COMMISSION MEETING AGENDA
Beverly Garland Motor Lodge - Donner Room
1780 Tribute Road
Sacramento, California
April 25, 1985

CALL TO ORDER

FLAG SALUTE

OATH OF OFFICE FOR NEW COMMISSIONERS

New Commissioners Sherman Block, Sheriff, Los Angeles County; Edward Maghakian, retired from the California Highway Patrol; and Raquel Montenegro, Ph.D., Professor of Education, California State University at Los Angeles, Department of Elementary Education, will be administered the oath of office by a representative of the Governor's Office.

ROLL CALL OF COMMISSION MEMBERS

RECOGNITION OF FORMER COMMISSIONER AL ANGELE

INTRODUCTIONS

APPROVAL OF MINUTES

A. Approval of the minutes of the January 24, 1985 regular Commission meeting at the Hilton Hotel in San Diego.

CONSENT CALENDAR

B.1. Receiving Course Certification Report

Since the January meeting, there have been 17 new certifications and 2 decertifications. In approving the Consent Calendar, your Honorable Commission takes official note of the report.

B.2. Receiving Information on New Entry Into POST Specialized Program

Procedures provide for agencies to enter the POST Reimbursement Program when qualifications have been met. In approving the Consent Calendar, the Commission notes that the California Department of Mental Health - Investigation Unit has met the requirements and has been accepted.

B.3. Affirming Commission Policies Set by Actions at January 1985 Commission Meeting

Consistent with Commission instructions, statements of policy made at a Commission meeting are to be submitted for affirmation by the Commission at the next meeting. This agenda item affirms a policy statement adopted at the January 24, 1985 meeting. The policy

statement provides the guidelines for waiver of the three-year break in service testing/retraining requirement specified in Commission Regulation 1008. In approving the Consent Calendar, the Commission affirms this policy.

B.4. Receiving Financial Report - Third Quarter FY 1984/85

As in the past, this report will be a handout at the meeting. In approving the Consent Calendar, your Honorable Commission acknowledges receipt of the Report.

B.5. Adopting Resolution of Commendation for Bob Blankenship, a POST Management Fellow from Redding Police Department

A Resolution commending Bob Blankenship at the conclusion of his POST Management Fellowship is located under the tab. Mr. Blankenship is a Lieutenant with the Redding Police Department and has served with POST for the past four months in an outstanding fashion. He has coordinated the work of the POST Domestic Violence Advisory Committee in developing guidelines for law enforcement's response to domestic violence as required by P.C. 13519. Under the POST Management Fellowship program the Commission reimburses the agencies for the salary and benefits of the individual involved and pays an appropriate travel and per diem for the individual's out-of-pocket costs. As a result of this program, benefits accrue to law enforcement, POST, the individual and the home department.

PUBLIC HEARING

C. Amendment of Definition of Regular Officer and Setting Minimum Standards for Limited Function Peace Officers

At the October 1984 meeting, the Commission held a public hearing with the idea of setting the PC 832 course as the training standards for "limited function" officers, supplemented by whatever additional training individual assignments may require. This issue was carried over to the January meeting, for further study. Upon recommendation of the Long Range Planning Committee in January, the Commission directed that a new public hearing be convened at this meeting for the purpose of requiring the Basic Course as the training standard for all deputy sheriffs and police officers regardless of assignment.

The proposed basic course requirement will bring about training consistency by avoiding a proliferation of special categories of police officers and deputy sheriffs each with potentially different training requirements. Such potential proliferation can be viewed as counter to the public interest and current trends toward civilianization of jobs in law enforcement departments.

Proposed regulations changes, if adopted, would have the effect of:

- "Grandfathering" limited function officer incumbents and requiring notification of their appointment and termination;

- Requiring any limited function peace officers who may be appointed prior to the effective date of this action to meet the training requirements of the Arrest and Firearms (P.C. 832) Course and specifying they are not eligible for POST Professional Certificates;

- Providing reimbursement for allowable training expenses for such grandfathered officers; and

- Effective July 1, 1985, redefining regular officer to preclude police officers or deputy sheriffs appointed under 830.1 P.C. from avoiding Basic Course training requirements in the future.

Subject to testimony received at the Public Hearing, the appropriate action would be a MOTION to amend the Commission Regulations as described.

D. APPEAL CERTIFICATE DENIAL

Edward R. Thomas, a deputy sheriff with the Sacramento County Sheriff's Department, is appealing the Executive Director's rejection of his application for award of the Intermediate Certificate denied on the basis of lack of the required experience.

POST professional certificates are issued as a result of a combination of education, training, and experience. The experience must occur as "full-time employment" as defined in Commission Regulation 1001 (1). Mr. Thomas, prior to being appointed as a Regular Deputy Sheriff, occupied a position as Deputy Sheriff (on-call) that is distinguished from the Regular Deputy Sheriff class as one in which the on-call employee is hired as a temporary replacement for a regular deputy sheriff, and no permanent appointments are made. Appointment to this temporary position required that the applicant be a sworn member active in deputy sheriff reserve.

Mr. Thomas is appealing the decision that his time served as a temporary employee cannot be credited towards experience required for the Intermediate Certificate.

As described in the report under this tab, staff suggests that the Commission maintain its current policy of accepting only full-time experience. To do otherwise would significantly increase the time-keeping burden for all departments with reserve officer programs, and increase POST staff workload as well. However, the key issue is whether other than full-time experience should be accepted as equivalent. In view of the variety of equivalency claims that could be made, along with perspectives on the value of the certificate program, we recommend continuing to give certificate credit only for full-time service as has been the Commission's practice.

ADMINISTRATIVE SERVICES

E. Setting Public Hearing for July 25, 1985 on Allowing Reimbursement for Retraining After a Three-Year Break in Service (Regulation 1015)

Existing regulations prohibit reimbursement when a trainee attends a particular training course for the second or subsequent time. There are exceptions provided:

- When the course is by its nature designed for repeat attendance (such as Advanced Officer Courses).
- When special circumstances exist and advance written approval is granted by the Executive Director.

The Commission has recently modified Regulation 1008 to require retraining (or successful completion of the Waiver Process) in the Basic Course for previously trained officers with a three-year or longer break in service. Because of this retraining requirement for those with a break in service, it seems appropriate to revise Regulation 1015 to specifically allow for reimbursement when officers with a three-year break are retrained pursuant to Regulation 1008.

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing to consider this change at the July 1985 Commission meeting.

TRAINING PROGRAM SERVICES

F. Report and Recommendation on Conditional Recognition of Standards and Training for Corrections (STC) In-Service Training and the Commission's Continuing Professional Training Requirement

The Commission at its January 1985 meeting directed staff to research the issue of POST recognition of STC certified in-service training as meeting POST Continuing Professional Training (CPT) requirements. Presently, approximately 3,000 officers statewide who are assigned to custodial duties are subject to both POST's CPT requirements of 24 hours every two years effective July 1, 1986 and STC's in-service training requirement of 24 hours annually.

