

OFFICE OF
CHIEF OF POLICE

May 4, 1977

William J. Anthony, Chairman
Commission on Peace Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, California 95823

Dear Mr. Anthony:

This note is to let you know that I fully support Legislative Amendment 11483 of the Education Code giving resident status to out-of-district criminal justice and fire science students. If we are to maintain the high standards California now enjoys in its public safety officers, it is absolutely necessary that those few institutions offering training receive the ADA assistance that this bill will provide.

I also fully support the proposed changes in Penal Code Section 832.3 giving preference to and allowing the screening of full-time law enforcement officers.

Your efforts and support for these bills would be of great assistance in our continuing effort to maintain the high standards for which California law enforcement is famous.

Cordially yours,

TED COOKE
Chief of Police

LRS:pj

cc: William R. Garlington, Executive Director
Commission on Peace Officer Standards and Training
Dale Jones, Chief Administrative Officer

MAY 6 10 27 AM '77
COMMISSION ON POST

4040 DUQUESNE AVENUE • CULVER CITY • CALIFORNIA • 90230

SELECTION STANDARDS VALIDATION
POST SPONSORED WORKSHOP

April 13, 1977

Minutes

On April 13, 1977, a POST-sponsored workshop was held in Los Angeles for the purpose of discussing problems associated with the validation of law enforcement selection standards and the role that POST may play in helping to resolve those problems. A specific topic for discussion was POST's proposed contract with LEAA. Those in attendance were representatives of the larger jurisdictions in California; chiefs, sheriffs, or their appointed representatives; department Personnel representatives; and legal counsels.

During the first half of the workshop, the participants were provided an orientation on the objectives and management of the proposed LEAA project. For the second half, the participants were divided into three groups (legal, personnel, law enforcement); each group was attended by a staff member and a Commissioner. The participants, at this time, expressed a number of concerns relative to the project and offered suggestions for change.

Summations of these group discussions were given to the group as a whole with the assurance that POST staff would take the identified concerns into consideration when developing the project. Questions and concerns included:

Law Enforcement

- How will the project be affected if, in the future, training prior to employment of a peace officer becomes a fact?
- The Police Licensing Bill which is proposed by PORAC--if this becomes law, how will it affect the problem of recruitment and selection?
- How will POST provide for interaction with FEPC, LEAA, and other compliance groups?
- POST has to be careful about "buying into the different guidelines" set-up by the different compliance agencies.
- POST must avoid creating an impression that the compliance agencies did the validation and not the experts.
- Cut-off scores should be left to the discretion of the local agencies.
- POST should recognize the difference between what officers do and what management wants their officers to do.

- POST should seek outside experts for assistance in narrow areas of study.

- Would a screening device be a high priority? It was felt that it has to be because the only alternative left would be random selection.

- The necessity to keep law enforcement informed of the progress of the project was stressed.

- Law enforcement did not want any "rabbits out of the hat" (unusual results) in the final product.

Legal Counsels

- There was concern over one standard being applicable to all agencies.

- Some believed that a POST minimum standard in a given area may create a double defense problem for some agencies. They would have to not only defend their standard but also why they did not adhere to POST's standard.

- Some see POST's role as that of a resource center that provides methodology on how you validate (rather than validating and setting standards).

Personnel

- Have any studies been done on the validity of the use of cut-off scores? Have the courts challenged this issue?

- Would the areas of promotion and performance appraisals be addressed?

- Would POST assist agencies to develop appropriate application forms?

- Basic Academies: What they need is a screening device(s).

- It was stated that it is important to have a steering committee providing input during the developmental phases of the project.

Attendees were assured that POST will disseminate a questionnaire request for input on prioritization of research needs. Attendees were also requested to submit written suggestions to POST.

Respectfully submitted,

Georgia Pinola

Georgia Pinola
Recording Secretary

CITY OF LOS ANGELES

CALIFORNIA

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PERSONNEL DEPARTMENT
100 CITY HALL SOUTH
111 EAST FIRST STREET
LOS ANGELES, CALIF. 90012

MURIEL M. MORSE
GENERAL MANAGER

April 27, 1977

Honorable Members
Commission on Peace Officer
Standards and Training
7100 Bowling Drive
Suite 250
Sacramento, California 95823

RE: Proposed Selection Standards Validation Research Project

Honorable Members:

As a result of the meeting held in Los Angeles on April 13, 1977 concerning the POST "Job Related Law Enforcement Selection Standards Validation Research Project", we wish to add to the comments we submitted in our letter of January 21, 1977.

Prior to the meeting on April 13, we believed that the project would involve development and validation of selection procedures which could be used in screening and selecting Police Officers. However, at that meeting, it was the impression of members of our staffs that POST had not yet defined the objectives of that study. Apparently, the only products which are currently planned are as follows:

1. A job analysis, conducted using methods which have not yet been selected;

2. An application form and job announcement;

3. A self screening device; and

4. A manual of procedures to assist participating agencies in developing their own selection devices and performing in-house validity studies.

If the foregoing is a correct representation of the current status of the POST study, there are two observations which we believe are appropriate. First, the project will be of little

value unless it results in the development and validation of selection devices designed to enhance the ability of participating jurisdictions to comply with equal employment opportunity requirements in the context of civil service merit systems. To accomplish that goal, it is imperative that the project result in development and validation of selection devices particularly in areas of assessment which have traditionally resulted in adverse impact.

Our second observation is that the products expected to result from the project should be clearly specified before a job analysis method is selected. Generally, the information gathered in performing a job analysis must be geared to the applications for which it is intended. For example, a job analysis primarily intended to result in a study of a written selection device would not be likely to contain data appropriate to the study of a physical abilities test. Therefore, we would strongly urge that POST ascertain the objectives of its studies prior to the design of the job analysis.

Thank you for the opportunity to express our concerns. If we can be of any further assistance to you, please contact us.

Very truly yours,

EDWARD M. DAVIS
Chief of Police

MURIEL M. MORSE, General Manager
Personnel Department

EMD:MMM:lc

CITY OF LONG BEACH

R.G.KORTZ
Chief of Police

DEPARTMENT OF POLICE

P.O. Box 20100, Long Beach, California 90801

April 20, 1977

Mr. William Garlington
POST Executive Director
7100 Bowling Drive, Suite 250
Sacramento, California 95823

Dear Mr. Garlington:

As requested at the Problem Solving Seminar on the Selection Validation Standards April 13, 1977, in Los Angeles, this Department and City are interested in this study.

The Police Department would like to make an active contribution to this study and we are willing to help in anyway possible. The City Attorney and Civil Service representatives who also attended this meeting have agreed that they would like to be involved.

In reviewing your document and after listening to the discussion there are two areas with which we are concerned. The first is the lack of understanding of what the real problems of selection are to the local agencies. This can particularly be solved through a needs assessment survey conducted with all departments.

The second point is the lack of a specific plan with detailed objectives. Once the need assessment is completed, this problem will be easy to solve. We would recommend that you identify some specific goals on a priority basis rather than trying to solve all our problems. In any case, review the results with the local police and personnel agencies before taking action, as that input will serve to improve your chances for success and acceptance.

If this Department can be of assistance, don't hesitate to ask.

Very truly yours,

Carl J. Calkins
Assistant Chief of Police

E.O.
T.S.
ADMIN.
A.C.
S.&T.

CJC:JEL:kb

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COMMISSION ON POST

State of California | Department of Justice

Memorandum

To : COMMISSIONERS

Date : April 15, 1977

From : Commission on Peace Officer Standards and Training

Subject: ADA COMMITTEE REPORT

The Ad Hoc ADA Committee met on Tuesday, April 12, 1977, to consider legislative proposals related to ADA endorsed by the POST Advisory Committee.

Present were:

Brad Gates, Chairman	William Garlington
Jake Jackson	Harold Snow
Kay Holloway	Dennis LaDucer
	Raul Ramos

The following action was taken and recommended for Commission adoption:

1. Open Enrollment — Attachment A

Approved introduction of the attached modified legislative proposal providing for preference given to law enforcement-employed basic course trainees and screening of course applicants by a screening committee.

Motion for this action was carried by the Committee, with Commissioner Gates dissenting due to his opposition to the concept of open enrollment. Commissioner Gates moved, with no second, to exempt law enforcement training courses entirely from requirements of the Education Code.

The Committee directed that this revised legislative proposal be submitted to the Legislative Review Committee Chairman for coordination with the Governor's Office and introduction of a spot bill.

2. Out-of-District Cost Attachment B

Approved a motion to table this legislative proposal due to the Committee's position that this is not a POST problem and the colleges themselves should introduce such legislation.

BRAD GATES
Chairman
ADA Committee

Attachments

OPEN ENROLLMENT

(Proposed Legislative Amendment)

		COMMENTS
832.3	Sheriffs, undersheriffs, deputy sheriffs, city and district policemen; employment after January 1, 1975; completion of training course.	Existing law
	(a) Except as provided in subdivision (b), any sheriff, undersheriff, or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall successfully complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in a supervised field training program approved by the Commission on Peace Officer Standards and Training.	Basic Course
	(b) Notwithstanding Education Code Sections 5753, 5753.1, and 11251(c), community colleges shall give preference in enrollment to employed law enforcement trainees who must complete training prescribed by this section. Average daily attendance for such courses shall be reported for state aid.	Preference in enrollment
	(c) Notwithstanding Education Code Sections 5753, 5753.1, 11251(c), and Administrative Code Sections 51820-51826, each community college academy will form a screening committee made up of representatives of law enforcement within its service jurisdiction and such committee shall screen course applicants as to their satisfying statutory requirements for employment as a peace officer.	Screen course applicants

Revised
4-25-77

OPEN ENROLLMENT

(Proposed Legislative Amendment)

	COMMENTS
832.3 Sheriffs, undersheriffs, deputy sheriffs, city and district policemen; employment after January 1, 1975; completion of training course	Existing Law
(a) Except as provided in subdivision (b), any sheriff, undersheriff, or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall successfully complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in a supervised field training program approved by the Commission on Peace Officer Standards and Training.	Basic Course
(b) Notwithstanding Education Code Sections 5753, 5753.1, and 11251(c), community colleges ~~may~~ shall give preference in enrollment to employed law enforcement trainees who must complete training prescribed by this section. Average daily attendance for such courses shall be reported for state aid.	Preference in enrollment
(c) Notwithstanding Education Code Sections 5753, 5753.1, 11251(c), and Administrative Code Section 51820-51826, each community college ~~with the advice of the academy advisory committee may~~ academy will form a screening committee made up of representatives of law enforcement within its service jurisdiction and such committee shall screen course applicants as to their satisfying the employment standards for law enforcement personnel as provided for by law.	Screen course applicants

OUT-OF-DISTRICT COST
(Proposed Legislative Amendment)

SECTION 1. Amend Education Code Section 11483

11483. Resident status: ~~police~~ *criminal justice* and fire training course students

~~If 50 percent or more of the enrollment in a police~~ *criminal justice* or fire training ~~course at a community college consists of~~ students who are residents of community college districts other than the district offering the course~~, all such students enrolled shall~~ may be deemed to be resident students of the district *of attendance* for such courses for the purposes of this article.

SECTION 2. New Education Code Section

Notwithstanding Education Code Section 25505.5, the district of residence shall grant an interdistrict permit to students requesting attendance at criminal justice and fire training courses in another district in accordance with interdistrict agreements as set forth in Education Code Section 25505.4. In the absence of an interdistrict attendance agreement and subject to the provisions of Section 25505.4(c) the rate of tuition shall be computed as specified in Section 20201 including the specified $300 charge per unit of average daily attendance for use of buildings and equipment.

Analysis: SECTION 1. Education Code Section 11483 was enacted in 1969 and requires police and fire students to be counted for purposes of ADA as residents of the district of attendance if 50% or more of the students are from other districts.

This bill would expand the scope of students to criminal justice. This bill would also delete the 50% provision and make it permissive as to whether such students will be counted as district residents or non-district.

SECTION 2. Under current law, it is discretionary for districts to grant interdistrict permits. This new code section would mandate districts of residence to grant permits for students attending criminal justice and fire training courses.

Rationale: Current law acts as a barrier to the regionalization and improvement of quality training in that the taxpayers of community college districts with regional academies are compelled to pay for the training of non-district students. The proposal would give latitude to such districts to require permits and thus charge the district of residence for costs.

CITY OF SAN MARINO
POLICE DEPARTMENT
2200 Huntington Drive
San Marino, California 91108
(213) 282-2131

April 28, 1977

Mr. Wm. J. Anthony, Chairman
Commission on P.O.S.T.
7100 Bowling Drive, Suite 250
Sacramento, Calif. 95823

Dear Sir:

I wish to take this opportunity to urge you and P.O.S.T. Commissioners to support and take an active role in proposed legislation to amend Education Code Section 11483, which will resolve "out of district" student costs for Community College Police Academies.

There is a definite need for this readjustment. Therefore, I urgently hope the Commissioners will support this legislation

Yours very truly,

J. W. Moore

J. W. Moore
Chief of Police

r
cc: Mr. Wm. R. Garlington, Exe. Drctr.
P.O.S.T.

POLICE DEPARTMENT
City of Huntington Beach

P.O. BOX 70 • 2000 MAIN STREET, HUNTINGTON BEACH, CA. 92648 • TEL: (714) 536-5311

EARLE ROBITAILLE
Chief of Police

May 2, 1977

Mr. William J. Anthony, Chairman
P.O.S.T. Commissioners
7100 Bowling Drive
Sacramento, California 95823

Dear Mr. Anthony:

It has come to my attention that some community college districts are reluctant to grant out-of-district permits for police training purposes to students residing in their respective community college districts.

This reluctance has created some problems to this and other police agencies who must provide basic academy training to their new recruits within the specified time of their initial employement according to P.O.S.T. Administrative regulations.

The police academy classes offered within the district are often inadequate to meet the mandated time constraints for basic training. Therefore we must, as other agencies must, rely extensively on police academies located in community college districts outside our local district.

I understand this matter is on the upcoming P.O.S.T. agenda and would appreciate any consideration you could give in this matter concerning our needs as stated above.

Thank you for your assistance in this matter, and please be assured on our reciprocal cooperation in matters of mutual interest.

Sincerely,

EARLE W. ROBITAILLE,
Chief of Police

EWR:GS:pb

cc: Mr. William Garlington, Director P.O.S.T.
Mr. Alex Pantaleoni, Rio Hondo College

TAB J.

State of California

Department of Justice

Memorandum

To : COMMISSIONERS

Date : May 18, 1977

From : Commission on Peace Officer Standards and Training

Subject: LEGISLATIVE REVIEW COMMITTEE REPORT

The Legislative Review Committee met on May 16, 1977, and made the following recommendations:

	Attachment
A. POST Seminar on Police Licensing (Assembly Bill 1603 - Ingalls)	1

An oral status report will be given by the Chairman on the May 9, 1977, POST Seminar on Police Licensing, which will be continued on June 6, 1977.

B. Action Items

1. SB 236, Zenovich - Polygraph Examiners Act (Letter from Dale Speck for Attorney General Evelle Younger) — 2

   Recommendation: Appoint ad hoc committee to study the subject of technical specialty certification.

2. SB 781, Sieroty - POST: Two Public Members — 3

   Recommendation: Oppose

3. AB 809, Robinson - County Jails: Custodial Officers — 4

   Recommendation: Oppose

4. AB 1130, Agnos--Sexual Orientation: Discrimination — 5

   Recommendation: Oppose

B. Action Items (Continued) — Attachment

5. AB 1569, Ingalls - Southern California Rapid Transit District — 6

   Recommendation: Oppose unless amended to remove POST reimbursement provision.

6. AB 191, Fazio - Confidentiality of Medical and Psychotherapy Records — 7

   Recommendation: Oppose unless amended to delete applicability to law enforcement.

7. SB 591, Carpenter - Sheriffs: Qualifications — 8

   Recommendation: Approve in principle

8. AB 1440, Thurman - Public Safety Officers: Equipment — 9

   Recommendation: Request author for amendment to delete POST from Government Code Section 50082.