POST recognition of STC requirements for peace officers on assigned custodial duty would result in a personnel and cost savings to those agencies. POST recognition could be accomplished under POST Regulation 1005(d) as an "alternative method of compliance."

If the Commission concurs, the appropriate action would be a MOTION to approve an "alternative method of compliance" that authorizes officers and first-line supervisors assigned to jail/correctional duties to satisfy POST's continuing professional training requirement by completing either STC's certified annual in-service training requirement or POST's continuing professional training requirement effective July 1, 1985.

G. Recommendation to Adopt Basic Course Curriculum Changes

POST currently maintains the curriculum of the Basic Course by conducting Curriculum/Instructor Update Programs with POST staff and instructors from the 33 regional academies. During these seminars performance objectives and unit guides are reviewed and recommendations developed to assure compliance with changes in the law and the job-related tasks of police officers.

Since December 1984, POST has conducted five seminars in the areas of Criminal Law, Evidence, and Patrol Procedures. These seminars resulted in the recommendation to delete three performance objectives and add one new performance objective in Criminal Law; delete one performance objective in Evidence, and delete three performance objectives; and add three new performance objectives to Patrol Procedures. It is also recommended that the success criteria of 10 performance objectives be increased.

If the Commission concurs, the appropriate action would be a MOTION to approve the Basic Course curriculum changes, effective July 1, 1985.

H. Recommendation for a Pilot Basic Course "Feeder" System in the San Diego Area

In 1981, the Commission approved a pilot course certification that permitted the Golden West Regional Criminal Justice Training Center to present the extended format Basic Course in two parts. Golden West Regional Criminal Justice Training Center, Fullerton College and Saddleback College would each present the first half (Part I) of the Basic Course (340 hours) sufficient to meet the Level I Reserve training requirement, at their respective training facilities. After completion of this part, interested graduates could enter the Golden West Regional Criminal Justice Training Center for completion of the second half (Part II) of the Extended Format Basic Course for a total of 665 hours of training. Upon completion of Part II, a person would be deemed to have successfully completed the full Basic Course. This program has been successful and is fully accepted by Orange County law enforcement agencies.

Currently Southwestern has a certified extended format Basic Course which serves the San Diego region. Southwestern and Grossmont College have jointly requested certification to pilot test the feeder system concept with Grossmont College offering the Part I course and Southwestern offering both the Part I and Part II courses.

Although there are a number of advantages and disadvantages to the concept, there appears to be sufficient interest in the San Diego area to warrant a pilot test and evaluation.

If the Commission concurs, the appropriate action would be a MOTION to approve Golden West's request to continue the feeder system program and allow Southwestern and Grossmont Colleges to pilot test the Basic Course feeder system with a staff evaluation to the Commission after an appropriate period of time.

EXECUTIVE OFFICE

I. Salary Reimbursement Rate Review and Recommendation

As the Commission is aware, the system of adjusting the percentage of salary reimbursement creates the desirable flexibility to balance training volumes and remaining available POST funds. During the year, the fund condition and reimbursement expenditures are regularly monitored and recommendations for possible adjustments to the salary reimbursement rates are made to the Commission when they are indicated.

At its last meeting, the Commission created a two tier salary rate system by increasing the salary rate for qualifying courses other than the Basic Course to 70% and establishing a baseline of 60% salary reimbursement for the 520-hour Basic Course.

An evaluation of the remaining unbudgeted monies and anticipated training demands for the balance of the fiscal year indicate that sufficient funds are available to increase the salary reimbursement rates for the Basic and other salary eligible courses.

If the Commission concurs, it is recommended that the salary reimbursement rate for the Basic Course be increased from 60% to 65% ($634,000) and the rate for other salary reimbursable courses be increased from 70% to 80% ($1.01 million) retroactive to July 1, 1984. The appropriate action would be a MOTION to increase the salary reimbursement for the Basic Course to 65% and other qualifying courses to 80% retroactive to the beginning of this fiscal year. (Roll Call Vote)

J. Recommendation to Authorize a Contract to Develop an RFP for Computer/Video P.C. 832 Training

Commissioners are aware that staff has for some time been considering the potential application of computer/video technology to POST-certified training courses. From our various reviews and studies, one area has emerged as having great potential -- development of a computer assisted instruction, video interactive (CAIVI) Arrest/Firearms (PC 832) Course.

This is a high volume course mandated by law for all peace officers. A CAIVI approach, as described in the report, would significantly improve delivery capability, potentially reduce costs, improve quality, and provide ancillary benefits in several areas including basic course remediation.

The report under this tab proposes a contract not to exceed $20,000 for development of an RFP. This has been reviewed and approved by the Contracts Committee. The RFP would lead to identification of a vendor before the October meeting, at which time vendor selection and software development contract amount could be submitted for Commission approval.

Appropriate action if the Commission concurs would be a MOTION authorizing the Executive Director to negotiate and sign a contract for RFP development in an amount not to exceed $20,000. (Roll Call Vote)

K. Recommendation for Computer System Study

Over the past few years the Commission has been working toward its goal of excellence in information processing. From the hand-kept records system of just a few years ago, training records have now been computerized and an automated reimbursement system developed and made operational using a leased interim computer system. To move toward a more flexible, useable and service oriented data processing system, a $50,000 budget change proposal (BCP) was submitted for Fiscal Year 1985/86 by the Commission to fund a study of POST's current and future inhouse and field computer service needs. This is in the Governor's budget now before the Legislature.

Since the BCP was submitted last September, a professional review of existing computer hardware needs has been completed. The finding: The Commission's leased Four Phase brand hardware is at capacity, cumbersome, inflexible and will not accommodate projected requirements. As was anticipated, this leased system needs to be replaced with more up-to-date equipment when the Four Phase lease expires in July 1986.

Fortunately, the Commission has received support from the Administration which can move POST ahead faster than otherwise anticipated. The Department of Finance has recognized POST's need and agreed to increase the amount of the previously approved BCP from $50,000 to $110,000. This will provide funds to expand the computer study to include not only system design but also the development of equipment needs and requirements.

The Budget Committee has reviewed the increase in the BCP and, having taken note that the increase represents a "not-to-exceed" figure, and in view of the need for development of an excellent specification for hardware consistent with state requirements, has recommended approval of the increased BCP. The Contracts Committee has reviewed the need to move carefully but expeditiously with the Request For Proposal process and recommends that the Commission authorize the development of Requests for Proposal to do the needed computer study. They recommend, further, that the Executive Director be authorized to award contracts for the study upon the return of the RFP's and subject to final review by the Committee on behalf of the Commission.