9. AB 1902, Knox - D. A.'s Investigators: POST Reimbursement — 10

   Recommendation: Further study by Commission and interim study by the Legislature

C. Information Items

1. Status of Legislation of Interest to POST — 11

2. Suggested Amendments to AB 1068 — 12

Herbert E. Ellingwood

HERBERT E. ELLINGWOOD
Chairman
Legislative Review Committee

Attachments

POST SPECIAL SEMINAR ON POLICE LICENSING

May 9, 1977

MINUTES

The POST seminar on police licensing, chaired by Commissioner Herbert Ellingwood, was held in order to provide information to, and to obtain input from, concerned law enforcement and local governmental organizations. Participants included:

Herbert E. Ellingwood, POST Commissioner
Jacob J. Jackson, POST Commissioner
Raul Ramos, representing Brad Gates, POST Commissioner
William Fradenburg, POST Advisory Committee
William R. Garlington, POST Executive Director
Peggy Brownlow, County Supervisors Association of California
Charles Schultz, Assemblyman Ingalls' Office
Gene Kaplan, Assemblyman Ingalls' Office
Lieutenant George Lotz, representing Duane Lowe, California Peace Officers Association
LaVerne Coppock, California State Police Chiefs Association
Al LeBas, California State Sheriffs Association
Joseph McKeown, California Academy Directors Association
James Hober, California Association of Police Training Officers
Barry Skaggs, Los Angeles Police Protective League
Richard Baratta, Peace Officers Research Association of California
Walter Colfer, Peace Officers Research Association of California
Jack Pearson, Peace Officers Research Association of California
Gerald E. Townsend, POST Staff
Glen E. Fine, POST Staff
George W. Williams, POST Staff
Harold L. Snow, POST Staff
Donna Brown, POST Staff

HISTORY OF THE CONCEPT

Rick Baratta of PORAC gave an overview of the history of the police licensing issue, which was part of an initial study conducted in 1954 by Gene Muehleisen. The study focused on four principal issues:

1. Definition of peace officer

2. Certification of peace officers

3. Manner in which officer is to progress from one level to the next in his career

4. Composition of the board which would administer the program

The POST program, based on voluntary participation by local law enforcement agencies, was established as a result of the study.

Since 1973, PORAC has worked for the passage of legislation which would establish a mandatory certification program for peace officers in California. In January 1975, the Commission agreed with the licensing concept, but disagreed with specifics. In July 1976, the Commission opposed AB 4249, a PORAC licensing measure. Assembly Bill 1603, Ingalls, which was introduced during this legislative session to further this effort, has been revised from previous similar bills.

STATUS OF THE POST CERTIFICATION PROGRAM

George Williams, Bureau Chief in the Administration Division of POST, reported that some 80,000 certificates have been issued by the Commission since the inception of the Regular and Specialized certification programs. Even though the Commission Regulations contain provisions for the cancellation and recall of these certificates, few have been cancelled or recalled. The POST Commission, in October of 1976, declared a moratorium on certificate revocation due to legal, cost, and procedural uncertainties. An issue now before the Commission is whether POST certificates are "certificates of achievement" or "de facto licenses" in view of Penal Code Section 832.4.

It is estimated that the cost for a single certificate revocation is $1,000 with a projection of 100 revocations per year, assuming the current grounds for revocation remain the same. The license revocation procedure and time requirements under the Government Code, Administrative Procedure Act, was explained using Attachment 1. It was noted that one of POST's current problems is obtaining information or notification from local agencies to proceed with certificate revocations.

Recent opinions of the Attorney General concerning POST certificates were noted as found on Attachment 2. Finally, the Skelly decision requiring notification prior to license revocation was explained.

The licensing issue was seen as having major impact on the current POST certification program, expenditures of staff time, the Peace

Officer Training Fund, and POST's role. It was suggested that AB 1603 be amended to include provisions to define the Commission's authority to receive confidential records and documents pertinent to revocation investigations. It was also suggested that recalled certificates be declared invalid, rather than revoked, and that local agencies be required to contact POST to determine the validity of an applicant's certificate prior to hire. There were also differing opinions on suggested language to limit certificate revocation investigations by POST after local adjudication or disposition.

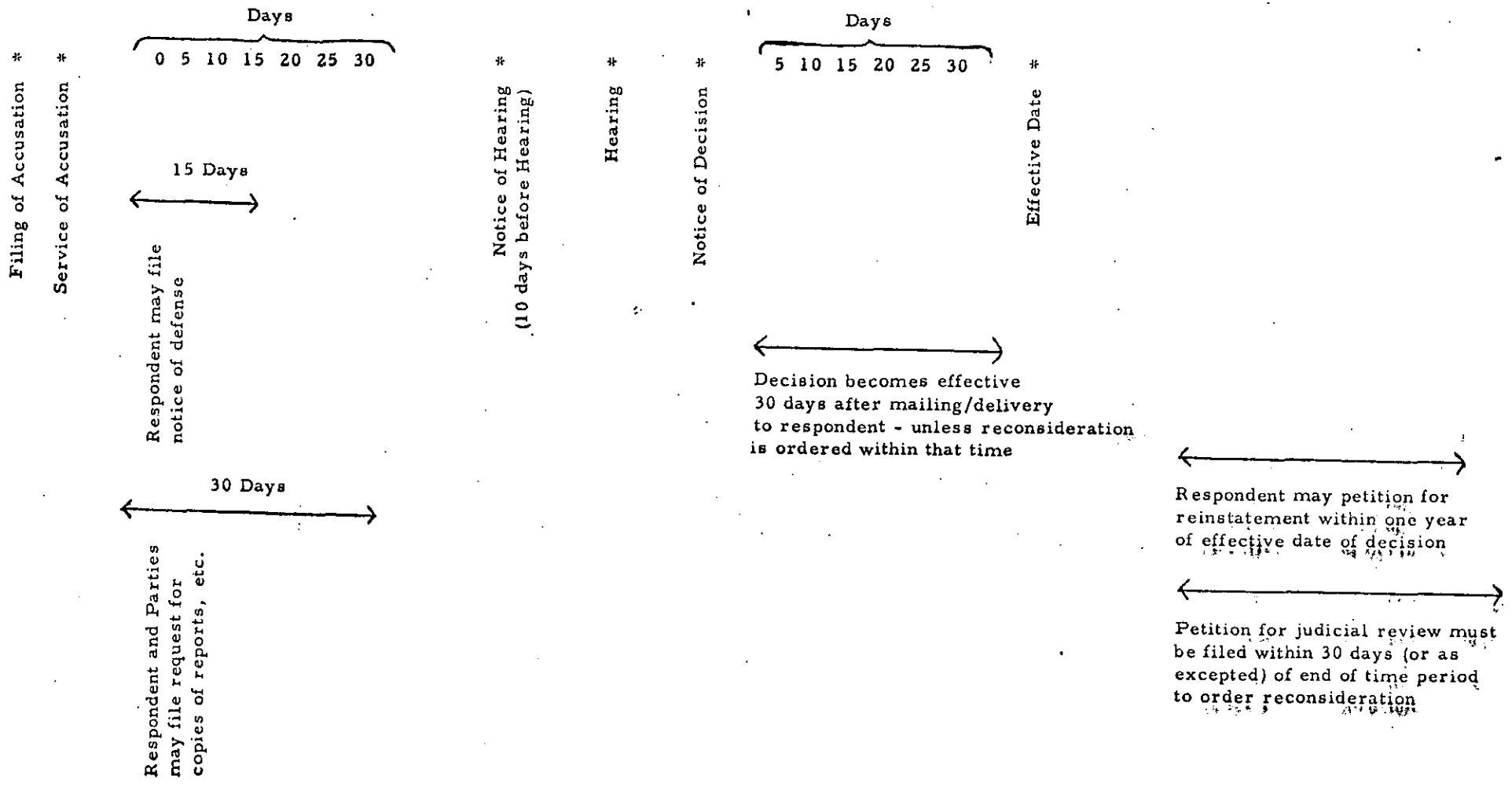
CONCEPTUAL ARGUMENTS

Each of the conceptual arguments in favor of and in opposition to police licensing was discussed by the participants. A revised list, based on input received, was developed under Attachment 3.

CONCLUSIONS

Charles Schultz of Assemblyman Ingalls' office informed the participants that Assembly Bill 1603 will not be heard in committee until September of 1977. It was suggested that a follow-up meeting be held on June 6 for further discussion and to arrive at conclusions on the issue.

ATTACHMENT # 1



ATTORNEY GENERAL OPINION CV 76/170IL

Recently POST asked the Attorney General several questions regarding the revocation of certificates, the following is a resume of Attorney General Opinion (CV 76/170IL):

Revocation of an officers certificate would impare or terminate the persons career in law enforcement.

The right to engage in a lawful occupation cannot be impared without due notice and hearing.

Due process requires that a hearing be held and at a place that is not to remote.

The hearing process may be delegated and consist in the taking of evidence concerning the charges against the officer.

The decision regarding revocation is the ruling which is based upon evidence and is discretionary and, in the absense of expressed authorization, ordinarily cannot be delegated.

While Penal Code Section 13500 et seq do not expressly authorize the Commission to make delegations under the expression of general powers it is implied the Commission has the authority to delegate the hearing function to a hearing officer with transcripts of the precedings provided to each member of the Commission.

The decision as to what action is to be taken can be made by the Commission after its members have read the transcripts. (See attachment 2, AG Opinion CV 76/170IL)

CONCEPTUAL ARGUMENTS ON POLICE LICENSING
(Revised May 9, 1977)

Arguments For:

1. Brings greater public recognition of professionalism in law enforcement.

2. Provides more formal and effective controls over entry and retention in the profession.

3. State has a right and an obligation to regulate who becomes a peace officer.

4. Provides better assurance of adherence to standards through testing.

   a. May provide a more uniform minimum level of peace officer competence on all training and selection standards

   b. Currently the failure rate between academies varies, leading to a conclusion that there is questionable standardization.

   c. Academies vary to meet local needs, and most wash outs are for non-academic reasons.

5. Resolves problems with current POST certificate revocation procedures (provides due process).

6. May encourage pre-employment training

   a. Save time and cost for hiring agency if employee is already trained

7. Greater protection to public, since citizen requesting a peace officer must accept officer assigned. Citizens can be selective for services of other professionals (doctor, barber, lawyer, etc.).

Arguments Against:

1. Changes part of POST's role from service to regulatory.

2. Minimum standards may become maximum hiring standards due to potential for courts to overturn locally determined maximum standards.

3. Loss of local control

   a. Holders of licenses may have greater claim to employment; implied ability to move laterally with license.

   b. POST investigations for certificate revocations may conflict with authority of local civil service boards.

4. Increased administrative costs for POST

   a. Uncertain costs and impact on the Peace Officer Training Fund.

   b. Costs would include certificate revocation investigation and hearings, certificate issuance, testing and test updating, legal, etc.

5. May increase costs to local government, including cost of notifications to POST.

6. Increase litigation against POST as standards-setting agency (job-relatedness of standards).

7. POST Commission now has authority to administratively do much called for by the proposed legislation:

   a. Designation of Basic Certificate as license
   b. Resume revocation of certificates
   c. Amend Regulations to incorporate due process guarantees
   d. Institute a testing program

8. Academy training should remain a part of the selection process.

Attachment 2

EVELLE J. YOUNGER
ATTORNEY GENERAL

STATE OF CALIFORNIA

DALE H. SPECK
DIRECTOR

P. O. Box 13281
Sacramento, California
95813

Department of Justice

DIVISION OF LAW ENFORCEMENT
3301 "C" STREET
SACRAMENTO 95816
(916) 322-4350

April 26, 1977

William Garlington, Executive Director
California Commission on Peace
Officer Standards and Training
7171 Bowling Drive
Sacramento, CA 95827

Dear Bill:

Attorney General Younger has expressed the view that a bill designed to set up a Polygraph Examiner Board in the Department of Consumer Affairs (SB 236, Zenovich) is not a suitable vehicle to control the activities of both public agency and private polygraph examiners. He has asked that the Division of Law Enforcement staff and I recommend a suitable alternative to achieve the results intended by the bill.

In our discussions here, we were reminded that the Commission and staff has devoted considerable time and effort to establish standards for the several technical specialists which provide direct support to the law enforcement system in California. A certification program similar to the peace officer standards certification program was proposed to insure that each incumbent in a technical speciality was qualified by training, education, and experience to perform his functions in a police agency and in the courts.

It is our belief that a program of the kind described above is not only the most effective, but can be implemented without further legislation. Therefore, we request that this proposal be made to the Commission at its May meeting, with the view of reviving the Commission's previous plans and their later implementation at the earliest possible date.

Be assured that our staff at the Division will render all possible assistance to your staff in the full development of this program.

Sincerely,

DALE H. SPECK, Director
Division of Law Enforcement

kc

MAY 2 10 17 AM '77
COMMISSION ON POST

SB 236 - Zenovich May 12, 1977

SUPPLEMENTAL REPORT ON THE PROPOSED POLYGRAPH EXAMINERS ACT

SUMMARY:

SB 236 by Senator Zenovich would enact the Polygraph Examiners Act which would require state licensing for polygraph examiners. There would be created within the Department of Consumer Affairs a Polygraph Examiners Board with authority to establish requirements for licenses and equipment.

BACKGROUND:

The POST Commission considered SB 236 on March 25, 1977 and took no position. SB 236 passed the Senate Business and Professions Committee on May 11, 1977.

Since that time the attached letter has been received from Dale H. Speck, Director, Division of Law Enforcement of the Department of Justice in behalf of Attorney General Younger expressing the view that SB 236 is not the proper vehicle to control the activities of both public and private polygraph examiners, and that POST should implement a certification program for this and other technical specialties in law enforcement without the need for further legislation.

ANALYSIS:

The POST Commission has previously rejected proposals for the creation of certification programs for technical specialties on the grounds of costs and the potential for many categories requesting such service. While POST has not developed standards for technical specialties, POST has developed and provided many such courses. In 1974 the Commission rejected a polygraph examiners course certification developed by staff after considerable study because of the high tuition costs ($3,885/trainee for a 12-week course, or $46,631/per 12 student class). The follow-up phase of the program called for one full time polygraph examiner for a year at a cost to POST of $21,491. It was estimated there would be need to train 24 students yearly at a total annual cost in 1974 of $114,753. This did not include a certification program.

The advantages and disadvantages of POST establishing a certification program for technical specialties include:

Advantages:

- Reduces proliferation of state agencies setting standards for law enforcement.
- Provides greater local control over matters which affect law enforcement personnel.
- Consistent with POST's overall legislative mandate to improve the effectiveness of law enforcement.

Disadvantages:

- Increases POST's administrative costs.
- Could increase reimbursable costs for tuition if POST were obligated to provide the requisite training for technical certificates.
- Could establish a precedent for other technical specialties (investigator, fingerprint examiner, juvenile, crime scene technician, narcotics, etc.).
- Excludes private polygraph examiners since employment in law enforcement is a prerequisite for the POST certification program.
- Tends to move POST in the direction of a licensing-regulatory agency by "insuring each incumbent in a technical specialty was qualified by training, education, and experience".

RECOMMENDATION:

The Commission consider this request and direct staff to reply to Director Speck's letter.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING ATTACHMENT E

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Polygraph Examiners Licensing	Zenovich	SB 236
SPONSORED BY	RELATED BILLS	DATE LAST AMEND
California Polygraph Examiners Association		

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

SUMMARY: This bill would enact the Polygraph Examiners Act and would require a state licensing program for polygraph examiners. There would be created within the Department of Consumer Affairs a Polygraph Examiners Board with authority to establish requirements for such licenses and equipment. The bill would make it unlawful to conduct polygraph examinations unless licensed.

ANALYSIS: The bill would impact polygraph examiners in both the private and public sector. The Polygraph Examiners Board shall consist of five members appointed by the Governor, including three polygraph examiners with two years experience (one shall be employed with a law enforcement agency) and two members shall represent the lay public.

The board shall adopt regulations on such matters as the required training, form and content of required examinations, issuance and supervision of licenses, and fees.

Advantages:

- Help preclude incompetent persons from conducting polygraph examinations.
- May protect the consumer who use such services.
- Assist credibility of polygraph examination evidence.

Disadvantages:

- May serve to raise the benefits to polygraph examiners at local government's expense.
- Adds another state licensing-regulatory agency. If needed, could be administered by an existing agency.
- It is presumed most polygraph examiners are employed by law enforcement agencies. Board should have law enforcement representation at the administrative level.

COMMENTS: The author's office was unable to state whether this bill has the support of the Governor's Office. Mr. Mike Valles of Senator Zenovich's office states that the bill has no known opposition or support.

INFORMAL POSITION

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	2-23-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	

State of California | Department of Justice

Memorandum

: GENE S. MUEHLEISEN
Executive Director

Date : January 8, 1974

Via: GERALD E. TOWNSEND
Director
Education and Training Division

Donald C. Beauchamp

From : Commission on Peace Officer Standards and Training

Subject: POLYGRAPH TRAINING - TECHNICAL COURSE

BACKGROUND

POST Education and Training Division staff began a study approximately one year ago of the possible need for the establishment of a POST certified polygraph training course in California. The inquiry included contacts with the American Polygraph Association (APA), the California Association of Polygraph Examiners (CAPE), all APA recognized polygraph training courses in the United States, as well as a questionnaire to California police agencies.

In conjunction with this study, two field studies were conducted regarding existing polygraph courses. The first of these visits was to the U. S. Army Polygraph Training Center located in Georgia, the second was an evaluation of the Gormac, Inc., polygraph school in Southern California.

As a result of the staff study, it appears there is a need for a polygraph training course sponsored by POST. Further, related to this course there should be three distinct phases. The first phase should be a selection process involving the certified school, a member of CAPE, and POST. The second segment should be a twelve week formal training course, the last phase should be a nine month follow-up review program.