When the study is completed in September, the Commission will have a carefully designed information system plan along with appropriate

hardware specifications and cost estimates upon which to base a BCP for F.Y. 1986/87 to actually implement the system. If approved, the Commission's goal of excellence and efficiency in information systems begun five years ago will be realized.

The appropriate action, if the Commission concurs, would be a MOTION to approve the recommended BCP increase from $50,000 to $110,000 and to authorize the Executive Director to invite RFP's and to sign appropriate contract documents for this study pursuant to the Conract Committee's review and approval. (Roll Call Vote)

COMMITTEE REPORTS

L. Contracts Committee

At the January meeting, the Commission authorized negotiation of a number of contracts for training and other services. These contracts, along with others as noted, have been reviewed by the Contracts Committee. Commissioner Ussery, Chairman of the Contracts Committee, will report on the Committee's recommendations on the following contracts and contract amendments:

1. An Interagency Agreement with the State Controller for auditing services for F.Y. 1985/86. (Same amount as in 1984/85.) $ 80,000

2. A contract with Cooperative Personnel Services to administer the Basic Course Proficiency Examination for F.Y. 1985/86. CPS has done an adequate job in the past at a lesser cost than could be done by POST staff. (The 1984/85 amount is $29,770.) $ 33,000

3. A contract with the Department of Justice for Update, Printing and Mailing Support for the Attorney General's California Peace Officer's Legal Sourcebook

   The Attorney General was not able to get a BCP processed for F.Y. 1985/86, but plans on submitting one for 1986/87. The Sourcebook is an effective document and POST's support for printing and mailing updates for another year seems warranted. The contract is for printing and mailing services, not to exceed $65,000 for F.Y. 1985/86. $ 65,000

4. A contract with the San Diego Regional Training Center for Executive Leadership Training

   This recommendation comes in two parts:

   Part I is the cost of the Command College and other Executive Development training for 1985/86. Based on the experience gained during the current

and initial year in executive leadership development and including allowances for increases in the volume of training (such as the Office of the Sheriff Series and four full classes of the Command College). The recommended amount for 1985/86 is $351,137. $351,137

Part II is catching up the current year contract annualized costs. Last year we had no actual experience on which to base our estimates. The present contract of $200,057 is recommended to be increased by $77,496 in order to complete the current fiscal year. $ 77,496

5. Management Course Contracts -- Approval of Management Course contracts with five presenters consistent with the chart below is recommended for 1985/86:

Presenter	Presentations	
CSU - Humboldt	5	$ 55,075
CSU - Long Beach	5	57,335
CSU - Northridge	3	35,181
CSU - San Jose	4	44,384
San Diego Regional Trng. Center	5	62,555
Total	22	$254,530

(The amount last year was $237,562.)

6. A contract with California State Polytechnic University, Pomona, for five presentations of the Executive Development Course is recommended for 1985/86. (The amount last year was $56,810.) $ 59,285

7. An Interagency Agreement with the Department of Justice Training Center to provide training in their areas of expertise, including training for the Campaign Against Marijuana Planting (CAMP) is recommended. (The amount last year was $635,946). $687,151

8. Contracts with the State's Teale Data Center are recommended as follows:

(a). Teale Data Center -- Augmenting current contract. The existing 1984/85 contract with the State Teale Data Center is in the amount of $32,000 to provide computer time for the Commission's Standards and Evaluation research activity. Time use requirements have exceeded expectations because of the heavy statistical analysis load associated with the standards issues

on January's agenda and reading and writing testing analyses. Existing contract funds are depleted as a result. It is proposed that the Commission approve an immediate augmentation of $25,000, making the total cost of this contract for this fiscal year $57,000. The increase, if approved, will allow for continuation of statistical evaluations vital to the completion of work in progress and would in addition enable purchase of a personal computer through Teale for use by our research staff as advocated by the Office of Information Technology for future cost savings measures. $ 25,000

(b). Teale Data Center -- This has been an annual Contract. As was conceptually approved at the January meeting, the proposed agreement for 1985/86 is in an amount not to exceed $50,000. This amount is believed necessary to allow continuance of current work and provide for additional time use that will be required to implement the new test item data bank. The cost is projected to be lower than in 1984/85 because of the availability of the personal computer mentioned above. $ 50,000

9. POST has a contract with Four Phase Systems, Inc., for the current fiscal year of $81,167.

A contract with Four Phase Systems, Inc., Computer Service for the lease of the Commission's current hardware for F.Y. 1985/86.

It is recommended that a contract amount not to exceed $83,000 be approved which will include some upgrades (resulting in greater efficiency in programming and data base storage capacity) for the Four Phase Systems for 1985/86. $ 83,000

If the Commission concurs, the appropriate action would be a MOTION to adopt the recommendation of the Contracts Committee, approve the contracts and contract amendments as recommended, and authorize the Executive Director to sign them on behalf of the Commission. (Roll call vote)

M. Long Range Planning Committee

Chairman Vernon will report on the meeting of March 11, 1985.

N. Legislative Committee

Chairman Vernon will report on the meeting of April 25, 1985.

O. Driver Training Committee

Commissioner Ussery, Chairman of the Driver Training Committee, will report on the meeting of March 11, 1985.

P. Advisory Committee

Mike Sadleir, Vice-Chairman of the Advisory Committee will report on the meeting of April 24, 1985

Q. OLD/NEW BUSINESS

R. Report of the Nominating Committee

Commissioner Grande, Chairman of the Nominating Committee will report on the Committee's recommendations for Commission Chairman and Vice-Chairman.

PROPOSED DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

July 25, 1985, Bahia Hotel, San Diego (Joint meeting with Advisory Committee)
October 24, 1985, Bay Area, Hyatt Hotel, Oakland Airport
January 23, 1986, Bahia Hotel, San Diego
April 24, 1986, Sacramento Hilton, Sacramento

ADJOURNMENT

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, *Governor*
JOHN K. VAN DE KAMP, *Attorney General*

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

COMMISSION MEETING MINUTES
January 24, 1985
Hilton Hotel
San Diego, California

The meeting was called to order at 10 a.m. by Chairman Vernon.

Chairman Vernon led the salute to the flag.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated a quorum was present.

Commissioners Present:

Robert L. Vernon	-	Chairman
B. Gale Wilson	-	Vice-Chairman
Glenn E. Dyer	-	Commissioner
Carm J. Grande	-	Commissioner
Cecil Hicks	-	Commissioner
C. Alex Pantaleoni	-	Commissioner
Charles B. Ussery	-	Commissioner
Robert Wasserman	-	Commissioner
Glen Craig	-	Director, Division of Law Enforcement, Department of Justice, Attorney General Representative

Commissioner Absent:

Sherman Block

Also Present:

Joseph McKeown, Chairman of the POST Advisory Committee

Staff Present:

Norman Boehm	-	Executive Director
Glen Fine	-	Deputy Executive Director
Don Beauchamp	-	Assistant to the Executive Director
Dave Allan	-	Bureau Chief, Compliance and Certificates
John Berner	-	Bureau Chief, Standards and Evaluation
Ted Morton	-	Bureau Chief, Center for Executive Development
Otto Saltenberger	-	Bureau Chief, Administrative Services
Harold Snow	-	Bureau Chief, Training Program Services
George Williams	-	Bureau Chief, Information Services
Imogene Kauffman	-	Executive Secretary

Visitors' Roster

Andy Romero	-	Captain, Orange Co. Sheriff's Dept.
Gregg Bresson	-	Kern Co. Sheriff's Dept.
Dannie Harris	-	Kern Co. Sheriff's Dept.

Bob Surridge	-	Lieutenant, Monterey Police Dept.
Gary L. Monaco	-	Riverside Desert (Indio)
Michael Guerin	-	Pasadena Police Dept.
Rick Emerson	-	Pasadena Police Dept.
MG Lou Palumbo	-	Military, State of California
Jerry Sanders	-	San Diego Police Dept.
Al Benner	-	San Francisco Police Dept.
Robert Crumpacker	-	San Bernardino Marshal's Office
Norm Swaton	-	Downey Police Dept.
Corinne Wong Miller	-	County of San Diego
Gail Patrick	-	County of Orange - Personnel
Bob Thorburn	-	San Diego Police Dept.
Joe Molloy	-	Alhambra Police Dept.
D. Boerner	-	County of San Diego
Dick Reed	-	San Diego Sheriff's Dept.
Austin Smith	-	Golden West College
Norm Cleaver	-	Golden West College
Harold Carter	-	El Centro Police Dept.
Don Forkus	-	Brea Police Dept.
Tim Newman	-	Newport Beach Police Dept.
Darla Farber	-	V.P./State Marshals' Association
Richard L. Daniel	-	Desert Judicial District - Riverside Marshal
Bob Mann	-	L. A. County Marshal's Office
Dan Ingle	-	Imperial County Sheriff's Dept.
Ted Whitmer	-	Imperial County Sheriff's Dept.
Holly Murlin	-	San Diego Marshals' Association
Les Conner	-	San Diego County Marshal's Office
Bill Martin	-	Downey Police Dept.
Mel Nichols	-	San Diego Sheriff's Dept.
Jennifer French	-	San Bernardino County - Personnel Dept.
R. C. Randolph	-	San Bernardino County Marshal
William Shinn	-	Lt., Contra Costa Sheriff's Dept.
Jim Burgess	-	S.C.R.T.D. Police
L. W. Landrum	-	San Diego Sheriff's Dept.
Paula Robinson	-	San Diego County Marshal's Office
Jeannette Lapota	-	City of San Diego - Personnel Dept.
Beverly Ross	-	City of San Diego - Personnel Dept.
David Dotson	-	Los Angeles Police Dept.
Sidona Daily	-	Santa Clara County
Jim Townsend	-	El Centro Police Dept.
Dave Shilk	-	City of El Centro
G. Wiley	-	Sergeant, Redondo Beach Police Dept.
Bob Crawford	-	Oakland Police Dept.
Shelby Worley	-	Captain, Riverside Sheriff's Dept.
Ben Clark	-	Sheriff, Riverside County
Bill O'Connor	-	STC Sacramento
Nancy Bohaty	-	State Personnel Board
Bill Oliver	-	CHP Headquarters - Sacramento
Mike Sadleir	-	CAUSE
Johnny Boulden	-	San Diego District Attorney's Office
Seth F. Easley	-	State District Attorney's Association
Ray Dorsey	-	San Bernardino Sheriff's Dept.
Jim Ferronato	-	Captain, San Bernardino Sheriff's Dept.
Roger Mayberry	-	L. A. County Marshal
Hershel Aron	-	President, California District Attorney Investigators' Association

Jurutha Brown	-	City of Los Angeles, Police/Fire Selection Div.
Michael Michell	-	University of Calif. - Irvine, Police Dept.
Jim Middleton	-	Orange County Sheriff's Dept.
David Lein	-	Orange County Sheriff's Dept.
Dan Martini	-	Orange County Sheriff's Dept.
Ron Lowenberg	-	Cypress Police Department
Mike Sgobba	-	San Diego County Marshal
Jack White	-	District Attorney Investigator, L.A. County
Bud Hanks	-	Riverside Marshal's Office

SPECIAL ACKNOWLEDGEMENTS

Chairman Vernon presented plaques to former Commissioners Jay Rodriguez and Robert A. Edmonds for their service on the Commission. Jay Rodriguez served from May 1979 to October 1984 and was Chairman from April 1984 until October 1984. Robert Edmonds served from May 1979 until September 1984 and was Chairman from April 1983 until April 1984.

A. APPROVAL OF MINUTES

MOTION - Wasserman, second - Dyer, carried unanimously for approval of the minutes of the October 18, 1984, Commission meeting at the Holiday Inn-Holidome, in Sacramento.

B. MG LOU PALUMBO, CALIFORNIA NATIONAL GUARD, RE: NATIONAL GUARD PEACE OFFICER STATUS

General Palumbo requested the Commission's position on the National Guard seeking legislation to relinquish PC 830.2 peace officer powers.

MOTION - Hicks, second - Wasserman, carried unanimously to approve in principle the proposal that the National Guard seek legislation to relinquish P.C. 830.2 peace officer powers.

C. CONSENT CALENDAR

MOTION - Pantaleoni, second - Wilson, carried unanimously for approval of the following Consent Calendar:

C.1. Receiving Course Certification Report

Since the October meeting, there were 23 new certifications and 5 decertifications.

C.2. Receiving Information on New Entries Into POST Reimbursement Program

It was reported that the following agencies had met the requirements and had been accepted into the POST Reimbursement Program:

- San Diego City School District
- Fort Jones Police Department

C.3. Receiving Information on New Entries Into POST Specialized Program

It was reported that the San Bernardino County District Attorney, Child Support Division, had met the requirements and had been accepted into the POST Specialized Program.

C.4. Affirming Commission Policies Set by Actions at October 1984 Commission Meeting

The following policy statement was submitted for approval as adopted by the Commission at its regular meeting on October 18, 1984:

Law Enforcement Training Media Productions - POST's Role

POST's role in law enforcement training media production shall be governed by the following guidelines:

1. Coordinate identification of needed subjects for production.

2. Act as a catalyst to bring media producers and subject-matter experts together in the developmental stages so that productions may have benefit of the widest possible appropriate input, and be technically sound and correct in every regard.

3. Assist in the "signal calling" role to coordinate which producers will produce which subjects, with a purpose of avoiding costly duplication.