ANALYSIS

Request for proposals (RFP) were forwarded to all APA recognized polygraph schools during the latter part of 1973, asking them if they were interested in submitting certification requests for the twelve week formal training segment of the program. Of the three proposals returned, only one met the criteria outlined in the RFP. This proponent was the Gormac School, Arcadia, California.

The Gormac proposal provides for a twelve week intensive polygraph course for twelve students, meeting all of the POST requirements as to facilities, instructors, course content, etc., for a total cost of $46,631 per class. This would be on a contract basis with POST to guarantee two classes per year for two years.

The follow-up phase of the program (nine month chart review process) was negotiated with the Polygraph Section of the California Department of Justice, as they were the only agency who logically could fulfill this service. They agreed to provide one full-time experienced polygraph examiner with all support expenses (office, clerical assistance, furniture, travel and per diem) at $21,491 per year with a two year guarantee of continued funding.

RECOMMENDATION

It is recommended POST staff be authorized to negotiate a contract with Gormac, Inc. which will provide a twelve week polygraph training course for twelve students per class. POST will guarantee to fund such training on a twice a year basis for two years (24 total students yearly) and retain the option to continue these arrangements for an additional three years, if mutually desired. Costs for this contract shall not exceed the totals submitted by Gormac, Inc. in their proposal.

It is also recommended POST staff be authorized to negotiate a second contract with the California Department of Justice to provide the nine month follow-up service. This contract shall not exceed their $22,111 proposal submitted to POST. This contract would also cover a two year period to ensure the course offering is available for that period of time.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Attachment 3

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
POST Commission: Addition of Public Members	Senator Sieroty	SB 781
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
None	SB 423	3-31-77

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

SUMMARY:

Under existing law, the Commission on Peace Officer Standards and Training (POST) consists of 10 appointed members, all of whom are peace officers or chief administrative officers of a city or county. Additionally, the Attorney General serves as an ex officio member.

This bill would increase the size of the Commission by the addition of two public members, appointed by the Governor, who would not be peace officers.

ANALYSIS:

The addition of two public members:

- Tends to make the Commission's size unwieldy.
- Duplicates existing citizen representation on the Commission in the form of four city and county elected officers or chief administrative officers. These "public" citizens are in a position to be well informed, while the ordinary citizen has no constituency and, thus, no available means for the identification of the public's interest, other than through his own knowledge. Additional public representation is provided by the POST Advisory Committee.
- Increases POST's costs (estimated $3,000 per year for two additional Commissioners' travel and administrative expenses).

The present POST Commission is nationally recognized for its 16 years of accomplishments and has been the model for many other states. There has been no demonstration of need for changing its composition. It should be further noted that the Governor's current authority permits wide latitude in the types of persons to be appointed.

COMMENT:

The California Peace Officers Association is opposed to this bill. As of this date, the Commission has taken no formal action on this bill; however, an informal poll of Commissioners indicates the majority oppose this measure, primarily on the unwieldiness issue.

RECOMMENDATION:

Oppose for the above-stated reasons.

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	4-15-77		
EXECUTIVE DIRECTOR	**DATE**	**COMMENT**	
W. L. Garrington	4-15-77		

May 3, 1977

Senator Alan Sieroty
State Capitol
Sacramento, California 95814

Dear Senator Sieroty:

The Commission on Peace Officer Standards and Training wishes to express its opposition to Senate Bill 781, concerning the addition of two public members to the Commission.

Although the Commission has not had an opportunity to formally consider this legislation at a regularly scheduled meeting, a poll of the Commissioners was taken. The reasons for opposition are:

1. The current structure has well served California law enforcement, local government, and the public during POST's 18 years of existence.

2. The present four members from local government provide adequate public representation and each has the advantage of a constituency or mechanism for input and technical knowledge.

3. Pure public members do not have the means available for representing anyone other than themselves.

We would be happy to discuss this matter in greater detail at your convenience.

Sincerely,

WILLIAM R. GARLINGTON
Executive Director

HLS/db

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BILL ANALYSIS

Attachment 4

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Certification of County Jails: Custodial Officers	Assemblyman Robinson	AB 809
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
None at present	SB 471	3-7-77

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

SUMMARY: This bill would prohibit a person from serving as a custodial officer of a county jail for more than six months out of any two-year period, unless certified by the Department of Corrections. This bill would also require the Department of Corrections to establish a program for the training and certification of persons as correctional officers.

ANALYSIS: Existing Penal Code Section 6030 requires the Board of Corrections, as distinguished from the Department of Corrections, to establish standards for local jail facilities, including personnel training. The Board of Corrections has promulgated basic, management and in-service training standards for jail personnel found in the attached Administrative Code Regulations, Title 15, Chapter 1, Subchapter 4, Article 3, Section 1020-1022. POST has assisted with implementation of these standards by certifying (1) 40-hour jail operations courses to meet the basic training requirement, (2) 44-hour jail management courses for management, and (3) advanced officer course for in-service requirement. These standards apply to both sworn and civilian custodial officers. Police and sheriffs' departments have expressed their approval of this arrangement.

The majority of these custodial officers are sworn peace officers as defined in Penal Code Section 830 and fall within the purview of POST's entry and selection standards. As a consequence, these peace officers, after being selected according to POST minimum, or higher, standards undergo at least a 400-hour basic training requirement. After one year of satisfactory service and completion of this basic training, these peace officers become eligible for POST's Basic Certificate, which is a form of certification.

Walter L. Barkdull, Legislative Liaison with the Department of Corrections, has indicated this bill was not introduced by their agency. He noted that the Board of Corrections was tasked by the Legislature in 1976 (SB 1461, Penal Code Section 6027) to study the need for training standards for correctional officers. It is the position of the Department of Corrections that the Board of Corrections should be given opportunity to carry out its study and, therefore, AB 809 is premature.

COMMENTS: Law enforcement groups, including the California State Sheriffs Association and the California Peace Officers Association have indicated their opposition to AB 809. AB 809 should be opposed for the following reasons:

- Adequate training standards already exist as a result of the combined effort of the Board of Corrections and POST.
- The Board of Corrections has not had opportunity to complete its study on training standards.

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	4-15-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	
[signature]	4-15-77		

COMMENTS: (Continued)

- The Department of Corrections currently has no formal input or representation from local law enforcement, unlike POST and the Board of Corrections.

RECOMMENDATION:

Author contacted to present above information.

Attachments

Jail -- Standards for Local Detention Facilities P. C. 6030

(a) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The Board of Corrections shall review such standards biennially and make any appropriate revisions.

(b) The standards shall include, but not be limited to, the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

(c) In establishing minimum standards, the Board of Corrections shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Health, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

The Department of Corrections, the Department of the Youth Authority, local juvenile justice commissions, local correction officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of Corrections, the Department of the Youth Authority, local correctional officials, and other interested persons.
Amended, Stats. 1973, Chap. 142.

Cross-Indexed as: Standards for Local Detention Facilities (Jail)

Jail -- Training

Admin. Code Reg., Title 15, Chapter 1, Subchapter 4, Article 3

1020. Basic Training

All custodial personnel of a Type II or Type III facility shall be given at least 40 hours of basic training and orientation to their missions and tasks. Such basic training shall include, but not be limited to, the following:

(a) Correctional history and philosophy
(b) Security procedures
(c) Inmate attitudes and behavior
(d) Inmate supervision techniques
(e) Inmate disciplinary procedures
(f) Supervision of special inmates
(g) Minority group relations
(h) First aid (if not taken under POST certified peace officer's training)

Completion of a jail operations course certified by the California Peace Officer Standards and Training Commission shall be considered fulfillment of this requirement. Such basic training shall be satisfactorily completed as soon as practical, but in no event more than one year after the date of employment for all custodial personnel employed after January 1, 1973. All custodial personnel assigned to custodial duties before January 1, 1973, shall, by January 1, 1975, satisfactorily pass a jail operations equivalency examination administered by the California Peace Officer Standards and Training Commission in lieu of this training.

1021. Management Training

All managerial custodial personnel including the facility manager of a local detention facility shall be given at least the training specified in Section 1020 of this article and an additional 40 hours of jail management training. Such management training shall include, but not be limited to:

(a) Fiscal and personnel management
(b) Administrative and logistical support management
(c) Correctional program development
(d) Jail planning
(e) Legal problems in jail administration
(f) Community relations

Completion of a jail management course certified by the California Peace Officer Standards and Training Commission shall be considered fulfillment of this requirement. Such management training shall be satisfactorily completed as soon as practical, but in no event more than two years after the date of employment for all managerial custodial personnel employed after January 1, 1973. All managerial custodial personnel employed before January 1, 1973, shall, by January 1, 1975, satisfactorily complete the above training or satisfactorily pass a jail management equivalency examination administered by the California Peace Officer Standards and Training Commission in lieu of this training.

1022. In-Service Training

All custodial personnel and all managerial custodial personnel of a Type II or Type III facility shall be given at least 24 hours of in-service training per year. Such training shall include but not be limited to:

(a) Recent developments in penology and corrections
(b) New security equipment and procedures
(c) Latest legal requirements for the confinement and treatment of inmates
(d) Critiques of recent incidents
(e) Community relations

Completion of an advanced officer training course certified by the California Peace Officer Standards and Training Commission may be credited to the fulfillment of this requirement on an hour-for-hour basis; provided, that the advanced officer training course provides training which may be reasonably applicable to jail operations. The completion of this related Advanced Officer Course will fulfill the in-service training requirement of this section only for the calendar year in which the training was completed.

meetings of the board shall be deemed performance by a member of the duties of his state or local governmental employment.
(Amended by Stats.1976, c. 1237, p. —, § 2.)

§ 6025.2 Repealed by Stats.1976, c. 1237, p. —, § 2.5

§ 6027. Studies in criminology and penology; reports; recommendations

It shall be the duty of the Board of Corrections to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, and the entire subject of penology, including standards and training for correctional personnel, and to report its findings, its conclusions and recommendations to the Governor and the Legislature at such times as they may require.
(Amended by Stats.1976, c. 1237, p. —, § 3.)

§ 6029. Plans and specifications of jails, prisons, etc.; examination and recommendations; study and recommendations for municipal or county programs; restriction on authority of other state agencies

Submittal of plans and specifications, see 15 Cal.Adm.Code 1072.

§ 6030. Local detention facilities; establishment of standards

(a) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The Board of Corrections shall review such standards biennially and make any appropriate revisions.

(b) The standards shall include, but not be limited to, the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

(c) In establishing minimum standards, the Board of Corrections shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Health, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

The Department of Corrections, the Department of the Youth Authority, local juvenile justice commissions, local correction officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of Corrections, the Department of the Youth Authority, local correctional officials, and other interested persons.
(Amended by Stats.1973, c. 142, p. 408, § 55, urgency, eff. June 30, 1973, operative July 1, 1973.)

Minimum building standards, see 24 Cal. Adm.Code T. 15–1080 et seq.

Minimum standards, see 15 Cal.Adm. Code 1000 et seq.

BILL ANALYSIS

Attachment 5

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Sexual Orientation: Discrimination	Assemblyman Agnos	AB 1130
SPONSORED BY	RELATED BILLS	DATE LAST AMENDED
None		3-28-77

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

SUMMARY:

This bill would prohibit discrimination in employment on the basis of "sexual orientation".

ANALYSIS:

Current law precludes discrimination in employment because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex of any person.

"Sexual orientation" is defined as the choosing of a sexual partner by consenting adults regardless of gender, which shall include both homosexuality and heterosexuality.

Law enforcement agencies as employers would be affected by this bill. The bill would empower the Fair Employment Practices Commission to investigate and pass upon complaints alleging such discrimination.

Law enforcement has been largely successful in precluding employment of overt homosexuals, particularly on the basis of previous related criminal convictions or outward mannerisms. The following arguments can be used to make employment in law enforcement an exception to this proposed legislation:

- The public expects certain standards to be maintained by peace officers.
- The nature of law enforcement duties requires persons who command trust and confidence.
- Practical problems in personnel assignment would be created for law enforcement agencies.

The author's office indicates that currently no organization supports or opposes this bill, but that he has talked to several groups from the San Francisco area.

RECOMMENDATION:

It is recommended that this bill be brought to the attention of appropriate law enforcement associations.

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	4-27-77		
EXECUTIVE DIRECTOR W. Harlington	DATE 4-28-77	COMMENT	

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BILL ANALYSIS

POST 1-159

Attachment 6

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Peace Officers: Southern California Rapid Transit District	Assemblymen Ingalls and Waters	AB 1569
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
Southern California Rapid Transit District	SB 1232 (1975)	4-12-77

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

SUMMARY: AB 1569 would authorize the Southern California Rapid Transit District to maintain a police department and would make its members peace officers. The bill would require the district to comply with recruitment and selection standards established by POST. The bill would also make the district eligible for POST reimbursement of training costs.

ANALYSIS: The Southern California Rapid Transit District (SCRTD) is a transportation bus service for five counties in the Los Angeles area, covering 60 jurisdictions. The district has 63 security personnel, of which 26 perform peace officer-type duties, according to SCRTD. Such duties reportedly include riding buses and patrol cars, taking traffic accident reports, making arrests, and conducting limited investigations.

The district security force had peace officer powers under Penal Code Section 830.9 prior to the 1976 legislative session when Senate Bill 1232 became law. SB 1232 moved the Bay Area Rapid Transit District (BART) to 830.2 status and repealed 830.9 which provided all rapid transit security forces limited peace officer authority. Thus, the security personnel of SCRTD do not now have peace officer powers.

SCRTD staff have indicated a need to have limited peace officer authority to perform law enforcement duties, carry weapons on duty, and have access to criminal records in order to perform background investigations of their security personnel. SCRTD indicates that the bill was developed by their association, rather than the district; and that the district has no desire for POST reimbursement, although there is some interest in participating in the POST Specialized Certification Program.

Peace Officer Powers. This issue is outside the domain of previous POST Commission legislative interest and, thus, no recommendation on this aspect is made. However, there is some question as to the proper 830 section and level of peace officer authority needed (830.2, 830.4, or some other section) or if peace officer authority is needed at all. Other law enforcement organizations concerned with the proliferation of peace officer powers should address this issue.

POST Reimbursement. The Commission's policy on eligibility criteria for the POST reimbursement program would exclude limited function security forces such as SCRTD. Therefore, AB 1569 should be opposed unless Section 2 of the bill, relating to Section 30504 of the Public Utilities Code, is amended to delete, "The district is authorized to maintain a police department . . .". This language would make the district eligible for POST reimbursement under Penal Code Sections 13507, 13510, and 13522. In order to preclude eligibility for reimbursement, the following language is

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	5-10-77		
EXECUTIVE DIRECTOR	**DATE**	**COMMENT**	
[illegible]	5-10-77		

suggested for PUC 30504: "The district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have authority and powers conferred by Section 830 of the Penal Code upon peace officers." This will remove SCRTD from eligibility for POST reimbursement.

Fiscal Impact. The estimated impact on the Peace Officer Training Fund if AB 1569 is adopted in its April 12, 1977, form would be approximately $10,000.

RECOMMENDATION: It is recommended AB 1569 be opposed unless amended to remove SCRTD's eligiblity for POST reimbursement. If amended, the recommended position would be neutral.

Attachment 7

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Revised
3-30-77

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Medical and Psychotherapy Records: Confidentiality	Assemblyman Fazio	AB 192
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
American Psychological Association	AB 191	1-11-77

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

BILL SUMMARY: AB 192 would require all patient medical and psychotherapy records obtained by employers and others to be confidential. Any receipient of such records or information contained in the records would be prohibited from subsequent disclosure without written consent from the patient.

ANALYSIS: The effect of this bill on POST would require the general waiver in the background investigator's manual be revised to comply with the waiver's specificity requirements of: (1) designation of specific records to be disclosed, (2) the person or persons to whom disclosed, and (3) the reason for the disclosure. POST consultants in the Standards and Training Division would not have access to medical and psychotherapy records for compliance inspections. However, this is not a major problem since our regulations only require that a medical examination be made.

The effect of AB 192 on law enforcement agencies as employers is more critical. Law enforcement agencies are required by Government Code Section 1031 to conduct a thorough background and medical examination. Accessibility to medical and psychotherapy records is essential in order to determine if law enforcement applicants are of "good moral character as determined by a thorough background investigation" and "free from any physical, emotional, or mental condition wich might adversely affect his exercise of powers of a peace officer".

COMMENTS: The waiver requirement for law enforcement applicants is an obstacle to obtaining records required to carry out the law under Government Code Section 1031.