4. Develop guidelines for production quality with the producers.

5. Provide a process whereby the fact that a video production has been developed under the guidelines of the POST Training Media Producers Committee appears on the videotapes.

6. Act as a clearinghouse for the distribution of information on media through advertising the availability of training media.

7. Encourage reproduction of certain selected media to make them more accessible to regional repositories and trainers generally.

8. Avoid direct participation in production costs; however, in the event of a critical statewide need that cannot be met otherwise, assist in the funding of production to meet that critical need. (The Executive Director has authority to sign contracts up to $10,000 for training efforts, which could include media productions. Any amounts above that would need to be approved by the Commission.)

C.5. Receiving Financial Report - Second Quarter FY 1984/85

This report provided financial information relative to the local assistance budget through December 31, 1984. The report was given and accepted and is on file at POST headquarters.

PUBLIC HEARINGS

D. RECEIVING TESTIMONY ON INCREASING AND MODIFYING ADVANCED OFFICER TRAINING REQUIREMENT

The purpose of this public hearing was to receive testimony on proposed changes in the Advanced Officer training requirement. The Public Hearing was held in compliance with the requirements set forth in the Administrative Procedures Act to provide public input on the proposed changes to the Regulations.

A report was presented which included a summarization of written testimony received from the following:

Gary L. Wiley, President of California Association of Police Training Officers, indicated that while the proposal may create some deployment or financial concerns, CAPTO is in overall support of the proposal as it will enhance law enforcement and professionalism.

J. E. Smith, Commissioner, Department of California Highway Patrol, expressed serious reservations concerning the implementation of the 24-hour in two-year module training concept. He indicated that the proposed standard would place an ineffectual and unnecessary burden on his department due to the size of the department and the vast geographical differences between area offices. He requested approval of the department's current program of 40 hours of POST-certified training every three years as an alternative method of compliance.

James G. Marshall, City Manager of Ceres, indicated that both he and Chief of Police Peterson support the proposed changes.

Len Delaney, President of Peace Officers Research Association of California, indicated that PORAC entirely supports an increase in the advanced officer training requirement. He also stated that "An increase to 24 hours every two years seems a modest advance after all these years."

Bernard J. Remas, Chief of Police of Riverbank, stated, "...the proposal to extend the advanced officer requirement to include first-line supervision has exceptional merit. Too often we fail to include that level of supervision in remedial training."

Oral testimony was received from the following:

David D. Dotson, Deputy Chief of Personnel, Los Angeles Police Department, stated they were not in opposition, but they would have difficulty in complying due to the significant increase in field officer time devoted to training which impacts on ability to provide police service. They submitted that it would be helpful if the training could be presented in smaller or shorter increments.

Ron Lowenberg, Chief of Police of Cypress and Chairman of the California Police Chiefs' Training Committee, stated the Association's support and added this additional training requirement was well overdue.

Gary Wiley, Personnel and Training, Redondo Beach Police Department and President of California Association of Police Training Officers (C.A.P.T.O.), stated that C.A.P.T.O. supports the requirement. A study shows that most agencies are in compliance at this time.

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

> MOTION - Dyer, second - Pantaleoni, motion passed for approval of certain specified regulation changes.
>
> The following regulation changes are to be effective July 1, 1985:
>
> 1. Permit an accumulation of certified short-term technical courses of six hours or more to satisfy the requirement.
>
> 2. Change the maximum time period for completing presentations of the Advanced Officer Course from 90 days to 180 days.
>
> 3. Retitle the Advanced Officer requirement to "Continuing Professional Training".
>
> 4. Add "Civil Liability-Causing Subjects" to the list of recommended topics for the Advanced Officer courses.
>
> The following measures are to be effective July 1, 1986:
>
> 5. Change the Continuing Professional Training requirement to 24 hours every two years.
>
> 6. Extend the Continuing Professional Training requirement to first-line supervisors.
>
> 7. Allow supervisors to satisfy the Continuing Professional Training requirement by completing supervisory or management training courses, in addition to Advanced Officer courses and technical courses.
>
> 8. Change the minimum hours for Advanced Officer Course presentations from 20 to 24 hours.
>
> 9. Require testing of students in all Advanced Officer Courses.
>
> Further, to approve the request of the CHP for approval of the department's current program of 40 hours of POST-certified training every 3 years as an alternative method of compliance.

As requested during the period of oral testimony portion of the hearing and the discussion that followed, the Executive Director stated that staff will be instructed to begin a study of having an alternative to comply with the minimum training hours requirement by allowing time blocks of a lesser time if validated by testing that was satisfactory to POST. Further, this study will also seek to assess the effectiveness of short blocks of instruction.

E. RECEIVING TESTIMONY ON THE ESTABLISHMENT OF ENTRY-LEVEL PHYSICAL ABILITY AND EMOTIONAL STABILITY (PSYCHOLOGICAL SUITABILITY STANDARDS)

Before the Commission was a public hearing on setting standards in two areas. For continuity and clarity, the public hearing was in two parts. Part one considered all testimony on physical ability, and part two considered factors of emotional stability.

The Executive Director stated that the Public Hearing was held in compliance with the requirements set fort in the Administrative Procedures Act to provide public input on the proposed additions and amendments to the Regulations and Procedures.

Part I - Physical Ability

The proposed physical ability standard would mandate a 48-hour POST-developed conditioning program as part of the regular POST Basic Course and would require that as a condition for graduation a passing score be achieved on a POST-developed physical ability test at the conclusion of the conditioning program. The minimum passing score on the POST-developed test would be established by POST.

The public hearing was opened and a summary of written testimony that had been received on the proposal to adopt entry-level physical ability standards was presented:

James G. Marshall, City Manager of City of Ceres, indicated that both he and Chief of Police Peterson support the proposed changes.

Roger E. Hagen, Chief, Division of Registration and Investigation Services, Department of Motor Vehicles, indicated the Department's support of the proposed standards, and he expressed two areas of concern. He stated that the pre-employment physical examination required by the State Personnel Board does not include medical tests specifically designed to determine an appointee's probable ability to withstand a rigorous physical fitness determination program. The department is also concerned that there may be a question of civil liability if an employee should suffer an injury or medical complication when the state neglected to administer a pre-employment examination which could detect high-risk candidates. The department recommended that prospective state peace officer appointees, who would be subject to specialized basic training requirements, be administered the pre-employment examination which would determine high-risk candidates.

Garth R. Tanner, Chief Deputy Director for Operations, Department of Parks and Recreation, indicated the Department's support of the establishment of physical fitness standards for peace officer candidates in the Basic Course. However, he requests two standards, one for new hires and another standard for mid-level management.

R. Mann, Assistant Marshal, Los Angeles County, opposed the proposal to make the POST-developed physical conditioning program a part of the regular Basic Course. He stated that the Rio Hondo Academy has an excellent physical training program which presently prepares cadets to meet academy physical training standards which exceed those for adoption by the Commission.

Roger D. Mayberry, President of the Marshals' Association of California, opposed the proposal to make the POST-developed physical conditioning program a part of the regular Basic Course. He wrote that police academies throughout the State have physical training programs which presently prepare the cadets to meet academy physical training standards which exceed those recommended for adoption by the Commission.

Len Delaney, President of Peace Officers' Research Association of California, stated "We applaud the staff recommendation to establish physical ability and emotional stability standards."

Bernard J. Remas, Chief of Police of Riverbank, stated that the physical requirements have long been recognized as a needed criteria for preparing candidates for police work.

Oral testimony was received from the following:

Joseph Malloy from Alhambra Police Department, representing the Chairman of the Police Advisory Committee of Rio Hondo College, stated that in and of itself the proposal was acceptable; however, they were in opposition to the overall administration of the program. There should not be a mandate of Performance Objectives. They serve only as a guideline, and the prescribed method of administration should be left to the academy. They would be opposed to any position that would mandate how an academy should achieve the objectives.

Ron Lowenberg, Chief of Police of Cypress Police Department, representing the California Chiefs' of Police Association, expressed their support of the proposal but stated there was some concern on how the program is to be administered. Minimum standards should be emphasized and a non-competitive atmosphere should be encouraged.

W. F. Oliver, Chief, Personnel and Training Division, California Highway Patrol, testified the CHP was in support of the proposal both as a screening device and for an ongoing future program, but would request that a caveat be included that the examination be passed 60 days prior to hire or comply on the condition that they pass the academy. (It was explained that the examination is medical in nature and does not apply to the physical ability testing, whereupon Oliver stated, "Then we have no problem.")

The hearing was closed. Discussion followed of the points presented in the testimony; the following action was taken:

> MOTION - Wasserman, second - Dyer, motion carried (Pantaleoni abstaining) for approval of the following Procedure amendment, to become effective on July 1, 1985:
>
> Amend Commission Procedure D-1 to: (a) require that the POST-developed physical conditioning program be incorporated into Functional Area 12.0 (Physical Fitness and Defense Techniques) of the Basic Course Curriculum; (b) require that students pass a POST-developed physical abilities test or, pursuant to guidelines, an alternative job-related physical abilities test approved by POST at the conclusion of the conditioning program

as a condition for graduation from basic training; and (c) increase the number of hours for Basic Course Functional Area 12.0 from 40 hours to 85 hours and the examination portion from 20 hours to 23 hours to accommodate the POST-developed physical conditioning program.

Part II - Emotional Stability (Psychological Suitability) Standard

The proposed psychological suitability standard is largely a procedural requirement. The basic elements of the requirement are that at least two objectively scored psychological tests be used as part of the assessment process, that the test results be interpreted by a qualified professional, and that there be a clinical interview in those instances when the candidate is being considered for disqualification, or when the candidate's test data are inconclusive. As proposed, a qualified professional is defined as an individual who meets the qualification requirements as specified in Government Code Section 1031(f).

The public hearing was opened and a summary of written testimony that had been received on the proposal to adopt a psychological suitability standard was read:

James G. Marshall, City Manager of Ceres, indicated that both he and Chief of Police Peterson support the proposed changes.

Len Delaney, President of Peace Officers' Research Association of California, stated, " We applaud the staff recommendation to establish physical ability and emotional stability standards. We suggest these standards be adopted, and in fact would require the emotional stability test for lateral entrants as well as new hires."

Bernard J. Remas, Chief of Police of Riverbank, stated that "... the aspect of adding a psychological testing procedure is the most significant proposal to be considered. The implementation of this proposal would truly enhance professional law enforcement in California, and be a benchmark for the rest of the Nation's public service agencies."

Roger Hagen, Chief of Investigation Services, Department of Motor Vehicles, stated his support of the proposed emotional suitability standards.

John J. Driscoll, General Manager, City of Los Angeles Personnel Department, stated the City of Los Angeles Personnel Department believes that the Commission's adoption of the staff proposals as currently stated will serve to enhance the quality of law enforcement in the State, but would oppose any future recommendations to require specific tests and cutoffs without additional research.

The Chair called for testimony on the Emotional Stability portion of the Public Hearing, and the following oral testimony was received:

Michael P. Michell, Chief of Police of University of California Police Department at Irvine, stated opposition to the waiver of the psychological suitability requirement for lateral entrants with 60 days or less break in service and recommended that all lateral entrants be tested.

Nancy Bohaty, representative of the California State Personnel Board, stated that the Personnel Board is supportive of the concept of job related psychological screening; however, the SPB has concerns about the proposed process as it relates to employee selection for state peace officer classifications. Based on these concerns, SPB must oppose the proposal as currently written for application at the state level.

W. F. Oliver, Chief, Personnel and Training Division, California Highway Patrol, stated the California Highway Patrol fully supports the POST Emotional Stability Standards Research and Psychological Screening Program for State Traffic Officer Cadet applicants. Moreover, the CHP's program is being specifically designed to comply with the standards proposed by POST. They would recommend, however, that Procedure 2-2 be changed to read, "examinations shall be conducted within 180 days before hire", instead of 60 as proposed.

Ron Lowenberg, Chief of Police of Cypress and Chairman of the California Chiefs' Training Committee, stated that California Chiefs were in support of the Psychological Suitability standard being proposed.

Don Forkus, Chief of Police of Brea, voiced support of the psychological standard, but had observed there was no reference to a "minimum" standard. He would also like to recommend that Procedure 2-8 be changed to read, "All final recommendations (instead of decisions) to disqualify candidates...". Another recommendation would be that Level III Reserves be omitted from this standard requirement.

Allen Benner, San Francisco Police Department and Chairman of the Psychological Services Committee of the California Peace Officers' Association, stated, in part, they had found the Psychological Suitability Study and the Psychological Screening Manual to be outstanding pieces of work. Further, agencies would be ill advised not to use psychological screening as they are looking at possible vicarious liability. One thing that will be needed is legislation that protects the confidentiality of the data generated by this process.

Dick Reed, Captain, San Diego Sheriff's Department, voiced their provisional support but stated there were concerns about its application to reserves. They would like language clarification with respect to Level III reserves in particular. Would also request some reference be made to a grandfather clause and the Commission's intention with regard to these reserves. There is also the issue of who is going to pay for this requirement. This regulation is brought to law enforcement at an awkward time in the budget cycle and would like to request delaying implementation until July 1, 1986.

The hearing was closed. Discussion followed of the points presented in the testimony, and the following action was taken:

> MOTION - Wasserman, second - Wilson, carried unanimously for approval of the following Regulation and Procedure amendments, to become effective July 1, 1985:

Amend Regulation 1002(a) and Commission Procedure H-2 to reflect the proposed examination title language for testing psychological suitability, consistent with proposed changes to Commission Procedure C-2.