RECOMMENDATION: AB 192 should be opposed unless the following amendments are made:

- Exclude law enforcement agencies from the bill, and
- Records shall be provided when requested by a law enforcement agency

FISCAL IMPLICATIONS/WORKLOAD CHANGES

INFORMAL POSITION

OFFICIAL POSITION
Oppose unless bill is amended

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	3-30-77		
EXECUTIVE DIRECTOR	**DATE**	**COMMENT**	
[illegible]	3-31-77		

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Sheriffs: Qualifications	Senator Dennis Carpenter	SB 591
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
California State Sheriffs' Association	-	May 10, 1977

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

SUMMARY:

This bill would require a person to meet peace officer selection requirements specified in Government Code Sections 1029, 1030, and 1031 for the office of county sheriff before assuming office.

ANALYSIS:

The purpose of the legislation is to reduce frivolous candidacies for sheriff and to begin establishing standards for the office. Previous legislative attempts by the California State Sheriffs' Association were unsuccessful.

Requirements for sheriff specified in this bill include: good moral character as determined by a background investigation, no felony conviction, at least 18 years of age, fingerprinted, high school graduate, and a citizen of the United States. For sheriffs, an exception to the statutory peace officer requirements would be the "free from any physical, emotional, or mental condition" as determined by a medical examination.

The bill requires the Attorney General to verify that candidates for the office of sheriff meet such requirements. The Attorney General's Office has reportedly agreed to accept this responsibility.

The bill requires the county clerk to notify candadates who file nomination documents for the office of sheriff of such requirements.

At the time the Legislative Review Committee considered this bill, the May 10, 1977 amended bill was not available for consideration.

RECOMMENDATION OF THE LEGISLATIVE REVIEW COMMITTEE:

Approve in principle.

FISCAL IMPLICATIONS/WORKLOAD CHANGES

INFORMAL POSITION

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	5-18-77		
EXECUTIVE DIRECTOR	**DATE**	**COMMENT**	
[illegible]	5-18-77		

AMENDED IN SENATE MAY 10, 1977

SENATE BILL No. 591

Introduced by Senator Dennis Carpenter

March 17, 1977

An act to add Section 24004.1 to the Government Code, relating to sheriffs.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as amended, D. Carpenter. Sheriffs: qualifications.

Existing law imposes certain qualification requirements upon persons employed as a peace officer.

This bill would require a person to meet such requirements *, with specified exceptions,* before assuming the office of county sheriff.

This bill would also require the Attorney General to verify that candidates for the office of sheriff meet such requirements and would require the county clerk to notify candidates who file nomination documents for the office of sheriff of such requirements.

This bill would provide that there shall be no reimbursement to local agencies for costs imposed by this act for specified reasons.

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

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

1 SECTION 1. Section 24004.1 is added to the
2 Government Code, to read:
3 24004.1. A person is not eligible to hold the office of
4 sheriff unless, at the time ~~of assuming office,~~ *of the*
5 *election,* he meets the requirements of Sections 1029,
6 1030, and ~~1031.~~ *1031; provided that the provisions of*

subdivision (f) of Section 1031 shall not be applicable to a candidate for the office of sheriff.

The Attorney General shall verify, prior to the election at which the office of sheriff is to be filled, that the candidates for the office of sheriff meet the requirements of such provisions. The county clerk shall furnish notification of the requirements of this section to each candidate who files nomination documents for the office of sheriff.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BILL ANALYSIS

POST 1-159

Attachment 9

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Public Safety Officers: Safety Equipment	Assemblyman Thurman	AB 1440
SPONSORED BY	**RELATED BILLS**	**DATE LAST AMENDED**
Merced County Employees Association	AB 1579 - Ellis	4-7-77

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

SUMMARY:

This bill would add bulletproof vests to the safety equipment to be furnished to newly hired police officers or deputy sheriffs by local agencies, as required in Government Code Section 50081. The bill also increases the amount of the authorized maximum a city or county may offer as a reward for information leading to the arrest and conviction of a person killing, assaulting with a deadly weapon, or inflicting serious bodily harm upon a police officer to $10,000. The bill will expand provisions to cover all public safety officers.

ANALYSIS:

Sections 50081 and 50082 of the Government Code have been inoperable since becoming law, because the Legislature has not appropriated funding to POST for this purpose. However, court decisions have broadly defined Labor Code Sections 6401 and 6403 requiring employers to provide safety equipment. Some courts have used Section 50081 as a guide in defining safety equipment for law enforcement. In this respect, adding bulletproof vests may update the legislation, and few would argue that such a device is not safety equipment. The construction of these sections could be streamlined by eliminating the language relating to legislative appropriation. However, another related bill, AB 1579 - Ellis, would add a new Government Code Section 50081.5 permitting local agencies to make available certified bulletproof vests and appropriating $500,000 from the General Fund to the State Controller for this purpose.

The provision for increasing the maximum reward from $5,000 to $10,000 is of little consequence. However, expanding this provision to all public safety officers could bring considerably more requests for rewards.

The bill is sponsored by the Merced County Employees Association, which is an affiliate of the American Federation of State, County and Municipal Employees.

COMMENTS:

AB 1440 is outside the scope of POST's legislative interest and, therefore, no position should be taken.

RECOMMENDATION:

None

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold L. Snow	4-25-77		
EXECUTIVE DIRECTOR	**DATE**	**COMMENT**	

to rely on defense of intoxication in compensation case. Id.

16. Safety regulations or orders

Presence on jobsite of crane which was deficient and lacking in equipment required by industrial safety orders constituted breach of employer's statutory duty to provide employees with safe place to work. State Compensation Ins. Fund v. Operated Equipment Co. (1968) 71 Cal.Rptr. 531, 265 C.A. 759.

Safety orders provide only a minimum standard of care, and a failure to provide railings for platforms under the specified height may also constitute negligence. Alber v. Owens (1967) 59 Cal.Rptr. 117, 427 P.2d 731, 66 C.2d 790.

General safety order that employees shall not ride on top of loads that may become unstable was inapplicable to case wherein employee of truck lessee, a highway contractor, was instructed by lessee to get into truck to help fellow employee keep spreader supplied with sand and the truck bed rose suddenly with result that sand shifted and employee was injured. Mart v. Riley (1966) 49 Cal.Rptr. 6, 239 C.A.2d 649.

Under 8 Cal.Adm.Code 1636, providing that standard railings shall be provided on all open ends and sides of rolling scaffolds ten feet or more above the ground, fact that scaffold was less than ten feet from ground might be presumptive evidence that safe place to work had been provided, but employer would not be relieved as a matter of law from complying with the general safety provisions of the Labor Code §§ 6400 to 6403, nor would commission be precluded from determining that, under circumstances, the general safety regulations had not been complied with. Johnson v. Industrial Acc. Comm. (1952) 246 P.2d 114, 112 C.A.2d 363.

17. Questions of fact

Evidence, in action by employee of a subcontractor against general contractor to recover for injuries he sustained when, as he was tack-welding the flashing around perimeter of roof in area where steel decking had been laid, he fell through an unguarded opening, raised questions of fact as to whether general contractor had duty to exercise care to take special precautions, and as to whether, granting the existence of such duty, general contractor exercised ordinary care. Kirk v. Kemp Bros. (1970) 90 Cal.Rptr. 553, 12 C.A.3d 136.

Whether defective condition existed, and whether reasonable inspection by master would have revealed defect, and what constituted reasonably adequate inspection under all circumstances, is for jury, in action involving injury to employee. Souza v. Pratico (1966) 54 Cal.Rptr. 159, 245 C.A.2d 651.

18. Instructions

Giving of instructions on assumption of risk by truck owner engaged by operator of quarry to haul rocks and who was injured by piece of flying rock in quarry was not harmless on theory that because of freakish nature of risk jury could not be deemed to have made finding that truck owner appreciated magnitude or risk, which finding was condition for applicability of instructions. Harris v. Chisamore (1970) 85 Cal.Rptr. 223, 5 C.A.3d 494.

In action arising out of collision between defendant's forklift and plaintiff's overtaking lumber carrier, wherein there was instruction on requirement of this section that safe place of employment be furnished, error in incorporation in instructions of inapplicable vehicle code provisions relating to vehicle equipment was prejudicial. Davis v. Pine Mountain Lumber Co. (1969) 77 Cal.Rptr. 825, 273 C.A.2d 218.

In action by repairman against owner of plant to which he had been sent, for personal injuries sustained when owner's employee started machinery during repairman's inspection thereof, instruction of court to effect that responsibility of compliance with safety order of division of industrial safety respecting precautions to be taken during machinery repair was on repairman's employer and not on plant owner, was prejudicially erroneous. Maia v. Security Lumber & Concrete Co. (1958) 324 P.2d 657, 160 C.A.2d 16.

§ 6401. Safety devices and safeguards

Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe. Every employer shall do

every other thing reasonably necessary to protect the life and safety of employees.

(Stats.1937, c. 90, p. 308, § 6401.)

Derivation: Stats.1917, c. 586, p. 862, § 34.

Law Review Commentaries

Tort liability of owners and general contractors for on-the-job injuries to workmen. (1965) 13 U.C.L.A.Law Rev. 89.

Administrative Code References

Applicability to all employments, see 8 Cal.Adm.Code 8409.

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1. Construction and application

Under 8 Cal.Adm.Code § 1596 (repealed. See, now, 8 Cal.Adm.Code § 1658 et seq.) which provided that standard railings should be provided on all open ends and sides of rolling scaffolds ten feet or more above the ground, fact that scaffold was less than ten feet from ground might be presumptive evidence that safe place to work had been provided, but employer would not be relieved as a matter of law from complying with the general safety provisions of the Labor Code, §§ 6400 to 6403, nor would industrial accident commission be precluded from determining that, under circumstances, the general safety regulations had not been complied with. Johnson v. Industrial Acc. Comm. (1952) 246 P.2d 114, 112 C.A.2d 263.

This section and § 6403, refer to matters which are under the control of the industrial accident commission. Mantonya v. Bratlie (1952) 240 P.2d 667, 109 C.A.2d 244.

Roseberry Act, Stats.1911, p. 796, providing that it should be conclusively presumed that employee was not guilty of contributory negligence where employer violated a statute enacted for safety of employees, was not applicable where employer violated Stats.1917, p. 862, upon which this section is based, since provisions of Roseberry Act were intended to apply to concrete and specific requirements set forth by statute entailing specific duties upon employer and not to a mere codification of common law principles. Weddle v. Heath (1931) 295 P. 832, 211 C. 445.

Under §§ 6400, 6500 and this section, personal protective equipment should be furnished by the employer who should maintain safe place of employment, while employee should use required safety equipment. 51 Ops.Atty.Gen. 105, 6–21–68.

2. Employer in general

This section and §§ 6400, 6403, imposing upon employers obligations to furnish safe places to work, to provide safety devices and safeguards and to do every other thing reasonably necessary to protect life and safety of employees applied to general contractor constructing building. Gonzales v. Robert J. Hiller Const. Co. (1960) 3 Cal. Rptr. 1832, 1179, C.A.2d 522.

An employee who had exhausted his compensation remedies against the employer for injury in a steel plant was not entitled

in suit by injured subcontractor's employee, it was not error to include promulgated safety order among instructions to jury. Morehouse v. Taubman Co. (1970) 85 Cal. Rptr. 308, 5 C.A.3d 548.

In action for injury sustained by boy who, while working at skeet shooting range, was struck by shot from gun handled by defendant who was shooting at clay birds being ejected from machine operated by boy, upon consideration of all the instructions together with the one complained of, no prejudicial error resulted from giving of instruction to effect that defendant owed duty to boy to exercise ordinary care and that quantum of care may be greater than would be necessary if defendant was not handling a loaded weapon, on ground that use of word "may" was misleading. Tucker v. Lombardo (1957) 303 P.2d 1041, 47 C.2d 457.

In action by employee against employers for injuries sustained while operating employers' defective tractor, instruction that if employers had violated this section and § 6403, they were negligent and employee must be presumed not contributorily negligent, erroneously took question of contributory negligence from jury since this section and § 6403 are only applicable to matters under the control of industrial accident commission, and § 2801 providing for a conclusive presumption against contributory negligence where a law enacted for safety of employees has been violated, was not intended to apply to circumstances of case. Mantonya v. Bratlie (1952) 240 P.2d 667, 109 C.A.2d 244.

§ 6403. Duties of employer

No employer shall fail or neglect:

(a) To provide and use safety devices and safeguards.

(b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do every other thing reasonably necessary to protect the life and safety of employees.

(Stats.1937, c. 90, p. 309, § 6403.)

Derivation: Stats.1917, c. 586, p. 862, § 35.

Administrative Code References

Ship and boat building industry, see 8 Cal.Adm.Code 7502.

Library References

Labor Relations ⟹10, 16.

C.J.S. Master and Servant §§ 24, 25.

Notes of Decisions

In general 1
Employer 2
Subcontractors 3

See, also, Notes of Decisions under § 6401.

1. In general

Evidence, in action by employee of a subcontractor against general contractor to recover for injuries he sustained when, as he was tack-welding the flashing around perimeter of roof in area where steel decking had been laid, he fell through an unguarded opening, raised question of fact as to whether employee's conduct in moving about with his welder's helmet down constituted negligence proximately contributing to his injury. Kirk v. Kemp Bros. (App.1970) 90 Cal.Rptr. 553, 12 C.A.3d 136.

Where a statutory employer's violation of the safety laws contributed to an injury, he is subject to a conclusive presumption that the injured employee was not contributorily negligent, and, where an injury results from only want of ordinary or reasonable care, contributory negligence acts to diminish, but not to exclude, recovery. Alber v. Owens (1967) 59 Cal. Rptr. 117, 427 P.2d 781, 66 C.2d 790.

Under §§ 6304, 6305, 6402 and this section, a general manager of a sawmill, its plant superintendent, and its night foreman, were required to conform to legislative standards

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BILL ANALYSIS

POST 1-159

Attachment 10

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
D.A.'s Investigators: POST Reimbursement	Knox	AB 1902
SPONSORED BY District Attorneys Association and D. A.'s Investigators Association	RELATED BILLS SB 821 - Song	DATE LAST AMENDED 5-5-77

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

SUMMARY: Assembly Bill 1902 would require POST to adopt minimum standards for regularly employed and paid inspectors and investigators of district attorneys' offices. The bill would also require POST reimbursement for training expenses.

ANALYSIS: During the 1976 legislative session a similar bill, AB 2977 by Assemblyman Lockyer, was defeated; in part, due to opposition from POST, CPOA, and the California State Sheriffs' Association.

A related bill, SB 821 by Senator Song, has been introduced this session to upgrade the peace officer authority of D. A.'s investigators from Penal Code Section 830.3 to 830.1. Even though there is some question as to the need, this issue should be addressed by other law enforcement groups and associations.

Assembly Bill 1902 conflicts with the attached Commission policy concerning eligibility criteria for the POST Reimbursement Program. D.A.'s investigators do not perform the full range of law enforcement functions noted. Also, some district attorneys' offices have made distinction between criminal and civil investigators; both would be eligible for POST reimbursement under this bill.

Other arguments include:

- Could be precedent-setting for other peace officer groups, totalling 39,000 ancillary or special peace officers.
- D. A.'s investigators are generally already trained and experienced at the expense of the local law enforcement agencies from which most are recruited.

Fiscal Impact: Estimated $96,000 annually, maximum.

RECOMMENDATION OF LEGISLATIVE REVIEW COMMITTEE:

Further study by Commission and Interim Study by the Legislature.

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold J. Snow			
EXECUTIVE DIRECTOR	DATE	COMMENT	

Program

The following criteria and consideration are adopted as eligibility requirements for inclusion in the reimbursement program.

1. The agency must be a unit of local government.

2. The agency must perform the following range of law enforcement functions:

   a. Patrols a specified geographic area for the purpose of crime control.

   b. Operates emergency vehicles.

   c. Responds to calls regarding criminal or suspicious activities.

   d. Generates crime specific reports.

   e. Controls and coordinates crime scene activities.

   f. Collects and preserves evidence.

   g. Controls and/or disperses crowds and resolved violent conflicts.

   h. Intervenes in personal family crisis situations.

   i. Arrest adults/juveniles for violation of criminal statutes. Determines legality of arrest and his authority to arrest, search and seize property.

   j. Uses firarms and other weapons as authority and discretion may dictate.

   k. Serves warrants of arrest and other orders of the court.

   l. Conducts searches for missing children and disoriented adults.

   m. Conducts criminal investigations.

   n. Anticipates, recognizes and appraises crime risk situations and initiates action to remove or reduce it.

   o. Engages in delinquency control and protective custody of juveniles. Makes dispositions on cases involving delinquent and/or dependent juveniles.

   p. Renders assistance to sick and injured persons.

   q. Has authority to engage in traffic law enforcement and traffic accident investigation.

3. An agency allowed to participate which does not meet all these requirements must be funded from sources other than the Peace Officer Training Fund as it is presently consituted.