Amend Commission Procedure C-2 to require that candidates be screened for psychological suitability and to require that the screening be conducted in the manner prescribed by POST.

Further, adoption of the following modifications in the adopted Procedure changes are approved:

1. Procedure 2-2 be changed to read, "examinations shall be conducted as specified in Government CodeSection 1031(f) within 270 (from 60) days before hire."

2. Procedure 2-8 be changed to read, "All final recommendations (from decisions) to disqualify candidates....".

3. Level III reserves shall be motted from this standard.

F. RECEIVING TESTIMONY ON THE PROPOSAL TO INCREASE THE LENGTH OF THE BASIC COURSE FROM 400 TO 520 HOURS

The purpose of this Public Hearing was to consider proposed changes in POST Commission Procedures which would increase the minimum length of the Basic Course from 400 to 520 hours. In addition, the Commission was to consider increasing the minimum length of basic training requirements for deputy marshals and district attorney investigators to 446 hours and 422 hours respectively. The proposed hourly changes would become effective July 1, 1985.

The Executive Director stated that the Public Hearing was held in compliance with the requirements set forth in the Administrative Procedures Act to Provide public input on the proposed Procedure changes.

The public hearing was opened, and a summary of written testimony that had been received on the proposal to increase the Basic Course was read.

Hershel Aron, President of California District Attorney Investigators' Association, indicated that the Association supports the proposed increase in the Basic Course from 400 to 520 hours, and the additional 48 hours of instruction in physical fitness and defense techniques. However, he stated that POST should mandate for district attorney investigators the same training that is required for police and sheriff officers, as the duties of district attorney investigators are in line with those of police or sheriff detectives.

James G. Marshall, City Manager of Ceres, indicated that both he and Chief of Police Peterson support the proposed changes.

Len Delaney, President of Peace Officers' Research Association of California, indicated that PORAC supports the increase in the Basic Course, but believes that limited function peace officers should also be required to attend the basic academy, instead of P.C. 832 training.

Bernard J. Remas, Chief of Police of Riverbank, stated that the proposal should have been approved years ago and should have a significant impact on achieving the goal of professional law enforcement in California.

Oral testimony from the audience was received as follows:

R. C. Randolph, Marshal, San Bernardino County and representing the California Marshals' Association, stated that the Association was not in opposition to the proposed increase in the length of the Basic Course; however, they are asking that the Basic Course be the mandated training standard for Marshals and that they receive regular certificates. The Marshals serve as first-line officers in emergencies, and there is danger of vicarious liability if they don't do the job right. Marshals also make arrests under warrants or when seizing property and issue citations, and are therefore asking for full basic academy training. They propose striking Commission Procedure D-1-4, District Attorney Investigators Basic Course Content and Minimum Hours, and D-1-5, Marshals Basic Course Content and Minimum Hours.

Hershel Aron, President of the California District Attorney Investigators' Association, stated that they are opposed to the present standard of training and are also opposed to the proposed standard. They believe that since they are listed in the Penal Code with the same powers of police and deputies that they should be trained at the same level. During emergencies, District Attorney Investigators also serve as first-line officers. At the present time, there are no District Attorney Investigators Basic Courses and they must go to the Basic Course for training, and the Basic Course should be the training standard.

Jack B. White, Chief District Attorney Investigator, L. A. County District Attorney Investigators Office, commended the Commission for recommending this increase, but feels that their duties put them in the same area as police officers and deputies. They need to have the same expertise and ways to judge and need the same training standard.

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

> MOTION - Pantaleoni, second - Hicks, motion failed, (2 ayes, 6 noes) to increase the minimum length of the Basic Course to 520 hours for all law enforcement personnel.
>
> MOTION - Wasserman, second - Dyer, motion carried for adoption of the recommendation in the Agenda report, as follows (6 ayes, 2 noes):
>
> 1. Increase the minimum length of the Basic Course to 520 hours. (Effective July 1, 1985)

2. Increase the minimum basic training requirement for district attorney investigators to 422 hours. (Effective July 1, 1985)

3. Increase minimum basic training requirement for deputy marshals to 446 hours. (Effective July 1, 1985)

Chairman Vernon directed staff to commence a study on the job function of District Attorney Investigators and Marshals in the State of California. The Commission's Long Range Planning Committee will also study this issue and bring the findings back to the Commission.

TRAINING PROGRAMS

G. GUIDELINES FOR THREE-YEAR-BREAK-IN-SERVICE TESTING/RETRAINING REQUIREMENT

At the October 1984 meeting, the Commission, after a public hearing, amended POST Regulation 1008 by extending the three-year-break-in-service testing and retraining requirement to individuals who have previously received a POST Basic Certificate. The Commission also amended Regulation 1008(b) by providing for a waiver of such requirement pursuant to guidelines established by the Commission. Guidelines were developed for consideration.

MOTION - Ussery, second - Wilson, carried unanimously that the Executive Director may authorize the waiver of the testing retraining requirement under Commission Regulation 1008 for the following individual who holds a POST Basic Certificate;

1. Re-entering into middle management or executive ranks and who will function at least at the second level of supervision, or

2. Has been continuously (no more than 60 days break between employers) employed in another state as a full-time peace officer, or

3. Has served continuously (no more than 60 days break between employers) as a Level I or Level II reserve officer and the department head attests in writing that the reserve officer is currently proficient, or

4. Others whose employment, training, and education during the break in service provides assurance that the individual is currently proficient.

COMPLIANCE AND CERTIFICATES

H. SELECTION AND TRAINING REQUIREMENTS FOR "LIMITED FUNCTION" PEACE OFFICERS

Penal Code Section 832.3 specifies that police officers and deputy sheriffs hired for the purpose of general law enforcement must, in order to exercise peace officers powers, complete POST's prescribed training course

(Basic Course). A few years ago some sheriffs' departments discovered that by hiring deputies for "other" than the purpose of general law enforcement, they need not send those deputies to the Basic Course and they could use them for those limited purposes.

At the October 1984 Commission meeting, the Commission held a public hearing with the idea of setting the PC 832 course as the training standard for these officers, supplemented by whatever additional training individual assignments may require. Following the hearing, the issue was referred to the Commission's Long Range Planning Committee for furhter consideration. The Committee questioned some of the long-range implications of a separate class police officer/deputy sheriff, and recommended that the Commission consider requiring the Basic Course for all deputy sheriffs and police officers, regardless of how they are assigned.

> MOTION - Wasserman, second - Grande, carried unanimously to adopt the recommendation of the Commission's Long Range Planning Committee that this issue be scheduled for public hearing at the April 1985 Commission meeting with the idea of requiring the Basic Course as the training standards for deputy sheriffs and police officers regardless of assignment.