STATUS OF LEGISLATION OF INTEREST TO POST

Attachment 11

ACTIVE*

Bill	Author	Subject	Status
SB 126	Carpenter	Weapons Instruction (Baton and Tear Gas) - Transfers course approval for private security from POST to Department of Consumer Affairs Commission Position: Support	Defeated - Senate Finance 3/31 (Dead)
*AB 191 (Previously AB 192)	Fazio	Medical and Psychotherapy Records - Provides for confidentiality of such records Commission Position: Oppose unless amended	Scheduled - Assembly Health 5/16
SB 423	Garamendi	POST Commission (Quorum) - Technical amendment to change quorum from 5 to majority Commission Position: Support	Passed Senate 4/18 Scheduled - Assembly Criminal Justice 5/27
AB 517	McVittie	Peace Officer Powers: Federal Officers - Extends California peace officer powers to federal officers Commission Position: Oppose unless amended	No hearing date schedule
AB 641	Suitt	Reserve Officer Training Standards - Establishes reserve training standards prescribed by POST Commission Position: Support	Passed Assembly Crimi Justice 4/25; scheduled Ways and Means 5/18
SB 781	Sieroty	POST Commission Composition - Adds two public members to Commission Commission Position: None at present	Scheduled - Senate Judiciary 5/17
AB 1068	Fazio	Administrative Adjudication - Traffic infractions adjudicated by Department of Motor Vehicles Hearing Boards Commission Position: Oppose unless amended	Scheduled - Assembly Criminal Justice 5/16
SB 1126	Presley	POST Course Approval and Certification - Defines state-mandated courses as "approved" or "certified". Commission Position: Support	Scheduled - Senate Judiciary 5/24
AB 1218	Cline	POST Testing for Training Standards - POST authority to test for law enforcement training standards Commission Position: Support	Defeated Assembly Criminal Justice 5/9 (Dead)
AB 1569	Ingalls	Peace Officer: Southern California Rapid Transit District - Creates police district and POST reimbursement Commission Position: None at present	Scheduled - Assembly Criminal Justice 5/23
AB 1603	Ingalls	Peace Officer Certification - POST licensing of policemen and deputy sheriffs Commission Position: None at present	No hearing date schedul

*Active means the Commission has or may take an official position on the proposed legislation.

ACTIVE (Continued)

Bill	Author	Subject	Status
AB 1902	Knox	District Attorney's Investigators - Provides for POST reimbursement of training expenses Commission Position: None at present	No hearing date schedu

INFORMATIONAL: (No POST Position)

Bill	Author	Subject	Status
SCA 20	Presley	Sheriff: Elected - Requires sheriffs to be elected	Senate Third Reading
SB 36	Cusanovich	Motor Vehicle Records - Confidentiality of DMV records of police officers	Scheduled - Assembly Criminal Justice 5/27
SB 79	Nejedly	Tear Gas - Use by Designated Official - Would allow State Department of Parks and Recreation to possess tear gas	Passed Senate Judiciary 4/19; on Senate floor
AB 81	Chappie	Identification of Dead Bodies - Requires coroners to make dental records	Heard - Assembly Criminal Justice 5/2; put over
AB 122	McAlister	Counties Supervisors - Precludes interference with District Attorneys and Sheriffs	Killed in Assembly Criminal Justice 3/7; to be reconsidered
AB 139	Arnett	Emergency Communications Training Centers - Requires Department of Justice to establish regional training centers for disabled	Passed Assembly Governmental Organization 5/10
SB 164	Roberti	Local Safety Employees - Binding arbitration; no strikes	Scheduled - Revenue and Taxation 5/18
SB 170	Roberti	Personal and Confidential Information - Regulates State agency use and dissemination of personal records	Passed Senate Finance 4/25; on Senate floor
SB 216	Nejedly	Governor: Appointments - Appointments made by President Pro Tempore or Speaker	Scheduled - Assembly Governmental Organization 5/24
AB 235	McVittie	Concealed Firearms - License denial must have written statement for denial	Pending in Assembly Criminal Justice
SB 236	Zenovich	Polygraph Examiners Licensing - Establishes new State licensing requirement and hearing board (Companion bill to AB 1219)	Passed Business and Professions 5/11
AB 325	Mori	U. C. Protective Service Officers - Provides peace officer powers	Held in Assembly Criminal Justice 4/18
AB 330	Gualco	Community Colleges: Apprentices - Requires apprentices to be counted for ADA as district residents	In Education Committee; no hearing date scheduled
SB 364	Campbell	Tear Gas: Citizens - Allows police chief or sheriff discretion in issuing tear gas permit	Scheduled - Senate Judiciary 5/31
AB 471	Holmdahl	Custodial Officers - Extends authority to any size city to employ custodial officers for jail	Passed Senate Judiciary; on Senate floor
SB 495	Presley	Chiefs of Police: Duties - Enumerates duties of chiefs of police	Passed Local Government; scheduled - Revenue & Taxation

Bill	Author	Subject	Status
SB 508	Presley	Chiefs of Police: Removal - Provides for removal of police chief for cause; enacts specific procedures	Passed Local Government; to Senate floor
SB 580	Roberti	Employee Records - Availability of employee records at place of employment or provided within 24 hours upon request	Passed Senate Indust Relations 5/4; on floor
SB 591	Carpenter	Sheriffs: Qualifications - Requires sheriffs, upon assuming office, to meet state selection requirements for peace officers	Scheduled - Senate Judiciary 5/24
AB 809	Robinson	Custodial Officer Certification - Provides for Department of Corrections certification of county jail custodial officers	Heard in Assembly Crimin Justice 4/25; referred to Interim Study (Dead)
SB 821	Song	Peace Officer Powers - Upgrades peace officer status of District Attorney Investigators to 830.1 P. C.	Passed Senate Judiciary 5/10
AB 850	Deddah	Consolidation of San Diego Marshal and Sheriff - Permits the San Diego County Board of Supervisors to adopt ordinance abolishing Marshal's Office	Scheduled - Senate Judiciary 5/26
AB 872	Maddy	Public Safety Officers: Bill of Rights - Extends safeguards to other peace officer groups	Passed Assembly Criminal Justice 5/2
AB 1015	Kapiloff	Peace Officers: Confidential Information - Counselor to peace officers not required to divulge confidential information	Scheduled - Assembly Criminal Justice 5/23
AB 1016	Antonovich	Humane Officers - Requires P. C. 832 training	Scheduled - Assembly Criminal Justice 5/16
AB 1130	Agnos	Sexual Orientation: Discrimination - Prohibits discrimination in employment	Scheduled - Assembly Labor 5/11
AB 1138	Antonovich	Concealed Firearms: Exemptions - Extends to private security officers the exemption for carrying concealed firearms	Amended - Assembly Criminal Justice 5/19; referred to interim study
AB 1440	Thurman	Public Safety Officers: Bulletproof Vests - Adds to list of safety equipment local agencies provide	Scheduled - Assembly Criminal Justice 5/23
AB 1528	Sterling	State Boards and Commissions: Per Diem - Raises per diem to $50 per day	No hearing date scheduled
AB 1720	Rosenthal	Public Officers and Employees: Los Angeles County Sheriff and Marshal - Consolidation of two agencies	No hearing date scheduled

SUGGESTED AMENDMENTS TO AB 1068

(May 4, 1977 Amended Version)

Page 6 line 8

Insert definitions for "penalty assessment" and "monetary sanction" so as to make a distinction between the two.

Page 9, line 17

The schedule of monetary sanctions shall include guidelines setting forth the circumstances under which the hearing officers, in the interest of traffic safety, may reduce ~~the~~ or increase the sanction. ~~for an administrative infraction by as much as 50 percent or increase the sanction by as much as 25 percent.~~

Page 18, line 31

(d) Upon receiving the report from the board, the State Controller shall transfer the reported amount of penalty assessments as provided in Section 42052 ~~to the Driver Training Penalty Assessment Fund.~~ The monetary sanctions ~~thus~~ transferred are hereby appropriated to the State Controller, who shall disburse to the auditor of each county the ~~net~~ amount of monetary sanctions shown by the report to have....

AMENDED IN THE ASSEMBLY MAY 4, 1977

CALIFORNIA LEGISLATURE—1977-78 REGULAR SESSION

ASSEMBLY BILL No. 1068

Introduced by ~~Assemblyman Fazio~~ *Assemblymen Fazio and McVittie*
(Coauthors: Senators Alquist, Dunlap, Garamendi, Nejedly, and Rodda)

March 23, 1977

REFERRED TO COMMITTEE ON CRIMINAL JUSTICE

An act to add Section 74191.7 to the Government Code, and to amend Sections 40000.5 and 40000.25 of, and to add Section 1810.5 to, and to add Chapter 2.5 (commencing with Section 40650) to Division 17 of, the Vehicle Code, relating to administrative adjudication of traffic infractions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, as amended, Fazio (Crim. J.). Administrative adjudication of traffic infractions.

Violations of the Vehicle Code and of any local ordinance adopted pursuant to the Vehicle Code that are declared to be infractions are crimes and are adjudicated in the courts of this state.

This bill would instead provide that such violations, other than those relating to bicycles (except motorized bicycles), pedestrians, and vessels, are deemed "administrative infractions" and are to be adjudicated by hearing officers who would be appointed by the Administrative Adjudication Board, which would be established by the bill in the Department of Motor Vehicles. The bill would specify the manner of appointment, compensation, and powers and duties of members of the board, including, among other matters, the estab-

lishment of a schedule of monetary and nonmonetary sanctions to be imposed for administrative infractions and the adoption of rules and regulations relating to administrative adjudication. The board would hear appeals from decisions of hearing officers. Hearing officers would be required to conduct administrative adjudication hearings in an impartial and informal manner and would be authorized to examine and cross-examine witnesses. Decisions in administrative adjudication would be required to be based on proof by ~~clear and convincing evidence.~~ *evidence beyond a reasonable doubt* Any person who willfully does not appear pursuant to a notice to appear issued for an administrative infraction or who willfully does not comply with any order of the board or a hearing officer would be guilty of a misdemeanor and such person's driving privilege would be subject to suspension or revocation. This program would be implemented on a demonstration basis in the Counties of Placer, Sacramento, and ~~Yolo~~ *Yolo, and in any adjoining county desiring to participate,* during the period from January 1, 1978, through July 1, 1983. ~~For the purposes of this program, the use of existing justice court facilities and the employment of justice court judges as hearing officers would be authorized.~~ The bill would declare legislative intent that the program be funded from ~~appropriations in the Budget Bill of the surplus in~~ the Driver Training Penalty Assessment ~~Fund. Inasmuch as monetary sanctions collected pursuant to the bill would be deposited in the Motor Vehicle Account in the Transportation Tax Fund and could be expended therefrom for fee refunds of monetary sanctions, as authorized by the bill, this bill would make an appropriation.~~ *Fund commencing with the 1978–79 fiscal year, and the bill would appropriate $225,000 from that fund for expenditure by the department from January 1, 1978, to June 30, 1978.*

Existing law authorizes the department to sell information from the files of driver's licenses.

This bill would require the department to mask from a driver's record ~~the oldest finding or~~ *a* conviction ~~within 37 months preceding a request for information from~~ *that is the only conviction that has been assigned a value of one point in* such a record. Unauthorized use of such information that has been so masked would constitute a misdemeanor.

Under existing law the Sacramento Municipal Court District is authorized 14 judges, a traffic referee, and other clerks and officials.

This bill would require the judges of the court to appoint a commissioner as the business of the court requires.

The bill would provide that no appropriation is made and no obligation created for the reimbursement of any local agency for any costs incurred by them pursuant to the act.

Vote: ~~majority.~~ *⅔.* Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 74191.7 is added to the
2 Government Code, to read:
3 74191.7. The judges of the municipal court shall appoint
4 a commissioner as the business of the court requires. The
5 commissioner shall possess the same qualifications as the
6 law requires of a judge of the court. Notwithstanding
7 Section 72190, the commissioner shall exercise, within the
8 jurisdiction of the court, all the powers and perform all
9 the duties authorized by law. The commissioner shall
10 hold office at the pleasure of the judges and under the
11 direction of the judges and shall receive a salary
12 representing 85 percent of the annual salary for a
13 municipal court judge. The commissioner shall be an ex
14 officio deputy clerk of the court and shall be a member
15 of any retirement system which includes attaches of the
16 court. The commissioner may not engage in the private
17 practice of law.
18 SEC. 2. Section 1810.5 is added to the Vehicle Code, to
19 read:
20 1810.5. When responding to a request for information
21 from a driver's record, the department shall mask from
22 the record ~~the oldest finding or~~ *a* conviction appearing on
23 the record ~~within the 37 months immediately preceding~~
24 ~~the request,~~ to which ~~finding or conviction~~ there has
25 been assigned a value of one point under the provisions
26 of Section ~~12810.~~ *12810, if such conviction constitutes the*
27 *only conviction on the record to which there has been*

assigned such a value. The record may not be masked, however, when responding to a request from the subject of the record or his attorney, any court, or any governmental agency. Any person using information regarding such a finding or conviction that has been masked from such a record, who is not entitled to obtain it from the department, is guilty of a misdemeanor.

SEC. 3. Chapter 2.5 (commencing with Section 40650) is added to Division 17 of the Vehicle Code, to read:

CHAPTER 2.5. ADMINISTRATIVE ADJUDICATION

Article 1. General Provisions

40650. It is the intent of the Legislature in enacting this ~~chapter that the adjudication of administrative infractions be accomplished as efficiently, effectively, and expeditiously as possible with a minimum of inconvenience and without infringing upon the rights of the individual and that traffic safety be enhanced through the combination of the adjudication and driver improvement processes within an administrative agency.~~ *chapter that congestion in municipal courts be relieved and that the adjudication of administrative infractions be accomplished more economically and effectively under the auspices of the Administrative Adjudication Board. It is the further intent of the Legislature that traffic safety be enhanced through the efficient processing and disposition of administrative infractions in terms of consistency of sanctions, relationship of sanctions to traffic safety, and the timeliness of adjudication of administrative infraction and imposition of sanctions.*

40651. The Administrative Adjudication Board may provide for the imposition of sanctions, pursuant to the provisions in this chapter, upon any person determined to have committed an administrative infraction. In the event an infraction that is an administrative infraction under this chapter has been adjudicated by the court, the board may not duplicate the judicial sanctions previously imposed.

Article 2. Definitions

40652. For the purpose of this chapter, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(a) "Administrative adjudication office" is a location designated by the Administrative Adjudication Board for the conduct of administrative hearings pursuant to this chapter.

(b) "Administrative infraction" includes all infractions specified in this code and all infractions established by local authorities by ordinance or resolution adopted pursuant to this code. "Administrative infraction" does not include any such infraction relating to bicycles (except motorized bicycles), pedestrians, or vessels.

(c) "Admission" means that the party charged with an administrative infraction admits to having committed the administrative infraction.

(d) "Admission with explanation" means that the party charged with an administrative infraction admits to having committed the administrative infraction, but demands a summary hearing in order to explain the surrounding circumstances so as to mitigate the sanctions that may be imposed pursuant to this chapter.

(e) "Board" means the Administrative Adjudication Board.

(f) "Confrontation hearing" is a hearing at which both the person charged with an administrative infraction and the arresting officer are present.

(g) "Contested parking infraction" includes all controversies arising out of an alleged parking infraction.

(h) "Denial" means that the person charged with an administrative infraction denies all or part of the administrative infraction alleged in the notice to appear and demands a confrontation hearing.

(i) "Denial with waiver of confrontation" means that the person charged with an administrative infraction denies all or part of the administrative infraction alleged in the notice to appear and demands a summary hearing.

(j) "Hearing officer" means a person appointed by the

board to conduct hearings pursuant to this chapter.

(k) "No contest" means the person charged with an administrative infraction neither admits nor denies the administrative infraction alleged in the notice to appear. For procedural purposes, a no contest answer shall have the same effect as an admission. The no contest answer may not be used as an admission in any subsequent criminal or civil action.

(*l*) "Summary hearing" means that the person accused of an administrative infraction waives the right to confront the arresting officer. The waiver shall include a stipulation by the accused that the information appearing on the notice to appear may be received as evidence with the same effect as if the officer were present to testify.

Article 3. Advisory Committee

40653. During the period from January 1, 1978, to December 31, 1982, inclusive, there shall be established an Administrative Adjudication Advisory Committee, which shall consist of the following:

(a) The commissioner or his representative.

(b) The director or his representative.

(c) One person appointed by the Judicial Council.

(d) One person appointed by the Governor representing the League of California Cities or the County Supervisors Association of California.

(e) The chairman of each board of supervisors, or the chairman's representative, of the Counties of Yolo, Placer, and Sacramento.

(f) The Director of the Office of Administrative Hearings or the director's representative.

~~(g) The Chief of Police of the City of Sacramento or the chief's representative.~~ *(g) One person selected jointly by the police departments of the Cities of Sacramento, Davis, and Roseville.*

40654. The advisory committee shall assist the board in developing rules, regulations, procedures, and evaluation guidelines for the administrative adjudication pilot program established pursuant to Article 8 (commencing

with Section 40750) in an effort to ensure that all operational considerations are fully examined.

40655. The advisory committee shall convene within 15 days of its establishment. It shall, among other business, elect its chairman at that time.

40656. Staff assistance to the advisory committee shall be provided by the department.

40657. The members of the advisory committee shall serve without compensation but shall be reimbursed for actual and necessary expenses by the board.

Article 4. Administrative Adjudication Board

40658. There is attached to, but independent of, the department, an Administrative Adjudication Board. The board for the pilot program established pursuant to Article 8 (commencing with Section 40750) shall consist of five members appointed by the Governor as follows:

(a) The Counties of Yolo, Placer, and Sacramento shall each have one representative on the board appointed by the Governor from a list of at least three nominees prepared by each county's board of supervisors. Each list of nominees shall include at least one active member of the State Bar of California who has practiced law in this state for at least five years.

(b) One member of the board shall be an active member of the State Bar of California who has practiced law in this state for at least five years.

(c) One member shall be a person who has experience in traffic law enforcement.

The terms of the members of the board shall expire on July 1, 1983.

40659. The Governor may remove a member of the board for any cause specified in Section 1770 of the Government Code.

40660. The board shall immediately organize itself and elect a president from among its members, for a term of one year, at the first meeting of each year. The newly elected president shall assume the duties of that office at the meeting at which he is elected.

1 40661. The board shall conduct meetings as required by
2 this chapter, and such meetings shall be subject to the
3 provisions of Article 9 (commencing with Section 11120)
4 of Chapter 1 of Part 1 of Division 3 of Title 2 of the
5 Government Code.
6 40662. Three members of the board shall constitute a
7 quorum for the transaction of business, for the
8 performance of any duty, or the exercise of any of its
9 powers or authority.
10 40662.5. The board shall have the same investigatory
11 powers as department heads, as provided in Article 2
12 (commencing with Section 11180) of Chapter 2 of Part 1
13 of Division 3 of Title 2 of the Government Code.
14 40663. Each member of the board shall receive an
15 annual salary of six thousand two hundred fifty dollars
16 ($6,250); except, that the president of the board shall
17 receive an annual salary of six thousand five hundred
18 dollars ($6,500). Each member shall be reimbursed for
19 traveling and other expenses necessarily incurred in the
20 performance of official duties as a member of the board.
21 The annual compensation and reimbursement of such
22 expenses shall be paid solely from funds appropriated for
23 the program established by this chapter.
24 40664. The department shall provide such qualified and
25 trained personnel, office space, equipment, and supplies
26 as may be necessary to support the administration of this
27 chapter. The department may not duplicate any
28 administrative action regarding an administrative
29 infraction that has been adjudicated by the board or a
30 hearing officer.
31 40665. The board shall do all of the following:
32 (a) Adopt rules and regulations, in accordance with the
33 provisions of Chapter 4.5 (commencing with Section
34 11371) of Part 1 of Division 3 of Title 2 of the Government
35 Code, governing such matters as are within its
36 jurisdiction and as may be necessary to effectuate the
37 purposes of this chapter.
38 (b) Appoint such administrative staff as may be needed
39 for the program and such hearing officers as may be
40 necessary to hear and determine cases arising under this

chapter. All hearing officers shall have legal training, as a minimum, in the areas of evidence, criminal law, administrative law, and constitutional law, in addition to such requirements for education and experience in traffic safety as may be established by the State Personnel Board. Such appointments shall conform to civil service regulations.

(c) Hear and consider, within the ~~limitations,~~ *limitations of,* and in accordance with, the procedures provided in this chapter, all appeals from decisions of hearing officers.

(d) After considering existing ~~uniform~~ bail schedules, adopt a schedule of monetary and nonmonetary sanctions; provided, however, that no monetary sanction may exceed the maximum fine established for offenses declared to be infractions pursuant to Chapter 1 (commencing with Section 42000) of Division 18. The schedule of monetary sanctions shall include guidelines setting forth the circumstances under which the hearing officers, in the interest of traffic safety, may reduce the sanction for an administrative infraction by as much as 50 percent or increase the sanction by as much as 25 percent. Such guidelines shall be for the purpose of promoting traffic safety by classifying types of administrative infractions according to the impact of ~~violations of~~ each type on traffic safety. These increased or decreased sanctions shall be prescribed in an effort to improve the driving behavior of the person to whom the sanction is applied or to take into account mitigating circumstances. At the request of any county board of supervisors, the Administrative Adjudication Board may allow increases or decreases of not more than 25 percent from the monetary sanctions established in the schedule of sanctions for that county when the Administrative Adjudication Board has reasonable cause to believe that the deviation will further traffic safety efforts, including, but not limited to, accident reduction programs, better driving programs, or rewards for reduced accident levels. No deviation may be calculated so as to permit a monetary sanction to exceed the maximum fine

established for the administrative infraction.

(e) Prescribe by regulation the form for the notice to appear to be used for all administrative infractions and to establish procedures for administrative controls over the disposition thereof.

(f) Submit an annual report to the Governor and the Legislature, including, but not limited to, the past year's accomplishments, identification of problems, and recommendations for future legislation.

40666. Notwithstanding any other provision of this chapter, the processing of non-contested parking violations shall continue to be administered by the courts. *However, any county participating in the demonstration program pursuant to Article 8 (commencing with Section 40750) may enter into an agreement with the board for the processing of all uncontested parking violations for any judicial district within the county.*

Article 5. Notice to Appear

40675. (a) Whenever a person is arrested for an administrative infraction, the arresting officer shall prepare a notice to appear. The notice to appear shall contain, when available, the name, address, and driver's license number of the arrested person, the license number of any vehicle involved, and the name and address of the registered owner or lessee of the vehicle. The notice shall specify the administrative infraction alleged to have been violated and the time and place the accused person is required to appear before a hearing ~~officer.~~ *officer, if the person desires a hearing.* The consequences for failing to appear or answer, the various answer options available, and the schedule of monetary sanctions shall be set forth either on the notice or on a form accompanying the notice. *The notice or the form accompanying the notice shall also state that, when additional nonmonetary sanctions may be imposed, a personal appearance will be required.*

(b) Every notice to appear alleging a speeding violation that is an administrative infraction shall specify

the approximate speed at which the driver is alleged to have driven, the exact or prima facie speed limit applicable to the highway at the time and place of the alleged violation, and any other speed limit alleged to have been exceeded that is applicable to the particular type of vehicle or combination of vehicles operated by the arrested person.

40676. The time for a hearing specified on the notice to appear shall be at least 14 calendar days after such notice to appear is issued.

40677. (a) The arresting officer shall deliver a copy of the notice to appear to the person alleged to have committed an administrative infraction. One copy shall be timely filed with the local administrative adjudication area processing center. One copy shall be timely filed with the law enforcement agency employing the arresting officer.

(b) The arresting officer shall not enter on or attach ~~to,~~ *to the notice to appear,* or ~~accompany,~~ *accompany* the notice to appear with, any written statement giving information or containing allegations that have not been given to the person receiving the notice to appear.

40678. Any person served with a notice to appear in accordance with this article may have an attorney appear in any administrative adjudication proceedings under this chapter.

40679. (a) Notwithstanding Article 3 (commencing with Section 40600) of Chapter 2 of Division 17, a peace officer, in the investigation of a traffic accident, may issue a notice to appear when the peace officer has reasonable cause to believe that any person involved in a traffic accident has violated a provision of this code declared to be an administrative infraction.

(b) For the purposes of this section, a peace officer will be deemed to have reasonable cause to issue a written notice to appear if, as a result of his investigation, he has evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if he had personally witnessed the events he investigated.

(c) As used in this section, a "peace officer" means a member of the California Highway Patrol; a sheriff, undersheriff, or deputy sheriff of a county; a policeman of a city; or a policeman of a district authorized by statute to maintain a police department. The peace officer shall have successfully completed at least 40 hours of instruction in a course or courses of instruction, approved by the Commission on Peace Officer Standards and Training, in the investigation of traffic accidents.

40680. Any notice to appear issued pursuant to Section 40679 or issued for an administrative infraction for which a personal appearance is required shall be served upon the person charged with the infraction either personally, or by registered or certified mail, postage prepaid and return receipt requested, addressed to the person at the address shown in the accident report or the records of the department. Proof of personal service shall be made by the affidavit of any person over 18 years of age making the service showing the time, place, and manner of service. If service is made by mail, service of the notice to appear is deemed complete on the date that notice is received, as indicated by the date on the return receipt.

Article 6. Administrative Adjudication Procedure

40690. Notwithstanding any other provision of law, any person 16 years of age and over, alleged to have committed an administrative ~~infraction~~ *infraction,* shall be subject to adjudication pursuant to the provisions of this chapter and the rules and regulations of the board. The board may, by rule or regulation, require the person having custody or control of any person under 18 years of age to accompany such person.

40691. (a) Whenever any other offense that is not an administrative infraction arises out of the same event in which an administrative infraction is alleged to have been committed, the administrative infraction shall be heard by the court having jurisdiction over the other offense, and there shall be no separate administrative adjudication of the administrative infraction.

(b) If, after commencement of administrative adjudication, it appears that there are other offenses arising out of the same event as the administrative infraction, the hearing officer shall suspend administrative proceedings and shall refer the matter to the proper authorities for prosecution. If the proper authorities refuse prosecution, the hearing officer shall reinstitute administrative adjudication of the administrative infraction.

40692. (a) Any person who receives a notice to appear for an administrative ~~infraction,~~ *infraction* shall answer such notice by ~~mail,~~ *mail addressed to,* or by personal appearance ~~at~~ *at,* an administrative adjudication office, within 14 calendar days of the date of the alleged violation, in the manner provided in subdivisions (b), (c), (d), and (e). Any person who willfully has not answered within the time specified in the notice to appear issued for the alleged administrative infraction shall be deemed to have waived the right to a confrontation hearing.

(b) A person alleged to have committed an administrative infraction shall have the following answer options:

(1) Admission.

(2) Admission with explanation.

(3) Denial.

(4) Denial with waiver of confrontation.

(5) No contest.

The terms and conditions under which a person may amend his answer shall be prescribed by rules and regulations of the board.

(c) If the person admits to the administrative infraction alleged in the notice to appear, the person shall complete an appropriate answer form, as prescribed by the board, and forward the form to the local administrative adjudication area processing center specified in the notice to appear. A check or money order in the amount of the monetary sanction for the administrative infraction alleged, if specified in the schedule of sanctions accompanying the notice, shall be

1 submitted with each such answer. Unless permitted by
2 the rules and regulations of the board, such answer may
3 not be accepted by mail if the admission will result in the
4 assignment of a point or points pursuant to Section 12810,
5 with the result that the person's driving record will show
6 three or more points within a 12-month period, four or
7 more points within a 24-month period, or five or more
8 points within a 36-month period.
9 (d) If the person denies part or all of the administrative
10 infraction alleged in the notice to appear, the person shall
11 complete an appropriate answer form, as prescribed by
12 the board, and forward the form to the local
13 administrative adjudication area processing center
14 specified in the notice to appear. A check or money order
15 in the amount of the monetary sanction for the
16 administrative infraction alleged may be submitted with
17 such answer. Upon receipt, such answer shall be entered
18 in the records of the department. The board may change
19 the date, time, and place of appearance in the interests
20 of justice. The local administrative adjudication area
21 processing center shall notify such person by mail of the
22 new date, time, and place of such hearing.
23 (e) If the person desires to answer with either an
24 admission with explanation or a denial with waiver of
25 confrontation, such answer shall be made in person
26 within 14 days. The accused may proceed with the
27 summary hearing at that time or may return on the date
28 and time specified on the notice to appear.
29 (f) If the person desires to neither admit nor deny the
30 administrative infraction alleged in the notice to appear,
31 the person shall complete an appropriate answer form,
32 indicating no contest, as prescribed by the board, and
33 forward such form to the local administrative
34 adjudication area processing center specified in the
35 notice to appear. A check or money order in the amount
36 of the monetary sanction for administrative infraction
37 alleged, if specified in the schedule of sanctions
38 accompanying the notice, shall be submitted with such
39 answer. This answer shall be treated the same as an
40 admission and shall be recorded in the same manner in

the person's driving record. Such answer may be accepted by mail but is subject to the exception set forth in subdivision (c). Such answer shall constitute a waiver of the right to a confrontation hearing.

40693. The hearing officer shall fully apprise the person alleged to have committed an administrative infraction of the consequences of an admission thereto if the person's driving privilege will be subject ~~to~~ *any* suspension or revocation ~~for a period of 30 days or more~~ because of such admission. The hearing officer shall give such a person the opportunity to amend the answer and request any hearing that would have otherwise been available.

40694. (a) Every hearing for the adjudication of an administrative infraction shall be held by a hearing officer.

(b) Hearings may be either confrontation or summary. At a confrontation hearing, the arresting officer shall appear. At a summary hearing, the arresting officer need not appear.

(c) All confrontation hearings shall be held at the administrative adjudication office specified in the notice to appear. Failure to appear, without good cause, shall constitute a waiver of the right to a confrontation hearing for the adjudication of the administrative infraction alleged.

(d) A summary hearing may be held at any administrative adjudication office selected by the arrested person.

40695. (a) The administrative adjudication hearing shall be conducted in an impartial and informal manner.

(b) The arrested person and the hearing officer shall have the right to call and examine witnesses, introduce evidence through exhibits, and cross-examine opposing witnesses on any matter relevant to the hearing. At the request of the arrested person or on his own motion, the hearing officer shall issue subpoenas to compel the attendance of witnesses and the production of documents.

(c) All evidence shall be given under oath or affirmation.

(d) In any hearing, or in the discharge of any duties imposed under this chapter, a member of the board or a hearing officer may administer oaths and certify official acts and records.

(e) Continuances may be granted for good cause shown.

(f) Administrative adjudication hearings shall be recorded entirely and verbatim by automatic recording devices. Recordings of hearings shall be preserved for such period as the board may specify by rule and regulation, but in no event for a period less than 30 days after the period for appeal has expired.

40696. No finding that a person committed an administrative infraction as alleged may be sustained except by ~~clear and convincing evidence.~~ *evidence beyond a reasonable doubt.*

40697. The hearing officer may not review the driving record of the person prior to the determination of whether an administrative infraction was committed. After that determination, but prior to the imposition of the sanction, the hearing officer shall review the driving record of the person to determine the proper sanction, as provided in the rules and regulations of the board.

40698. (a) Whenever the person answers by an admission or no contest and pays the appropriate monetary sanction, a record of the person's response shall be entered in the records of the department pursuant to the provisions of subdivision (c) or (f) of Section 40692, as the case may be.

(b) When a hearing is conducted, the finding of the hearing officer shall be entered in the records of the department; except, that all information in the driving record relating to issuance of a notice to appear and the resulting adjudication of the administrative infraction shall be removed upon a determination that the administrative infraction was not committed.

40699. The board and hearing officers shall have the same power to suspend, revoke, and limit the driving privilege as is granted to the department by law. The hearing officers may also impose any other sanction

1 prescribed by the board.
2 40700. (a) When a person is required to pay a monetary
3 sanction imposed for commission of an administrative
4 infraction, the monetary sanction shall be payable
5 forthwith, except that the hearing officer may grant
6 permission for payment to be made within a specified
7 period of time or in specified installments. Such
8 permission shall be made contingent upon the person's
9 giving a written promise to pay the sanction or
10 installment within the time authorized, and if unable to
11 do so, to appear at the hearing office for further
12 proceedings on the date on which the sanction or any
13 installment thereof is due.
14 (b) In lieu of payment of a monetary sanction, the
15 person may elect to have an alternative, nonmonetary
16 sanction imposed. The sanction shall be determined in
17 accordance with guidelines established by the board and
18 may consist of a suspension or revocation of the driving
19 privilege.
20 (c) In all cases in which a sanction is imposed, the
21 driver's license shall be surrendered to the board or
22 hearing officer upon request and a temporary license
23 issued; except, that no temporary license may be issued
24 during the period of any suspension or revocation of the
25 driving privilege.
26 (d) Every person who willfully does not answer or
27 appear in accordance with the requirements of the notice
28 to appear or willfully does not comply with any order of
29 the board or hearing officer issued pursuant to a
30 determination that the person has committed an
31 administrative infraction, is guilty of a misdemeanor.
32 40701. In addition to any other authority vested in the
33 board, the board or hearing officer may suspend or
34 revoke the driving privilege and order surrender of the
35 driver's license of any person who fails to answer, appear,
36 or otherwise comply with the requirements of the notice
37 to appear or any order of the board or hearing officer.
38 Such suspension or revocation shall continue until the
39 person has complied with all of the orders of the board or
40 hearing officer. At the termination of the suspension or

revocation, a fee in the amount required in Section 14904 shall be paid to the department in addition to any other fees required by this code.

~~40702. All revenues from monetary sanctions collected pursuant to the provisions of this chapter, including penalty assessments, shall be deposited monthly in the appropriate account by the State Controller. The funds shall be disbursed first in accordance with the applicable provisions of Article 3 (commencing with Section 12050) of Chapter 1 of Division 18, and the remainder of funds to be distributed in the same manner as is provided in Chapter 2 (commencing with Section 12200) of Division 18, for disposition of infraction fines and forfeitures.~~

40702. (a) All monetary sanctions and penalty assessments collected by the board or a hearing officer shall be reported monthly to the State Controller and at the same time deposited in the State Treasury to the credit of the Administrative Adjudication Fund, which fund is hereby created.

(b) The money in the Administrative Adjudication Fund is hereby appropriated as specified in this section.

(c) The board shall report monthly to the State Controller and the auditor of each county the amount of all monetary sanctions and all penalty assessments collected during the preceding month as a result of administrative infractions occurring in the county. The report to the county auditor shall also identify the amount of the sanctions collected as a result of actions by state officers, county officers, and city officers of each city in the county.

(d) Upon receiving the report from the board, the State Controller shall transfer the reported amount of penalty assessments to the Driver Training Penalty Assessment Fund. The monetary sanctions thus transferred are hereby appropriated to the State Controller, who shall disburse to the auditor of each county the net amount of monetary sanctions shown by the report to have been collected as a result of administrative infractions in that county.

The money disbursed to the auditor shall be distributed

among the cities and the county according to the provisions of Section 1463 of the Penal Code.

40703. Any suspension or revocation of the driving privilege imposed pursuant to this article may be stayed for a period of up to 30 days from the date of the hearing officer's decision, or if an administrative appeal is instituted, until the effective date fixed by the board for its final order, unless pursuant to the rules and regulations of the board, the hearing officer or the board determines that a substantial traffic hazard would result.

40704. No findings, evidence, answer, or any other record acquired by, or in the possession of, the board or a hearing officer pursuant to the provisions of this chapter shall be admissible in any civil action.

40705. Notwithstanding the provisions of Section 14112 of this code, all hearings provided in this chapter shall be conducted pursuant to the provisions of this chapter and not Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 7. Administrative Review

40710. The board shall constitute an appeals board for review of decisions of hearing officers.

40711. (a) Any person receiving an adverse determination from a hearing officer may appeal such determination pursuant to the provisions of this article.

(b) The board on its own motion may review any such determination made by a hearing officer.

40712. (a) Each appeal filed pursuant to this article shall be heard by the board, which shall cause an appropriate entry to be made in the records of the department.

(b) No appeal shall be heard if it is received more than 30 days after the appellant received notice of the decision that is being appealed.

40713. Any appeal from an adverse determination pursuant to this chapter shall be filed in the form and manner provided by the board.

40714. The fee for filing an appeal shall be ten dollars

(~~$10~~). No appeal may be accepted unless the required fee has been paid.

40715. A written transcript of the record of any hearing may be obtained at cost by the appellant. A deposit fee of twenty dollars ($20) shall be paid before preparation of a written transcript will be initiated. Any additional costs incurred shall be collected from the appellant prior to delivery of such transcript and any excess amount deposited shall be returned.

~~40716. In all cases where a stay is in effect, the board~~

40716. The board may continue a matter for good cause. The board shall enter its order within 90 days after the filing of the ~~appeal, except, that if there will be unavoidable delay in supplying the administrative record, the board shall enter its order within 90 days after receipt thereof, and with respect to any case the board has continued for good cause, the board shall enter its order within 90 days of the filing, not counting the days granted in the continuance.~~ *appeal, not counting any days granted for continuance.* If the board does not make such an order within 90 days the hearing officer's decision shall be reversed. The board shall enter an appropriate order showing the reversal.

40717. The board may reverse, amend, or modify the decision of a hearing officer that imposes a sanction on an appellant if it determines that any of the following exist:

(a) The hearing officer has proceeded in a manner contrary to the law or the rules and regulations of the board.

(b) The hearing officer's decision is not supported by the findings.

(c) Findings are not supported by the evidence.

~~(d) There exists relevant evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing.~~

~~(e)~~ *(d)* The determination of the sanction, as provided in the decision of the hearing officer, is not commensurate with the finding.

The board may remand a case to a hearing officer for

additional proceedings if it determines that there exists relevant evidence, which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded at the hearing.

40718. An order amending, modifying, or reversing the decision of the hearing officer shall be in writing and copies thereof shall be sent by certified or registered mail or delivered personally to the appellant. The board shall direct the department to take such further action as is required in the circumstances, and all fees and costs and any monetary sanction paid by the appellant shall be ordered to be returned. The effective date of the order shall be as stated therein, but shall not be later than 15 days after the mailing of the order.

40719. An order affirming the decision of the hearing officer shall be in writing and copies thereof shall be sent by certified or registered mail or delivered personally to the appellant. The effective date of the order shall be as stated therein, but shall not be later than 15 days after the mailing of the order, and no reconsideration or rehearing may be permitted thereafter.

40720. No determination of a hearing ~~officer,~~ *officer* shall be reviewed in any court unless an appeal to the board has first been filed and determined in accordance with this article.

40721. Any action for a judicial review of any action taken pursuant to this chapter shall be commenced in accordance with the provisions of Article 5 (commencing with Section 14400) of Chapter 3 of Division 6.

Article 8. Demonstration Program

40750. In order to establish the practical application of the administrative adjudication of ~~an~~ administrative ~~infraction~~ *infractions* and to determine whether administrative ~~infractions~~ *infractions, which are prosecuted in the courts,* should remain classified as crimes, this chapter shall be implemented during the period from January 1, 1978, through July 1, 1983, on a demonstration basis ~~and only~~ in the Counties of Placer,

Sacramento, and Yolo. ~~It~~

At the request of the board of supervisors, and with the approval of the Administrative Adjudication Board, any county having a boundary contiguous with any part of any boundary of the County of Placer, Sacramento, or Yolo shall be allowed to participate in the demonstration program. At the request of the board of supervisors, and with the approval of the Administrative Adjudication Board, any participating county may withdraw from the demonstration program.

It is the intent of the Legislature that, commencing with the 1978–79 fiscal year, the demonstration program be funded ~~from appropriations in the annual Budget Bill of the surplus in~~ *by appropriations from* the Driver Training Penalty Assessment Fund. *The sum of two hundred twenty-five thousand dollars ($225,000) is hereby appropriated from the Driver Training Penalty Assessment Fund to the department for expenditure during the period from January 1, 1978, to and including June 30, 1978, for the cost of carrying out the provisions of this chapter.*

~~40751. In lieu of establishing an administrative adjudication office in each locality, each county participating in the pilot project may enter into a contract with the board for the use of existing justice court facilities as an administrative adjudication office. Pursuant to any such contract, the board may also employ justice court judges as hearing officers.~~

40751. (a) For purposes of the demonstration program, administrative adjudication of administrative infractions shall apply only to violations occurring within municipal court districts of the counties participating in the program.

(b) At the request of any justice court in any participating county, the board shall supply drivers' violations records, copies of schedules of sanctions adopted by the board, and any other information which may be of use in determining sentences. The board may also request the justice courts in the participating counties to furnish it with detailed reports regarding

disposition of infraction cases as well as any other information which may be appropriate to an analysis and comparison of the efficiency and effectiveness of the demonstration program and criminal proceedings in the justice courts. The board shall reimburse the justice courts for any additional expenditures which may be required for the purpose of supplying such reports and information.

40752. The board shall submit a report on the progress of the demonstration program to the Governor and the Legislature on January 1 of each year in which the program is in effect. An evaluation prepared by a consultant who is retained by the board and is independent of the state and any state agency shall be submitted with this report. The evaluation shall include, but not be limited to, an analysis of the costs and benefits of administrative adjudication, both quantifiable and nonquantifiable, as they relate to the judicial system, law enforcement, local government, the defendant, the general public, public and private driver improvement programs and services and the department. The evaluation shall include recommendations relative to maximizing the efficiency and effectiveness of the administrative adjudication program in terms of the preceding identified categories.

SEC. 4. Section 40000.5 of the Vehicle Code is amended to read:

40000.5. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Paragraph (4) of subdivision (a), or subdivision (b), or both, of Section 221, relating to proper evidence of clearance for dismantling.

Section 1810.5, relating to use of departmental information.

SEC. 5. Section 40000.25 of the Vehicle Code is amended to read:

40000.25. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 40700, subdivision (d), relating to failure to appear and noncompliance with an order of the Administrative Adjudication Board.

Section 42005, relating to failure to attend traffic school.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it carrying on any program or performing any service required to be carried on or performed by it by this act.

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AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
POST MANAGEMENT COURSE (CONTRACT)		May 27, 1977
Division: Standards & Training	Division Director Approval: Wm. Stahr	Researched By: Gene DeCrona
Executive Director Approval	Date of Approval	Date of Report: May 3, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use seprate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

BACKGROUND:

The Commission, at the April 1976 meeting, authorized staff to arrange for three pilot presentations of the revised POST Management Course. Staff authorized personnel of California State University, Northridge to develop, implement and revise the POST Management Course.

The course was developed and presented under contract three (3) times by California State University, Northridge. The course was modified and revised as required during and after the pilot presentations. The first two (2) pilot presentations under contract were offered at a cost of $4,994.45 each. The third pilot presentation was offered under contract at a cost of $5,529.20. The development and revision costs were $4,457.35. POST paid CSU, Northridge $19,975.45 for the development, three presentations and revision activities for the course.

The course was presented the fourth time under contract in March 1977 at a cost of $4,994.45.

The fifth presentation under contract is scheduled for May 16, 1977 at a cost of $4,994.45.

ANALYSIS:

The revised POST Management Course is 80 hours long and is presented in the intensive format. There are 20 trainees in each class. The training is mandatory for newly appointed middle management personnel.

The student population of this course includes primarily participants from the Los Angeles area. Students from throughout California may attend the course.

Critiques of the past 4 offerings of the course have been excellent and student participation appears high.

Dr. Alan Glassman, coordinator, Dr. Robert Hanna, Dr. John Kennedy and Michael Sheean instruct in the course. Each of the instructors possesses expertise in the academic and practical management fields. The 80-hour

Utilize reverse side if needed

course is team taught for a total of 124 hours of instruction. An on-site coordinator will be present during the entire course. The format of the course and the team teaching concept have been a proven commodity in the past four (4) presentations.

Dr. Glassman indicates the staff of CSU, Northridge will continue to instruct in classes if they are paid a minimum of $31.33 per instruction hour for each instructor. Commission guidelines permit a $25.00 per hour maximum for each certified hour of instruction per intructor. The guidelines allow for a $50.00 per hour maximum in instances of special need for particular expertise in an instructional area; for example, a doctor of medicine. Dr. Glassman's request for $31.33 per hour of instruction is based on unusual expertise in academic and practical management fields.

The proposed budget and fiscal statements indicate the course costs based on the $25 per hour Commission maximum and the CSU, Northridge staff stated minimum requirement of $31.33 per hour.

There are approximately 600 middle managers per year that need management training.

Fiscal Impact:

Categorical breakdowns for allocation of funds of each course are as follows:

	Total
Instruction:	
124 hours at $25 per hour = $3,100 (Commission maximum)	* $3,100.00
124 hours at $31.33 per hour = $3884.92 (Requested minimum by CSU, Northridge)	** 3,884.92
Coordination:	
80 hours at $3 per hour = $240	240.00
On-site Coordinator: 80 hours 44 hours @ $9 per hour - Dr. Glassman 36 hours @ $6.50 per hour - staff member	630.00
Clerical:	
80 hours @ $4.00 per hour = $320	320.00
Printing and Reproduction:	
5380 pages @ $.05 per page for 20 students Reading, exercises instrumentation, course outlines and notebook material	269.00
Supplies:	
20 notebooks @ $3.25 each	65.00

* Commission Maximum
**CSU, Northridge Requested Minimum

	Total
Equipment:	
Rental of two films	$ 210.00
Coordinators travel:	
100 miles @ $.05 per mile = $15 (travel in excess of normal travel to place of employment)	15.00
Instructors Travel:	
280 miles @ $.15 per mile = $42 (travel in excess of normal travel to place of employment)	42.00

Total Direct Costs	
Instruction at $25 per hour	*$4,891.00
Instruction at $31.33 per hr.	** 5,675.92
Indirect costs 15%	
Instruction at $25 per hour	* 733.68
Instruction at $31.33 per hr.	** 851.39
Total costs	
Instructional cost at $25 per hour	*$5,624.65
Instructional cost at $31.33 per hour	** 6,527.31

Cost difference per course is $902.80 or $45.00 per student.
Tuition per student for each course at $25.00 per hour is $281.23.
Tuition per student for each course at $31.33 per hour is $326.37.

Five courses are proposed for Fiscal Year 1978-79. The total cost of the proposed five (5) courses using the $25 per hour instructional cost is $28,123.00.

The total cost of the proposed five (5) courses using the $31.33 per hour instructional cost is $32,637.00.

The total difference in the budgets due to instructional costs for the five (5) courses is $4,514.00.

RECOMMENDATION:

1. Authorize five (5) contract presentations for Fiscal Year 1977-78. Courses to be held on:

   August 22, 1977
   October 17, 1977
   January 9, 1978
   March 6, 1978
   May 15, 1978

2. Approve course instructional costs at $25 per hour maximum. Each course costs not to exceed $5,624.60. Total five (5) course costs not to exceed $28,123.00.

* Commission Maximum
**CSU, Northridge Requested Minimum

3. Each course presentation contains 20 POST reimbursable students and a minimum of 100 POST reimbursable students will attend the five (5) authorized presentations.

4. Funds not used be returned to the Peace Officer Training Fund.

COURSE BUDGET	STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING 7100 BOWLING DRIVE, SUITE 250 SACRAMENTO, CALIFORNIA 95823

1. AGENCY SUBMITTING BUDGET	2. P.O.S.T. COURSE CATEGORY	3. COURSE CERT. NO.
CSU, Northridge - Bureau of Business Services &Research	Management	

4. COURSE TITLE
Revised Management Course

5. SUMMARY

BUDGET CATEGORIES	COSTS SUBTOTAL	COSTS TOTAL
DIRECT COSTS		
A. SERVICES		
(1) INSTRUCTION *124 hours @ $25.00 per hour **124 hours @ $31.33 per hour	*3100.00 **3884.92	
(2) COORDINATION	870.00	
(3) CLERICAL	320.00	
(4) PRINTING/REPRODUCTION	269.00	
TOTAL SERVICES		*4559.00 **5343.92
B. SUPPLIES		
(1) BOOKS/PAMPHLETS/HANDOUTS		
(2) CERTIFICATES		
(3) NOTEBOOKS	65.00	
(4) PAPER/OFFICE SUPPLIES		
TOTAL SUPPLIES		65.00
C. EQUIPMENT		210.00
D. TRAVEL		
(1) COORDINATOR	15.00	
(2) INSTRUCTORS	42.00	
TOTAL TRAVEL		57.00
E. MISCELLANEOUS		
TOTAL DIRECT COSTS		*4891.00 **5675.92
INDIRECT COSTS (DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AUDITED RATE OR 15%)		* 733.65 ** 851.39
TOTAL ALL COSTS		*5624.65 **6527.31

Difference of $902.80 between cost at $25 per hour opposed to $31.33 per hour
*Commission Maximum
**CSU, Northridge Requested Minimum

6. NAME AND TITLE OF PERSON SUBMITTING BUDGET	7. DATE SUBMITTED
Dr. Alan Glassman	April 11, 1977
8. SIGNATURE OF P.O.S.T. STAFF MEMBER REVIEWING BUDGET	9. DATE REVIEWED
	May 2, 1977

COURSE BUDGET	STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING 7100 BOWLING DRIVE, SUITE 250 SACRAMENTO, CALIFORNIA 95823

DETAILS

BUDGET CATEGORIES		COST
10. SERVICES		
INSTRUCTION		
80 hours, team teaching for 124 hours	*	3100.00
Total @ *$25 per hour	**	3884.92
**$31.33 per hour		
COORDINATION		
80 hours @ $3 per hour		240.00
On-site Coordination		
44 hours @ $9.00 per hour - Dr. Glassman 36 hours @ $6.50 per hour - staff member		630.00
CLERICAL		
80 hours @ $4 per hour		320.00
PRINTING/REPRODUCTION		
5380 pages @ $.05 per page (20 students)		269.00
Readings, exercises, instrumentation, course outlines and notebook material		
	*	4559.00
	TOTAL**	5343.92
11. SUPPLIES		
a. BOOKS/PAMPHLETS/HANDOUTS		
b. CERTIFICATES		
c. NOTEBOOKS		
20 @ $3.25 each		65.00
d. NOTEBOOKS		
	TOTAL	65.00

COURSE BUDGET	STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING 7100 BOWLING DRIVE, SUITE 250 SACRAMENTO, CALIFORNIA 95823

DETAILS

CATEGORIES	COST
12. EQUIPMENT	
Rental of two films Twelve O'Clock High Twelve Angry Men	210.00
TOTAL	210.00
13. TRAVEL	
a. COORDINATORS	
Travel in excess of normal travel to place of employment. 100 miles @ $.15 per mile (two persons)	15.00
b. INSTRUCTORS	
Travel in excess of normal travel to place of employment. Average 20 miles per day 3 instructors. Total 280 miles @ $.15 per mile	42.00
TOTAL	57.00
14. MISCELLANEOUS	
TOTAL	

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE NORTHRIDGE, CALIFORNIA 91324

School of Business Administration and Economics

Bureau of Business
Services and Research
(213) 885 - 2468

April 11, 1977

Mr. Gene DeCorona
Commission on Peace Officer Standards and Training
Department of Justice
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. DeCorona:

The following is the breakdown of the instructors for the February 28 - March 11, 1977 program. We expect the next program will be similar; however, I cannot assure you of this as we continually critique and revise our program as necessary.

Management Course

	Primary Instructor	Secondary Instructor
Monday AM	Glassman	Kennedy
PM	Glassman	
Tuesday AM	Sheean	Kennedy
PM	Sheean	
Wednesday AM	Sheean	Hanna
PM	Sheean	
Thursday AM	Kennedy	
PM	Glassman	
Friday AM	Hanna	Glassman-Kennedy
PM	Hanna	Glassman-Kennedy
Monday AM	Hanna	
PM	Hanna	

E.O.
T.S.
ADMIN.
A.C.
S. & T.

APR 14 9 36 AM '77
COMMISSION ON POST

	Primary Instructor	Secondary Instructor
Tuesday AM	Hanna	
PM	Hanna	Glassman
Wednesday AM	Sheean	Hanna
PM	Sheean	
Thursday AM	Kennedy	
PM	Glassman	
Friday AM	Glassman	Kennedy
PM	Glassman	Kennedy

Sincerely,

Alan Glassman/slb

Alan Glassman

AG:slb

PROPOSED POST BUDGET*

Instruction (80 class hours)(120-128 teaching hours	$4,000
Liaison/Coordinator (flat fee)(80 hours @ $9/hour)	720
Clerical Support (80 hours @ $4/hour)	320
Printing/Reproduction (assumes not more than 20 participants)	334
Film Rental	210
Coordinator/Instructor Travel	90
	$5,674
University Indirect Cost (15% of above)	851
TOTAL	$6,525 each

*For six programs:

May 16 - May 27, 1977
August 22 - September 2, 1977
October 17 - October 28, 1977
January 9 - January 20, 1978
March 6 - March 17, 1978
May 15 - May 26, 1978

AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
Proposed Basic Academy Standards		May 27, 1977
Division: Executive Office	Division Director Approval	Researched By: Harold L. Snow
Executive Director Approval: W R Carlington	Date of Approval: april 22, 1977	Date of Report

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

ISSUE:

The attached proposed minimum standards for Basic Course academies was submitted to POST by the California Academy Directors' Association (CADA).

BACKGROUND:

CADA, a newly formed organization representing directors of POST academies, has developed these proposed minimum standards for POST-certified Basic Course academies in an effort to standardize the quality of training delivery to California law enforcement.

Although CADA attempted to involve all basic academies in this effort, not all have had in-depth input on these proposed standards.

ANALYSIS:

There is merit in establishing academy standards, but considerable study is needed to develop acceptable standards. It is apparent that CADA has conducted a great deal of research into this topic; however, additional work is needed.

RECOMMENDATION:

It is recommended these proposed standards be given in-depth study by the POST Advisory Committee and staff, and that a report and recommendations be given to the Commission by the December 9, 1977, meeting.

Attachment

Utilize reverse side if needed

CALIFORNIA ACADEMY DIRECTORS' ASSOCIATION

April 13, 1977

William Garlington, Executive Director
Commission on Peace Officer
Standards and Training
7100 Bowling Drive, Room 100
Sacramento, CA 95823

Dear Bill:

Attached is a copy of the minimum standards for basic course academies that was compiled by members of C.A.D.A. with the help of your staff.

These standards have been approved by the C.A.D.A. membership at their last meeting in Orange County and we urge that these be adopted by the Commission to be included in consideration of certification of Basic Course Academies.

If at all possible, I would urge that this be presented to the Advisory Committee at their next meeting for their input and possible recommendation and then be placed on the next Commission Meeting agenda.

I know I do not have to remind you of the importance of academies having sufficient standards to properly conduct basic courses, this certainly will be even more critical with the advent of preformance based training academies.

The members of C.A.D.A. wish to provide the best training available to peace officers in California and we feel these standards will reflect our desires and those of P.O.S.T.

I would at this time like to thank you and your staff, namely Harold Snow, Bobby Richardson and Brad Koch for their assistance in this effort, and rest assured that we are anxious and willing to work with you in any way possible to meet our mutual goal of providing quality training for California Peace Officers.

Sincerely,

Joseph P. McKeown
Chairman C.A.D.A.

JPM:dd
Attachment

E.O. | T.S. | ADMIN. | A.C. | S. & T.
APR 15 9 52 AM '77
COMMISSION ON POST

MINIMUM STANDARDS FOR BASIC COURSE ACADEMIES
(As Proposed by the California Academy Directors' Association)

Definitions

1. Academy - training institution (agency or college) certified to present the basic course.

2. Academy Director - administrator of academy program.

3. Inservice training - courses certified by POST or departmental training courses.

4. Adequate - undefined to take into consideration particular circumstances of each academy. (Further research required)

I. Program Administration

A. Full-time qualified academy director

1. Full-time - equivalent to 100% release time for program supervisory and administrative duties.

   - if assigned to non-inservice training duties, supplemental program coordination required.

2. Qualifications - a) Attendance at POST approved orientation within one year of appointment.

   b) Participation in periodic POST workshops for training directors and coordinators.

B. Adequate clerical staff

- full-time (equivalent) clerical assistance with primary responsibilities for the academy program.

C. Full-time academy operation

- Inservice training activities for most of the year.

D. Program and course evaluation to include:

1. Periodic academy evaluation (self-evaluation and user agencies).
2. Trainee evaluation of curricula and instructional staff.
3. Trainee evaluations provided to law enforcement agencies upon request.
4. Cooperation with POST evaluations to include:
   - Consultant audits
   - Visitation teams - Agency - Requests
   - Special studies on the impact of training

E. Course maintenance

(e.g., course announcements, rosters, advanced master calendaring, etc.)

F. Maintenance of required records

1. Lesson plans
2. Instructor resumes
3. Trainee evaluations

G. Active use of an Advisory Committee (Agency academies exempt)

II. Instruction

A. Implementation of performance objectives into curricula consistent with time frames required by POST.

B. Adequate student-teacher ratios commensurate with subject matter.

- considerations include safety, trainee comfort and program quality.

C. Adequate number of support staff to counsel, evaluate, and supervise trainees, handle logistical assignments, etc.

Support staff - (e.g. tactical officers, counselors, academy supervisors)

D. Quality control of instruction

Instructor selection - best available instructors will be selected and evaluate on a continual basis with documentation provided to each instructor.

Updating training - instructor participation in periodic POST workshops/courses.

E. Availability of remedial instruction consistent with established academy standards.

III. Facilities and equipment

A. Facility shall be primarily used for police and criminal justice training under the direction of the academy director.

B. Firearms range available.

C. Availability of driver training facilities and vehicles.

D. Physical and defensive tactics training facility.

E. Library and/or media center available.

F. Classroom(s) with adequate:

1. Lighting
2. Comfortable furnishings
3. Size
4. Air-conditioned and heated
5. Acoustics

G. Tear gas facilities.

H. Office equipment and records storage.

I. Adequate instructional media including:

Individualized self-paced learning aids, props and simulation facilities, projectors, films, chalkboards and other training aids.

J. Secure storage facilities for tear gas, weapons, and ammunition.

K. Supplemental equipment:

- guns, first aid kits, safety equipment, etc.

L. Adequate office space, restrooms, etc.

M. Photocopy reproduction capability.

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET		
Agenda Item Title Publications Distribution		Meeting Date May 27, 1977
Division Executive Office	Division Director Approval	Researched By Brooks W. Wilson
Executive Director Approval W. Harlington	Date of Approval	Date of Report May 5, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use seprate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

The attached sheet displays the pattern of publication requests serviced during the past three months. We now have centralized control over the distribution of our publications, and are recording each request in one of the five categories indicated. The entries in the price list indicate the price charged for those documents which are supplied at cost through the State Office of Procurement.

The information collected will assist us in accurate budgeting for this item in future budgets.

Utilize reverse side if needed

POST 1-187

PUBLICATIONS

3 Months

PUBLICATION	CALIF. LAW ENF. AG.	CALIF. EDUC. AG.	OUT-OF-STATE LAW ENF. AG.	OUT-OF-STATE EDUC. AG.	OTHERS	TOTAL	PRICE
Advantages or Disadvantages of Privately Owned Automobilies	10	2	1	--	--	13	--
An Analysis of the Roles of the Training Officer, 1973	5	2	1	--	--	8	--
Annual Report	--	1	--	--	1	1	--
Arrest Warrants, 1974	10	2	--	--	--	12	$ .65
Background Investigation Manual,1977	--	--	--	--	--	--	$4.10
Behavioral Objectives for POST Basic Course, 1975	1	--	--	--	--	1	--
Course Evaluation Instrument Project, 1974	1	--	--	--	--	1	--
Crime Prevention Manual, 1976	18	1	--	--	1	20	$2.15
Employment Opportunities	54	23	2	7	202	288	--
Field Training Guide, 1975	55	3	--	--	--	58	--
Revision of the Executive Development Course, 1974	--	--	--	--	--	--	--
Revision of the POST Supervisory/ Management Course, 1976	4	2	1	--	--	7	--
Firearms Use Study, 1974	1	--	--	--	--	1	--
Growth and Development of Calif. Commission on POST, 1974	4	3	1	--	--	8	--
Hearing & Vision Standards for Public Safety Personnel, 1974	9	2	--	--	5	16	$ .55
Jurisdictional Consolidation, 1976	5	2	--	--	1	7	$1.55
Lateral Entry, 1969	5	2	1	1	--	9	--
Personnel Records Management, 1974	12	2	1	--	--	15	$ .65
Legal Problems of Law Enforcement - Summary, 1974	10	3	1	--	1	15	--

PUBLICATIONS

3 Months

PUBLICATION	CALIF. LAW ENF. AG.	CALIF. EDUC. AG.	OUT-OF-STATE LAW ENF. AG.	OUT-OF-STATE EDUC. AG.	OTHERS	TOTAL	PRICE
Legal Services for Law Enforcement, 1975	4	2	1	--	--	7	--
Management Guide for the POST Basic Course, 1977	6	--	--	--	--	6	--
Medical Screening Manual, 1977	--	--	--	--	--	--	$3.85
...Citizen Complaints, 1976	42	5	2	--	1	50	$2.60
Model System of Directives, 1976	15	--	1	--	--	16	$1.35
One-Write, 1972	39	3	--	--	1	42	$ .30
Patrol Workload Study, 1974	12	2	1	--	--	15	--
Performance Objectives for the POST Basic Course, 1977	13	--	--	--	--	13	--
Police/Public Contacts Involving Hearing...Disorders, 1975	6	2	--	--	1	9	$ .65
POST Training Program, 1972	4	2	1	--	--	7	--
POSTScripts	5	2	2	--	1	10	--
Procedural Considerations... Citizen Complaints, 1976	31	3	1	--	2	37	--
Records Management System, 1976	5	2	2	--	--	9	--
Team Policing Concept, Sacramento P.D., 1971	5	2	1	--	--	8	--
10 Code vs. Clear Speech Communication, 1975	12	3	2	--	--	17	$ .40
10 Plan, 1973	6	2	1	--	1	10	--
Training Assessment and Planning, 1976	24	2	1	--	1	28	--
Training Needs Assessment, Operational Plan, 1976	18	2	--	--	--	20	$2.00
Uses of Law Enforcement Management Information, 1976	9	2	1	--	--	12	--

Commission on Peace Officer Standards and Training

TAB N
(NEW BUSINESS)

AGENDA ITEM SUMMARY SHEET

Agenda Item Title		Meeting Date
Advisory Committee Appointment		May 27, 1977
Division: Executive Office	Division Director Approval	Researched By: Glen E. Fine
Executive Director Approval: W. R. Barlington	Date of Approval: May 13, 1977	Date of Report: May 13, 1977

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

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page_____).

The Executive Board of the California Peace Officers' Association has recommended that the Commission appoint Chief Robert Wasserman of the Fremont Police Department as a member of the POST Advisory Committee. Chief Wasserman would replace Chief William Kinney, retired, of the Sacramento Police Department as CPOA's representative.

Recommendation:

Approve appointment of Chief Robert Wasserman.

Attachment:

Letter from Jay R. Stroh, President, CPOA

Utilize reverse side if needed

POST 1-187

"Dedicated to Professional Law Enforcement" . . . Established in 1921

California Peace Officers' Association

1107 NINTH STREET, SUITE 800 • SACRAMENTO, CALIFORNIA 95814 • TELEPHONE (916) 446-7847

Officers

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Chief of Police,
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1st Vice President
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Chief of Police,
Glendale

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JOHN R. McDONALD JR.
Sheriff, San Mateo County,
Redwood City

4th Vice President
ROBERT WASSERMAN
Chief of Police,
Fremont

Treasurer
WESLEY R. BARRETT
Chief of Police,
Oroville

Executive Director
RODNEY J. BLONIEN
1107 9th Street, Suite 800
Sacramento, CA 95814

May 3, 1977

William J. Anthony
Chairman
Commission on Peace Officer Standards & Training
7100 Bowling Drive, Suite 250
Sacramento 95823

Dear Chairman Anthony:

Because of the retirement of Chief William Kinney of the Sacramento Police Department, the Executive Board of CPOA nominates Chief Robert Wasserman of the Fremont Police Department to the POST Advisory Committee.

CPOA believes that Chief Wasserman will perform at the same high caliber established by Chief Kinney in this important post.

Very truly yours

Jay R. Stroh
President

cc: Rod Blonien,
CPOA Exec Dir

Chief Wasserman
Fremont

MAY 6 10 17 AM '77
COMMISSION ON POST

State of California

Department of Justice

Memorandum

To : COMISSIONERS

Date : May 12, 1977

From : Executive Office
Commission on Peace Officer Standards and Training

Subject: POST SPECIALIZED SEMINARS FOR LAW ENFORCEMENT EXECUTIVES

In cooperation with OCJP, DOJ, and LEAA, POST will present two series of Seminars designed to: 1. Acquaint Law Enforcement Executives with the service capabilities of State agencies, and, 2. Identify excellent police programs now operating in local departments. A brief synopsis of these programs is listed for your information.

State Agency Services to Local Law Enforcement

Invitations will be extended to approximately 150 Chiefs and Sheriffs who have been appointed or elected over the past two years.

Two pilot Seminars will be conducted in Sacramento to acquaint chief executives with the services available through POST, Division of Law Enforcement of DOJ, California Highway Patrol, Office of Criminal Justice Planning, Office of Emergency Services, and Office of Traffic Safety.

Two such Seminars are scheduled June 7-9 and June 14-16, 1977. They are limited to 30 participants in each session. Depending upon the demand for such programs, we are prepared to offer subsequent presentations.

State of the Art Seminars

Wide distribution of announcements for these seminars will be provided to chiefs, their assistant and deputy chiefs, sheriffs, and their assistant and undersheriffs.

Our goal is to identify a number of successful programs which may be implemented without applying for grant monies or substantial budget allocations. A tentative selection of programs to be presented are: workload studies and operational deployment, reserve organizations, hostage negotiation, anti-fencing, community-oriented team policing, carnival fraud prevention, and addict

abatement. We also anticipate a presentation by the National Institute of Law Enforcement and Criminal Justice relative to technical assistance and technology transfer.

LEAA will provide travel expenses for program staffs from California, Nevada, and Washington, D.C. making presentations.

Two such Seminars are presently planned; one in Los Angeles July 13-14, and one in San Francisco July 20-21, 1977. Each session is limited to 150 participants. Depending upon response, we are prepared to offer subsequent presentations providing for other successful operational programs identified in the Western United State.

General Information

The general concept of providing police executives with a wide range of informational services as well as an overview of successful programs and procedures is somewhat new. We anticipate the outgrowth will include a resulting interest by executives to utilize our Field Management Training as a vehicle to provide detailed information to operational managers who will implement and expand selected programs in local jurisdictions.

All Seminars will be presented as POST Special Seminars with reimbursement under Plan IV which includes 100% of meals, lodging and travel.

Bill

WILLIAM R. GARLINGTON
Executive Director