I. HEARING AND VISION SCREENING GUIDELINES

Research conducted by POST to attempt to establish job-related hearing and vision standards resulted in the recommendation to the Commission at the October 1984 meeting that POST adopt hearing and vision screening guidelines as opposed to standards.

The proposed vision guidelines address recommended testing procedures and screening criteria for visual acuity, color vision, and visual fields (peripheral vision). The proposed hearing guidelines contain recommendations regarding pure tone audiometric testing and the advisability of permitting the use of hearing aids. Use of the guidelines would be voluntary.

> MOTION - Wilson, second - Ussery, carried unanimously to approve for distribution the proposed guidelines for hearing and vision screening.

J. REVIEW OF SALARY REIMBURSEMENT RATE

It was reported that training volume and available financial resources in this year's budget would permit the Commission to increase the amount of money going to local law enforcement in support of standards and training activities.

> MOTION - Wilson, second - Ussery, motion carried by roll-call vote (Noes: Hicks and Pantaleoni) to:
>
> 1. Increase maximum reimbursement for the Basic Course from 400 hours up to 520 hours, retroactive to July 1, 1984.
>
> 2. Increase maximum reimbursement for the Marshal's Basic Course from 374 up to 446 hours, retroactive to July 1, 1984.

3. Increase maximum reimbursement for the District Attorney Investigator's Basic Course from 350 up to 422 hours, retroactive to July 1, 1984.

4. Establish the current 60 percent salary reimbursement rate as the baseline for the Basic Course for this fiscal year.

5. Increase the salary reimbursement rate for courses other than the basic courses to 70 percent, retroactive to July 1, 1984.

K. CONTRACT FOR FIELD TRAINING STUDY

POST has maintained a longstanding interest in developing proficient field training programs. It was proposed that POST enter into a contract with a city or county to be named at a cost not to exceed $40,000 for six months of full-time services of an officer to research POST's services concerning field training programs for law enforcement.

MOTION - Grande, second - Craig, carried unanimously by roll-call vote to approve a contract with a city or county to be named for six months of full-time personal services of an officer at a cost not to exceed $40,000 for salary, fringe benefits, and long-term per diem while working for POST.

L. CONTRACT WITH CAPITOL COMPUTER CENTER

POST has a contract with Capitol Computer Center in the amount of $14,900 to provide computer processing time for the conversion of POST's research files to the Teale Data Center. Data conversion activities are now near completion, and it has become evident that the contract amount must be augmented by $1,600 in order to complete the conversion.

MOTION - Dyer, second - Grande, carried unanimously by roll-call vote to authorize the Executive Director to sign a contract augmentation amendment with Capitol Computer Center in the amount of $1,600.

M. ADVISORY COMMITTEE

Commissioner Pantaleoni made the report on behalf of Joe McKeown and stated that the Advisory Committee had met on January 23, 1985. The meeting time was mostly spent with a report by Chief Ray Davis on civilianization. There was a great deal of discussion after which the Advisory Committee reaffirmed their position that was brought to the Commission at their last meeting regarding the prioritized need for an early comprehensive review of the use of civilians in law enforcement. Also, the Advisory Committee requested that they be utilized to assist with any study that may be instituted.

N. LEGISLATIVE REVIEW COMMITTEE

Committee did not meet as there was no legislation to date affecting POST.

O. AD HOC COMMITTEE ON CORRECTIONS TRAINING

Commissioner Dyer, Chairman of the Ad Hoc Committee on Corrections Training, reported that the Committee had met on December 3, 1984, to discuss resolving problems created for local law enforcement by two agencies setting standards for selection and training for the same people. There was consensus that the following recommendations be presented to the Commission:

1. STC will work to recognize POST selection standards as meeting all of their requirements for selection. This will mean that sheriff's departments will have only one selection standard to deal with in hiring deputies.

2. STC will assume funding for all correctional training. This may include STC considering adoption of a reimbursement methodology similar to that of the Commission, or some other strategy which will facilitate STC funding all correctional training.

3. POST will consider recognizing selected STC training as meeting POST's requirements for Advanced Officer Training.

4. STC training which is done for officers in the POST program will be recorded by POST on that officer's training record so that all training by any individual would be kept on that record.

> MOTION - Dyer, second - Wasserman, carried unanimously to accept the report. Further, to instruct staff to begin studying the feasibility of the Commission's accepting Advanced Officer Training requirements of STC as meeting POST's Advanced Officer requirements, and to review alternative policies in maintaining training records, and report back to the Commission at the April meeting.

P. CONTRACTS COMMITTEE

At each January meeting, the Commission receives a report on major training and administrative contracts planned for the upcoming fiscal year. Proposed contracts to be negotiated for Fiscal Year 1985/86 were presented as follows:

1. Management Course

   This course is currently budgeted at $237,562 for 22 presentations by five presenters:

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

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

California Highway Patrol
State Department of Parks and Recreation

Course costs are consistent with guidelines, and performance by all five presenters has been satisfactory.

2. Executive Development Course

This course is currently presented by California State Polytechnic University, Pomona, at a cost of $56,810 for five presentations. Course costs are consistent with POST guidelines, and performance of the presenter has been satisfactory.

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

POST staff, with the assistance of services provided by a contract with the San Diego Regional Traiing Center, for F.Y. 1984/85, at a cost of $200,057, has developed the Command College curriculum and selection process and presented monthly executive/management seminars.

4. Department of Justice - Training Center

An Interagency Agreement (IAA) is proposed with DOJ to continue providing local law enforcement training for F.Y. 1985/86. The request is to present 28 different technical courses, providing 160 separate presentations, for a total cost not to exceed $688,000.

5. Cooperative Personnel Services - Basic Course Proficiency Test

Cooperative Personnel Services (CPS), a unit of the State personnel Board, has administered this test for POST under Interagency Agreement for the past four years. CPS has demonstrated the ability to effectively administer this test at a cost which is lower than if POST staff actually administered and proctored the examination.

6. Computer Services Contract

POST has a contract with Four Phase Systems, Inc., for the current fiscal year of $81,167. The contract is a three-year commitment that began in F.Y. 1983/84.

The upgrade of POST's computer system has been analyzed and the need for greater efficiency in programming and data base storage would be achieved by special software to access data files. This system would cost approximately $1,600 per year. The addition would bring the total Four Phase Systems contract to approximately $83,000.

POST has an Interagency Agreement with the Teale Data Center (a state agency) for this current year of $32,000. The contract provides computer "tie in" of POST's system with the Teale Data Center. This allows POST staff to utilize the Center's main frame capabilities to process complex data processing needs that cannot be processed by the

Four Phase Systems equipment. An additional $18,000 will be needed in FY 1985/86 to include the costs of the proposed test item bank system. The continuation of this agreement in the amount of approximately $50,000 is anticipated.

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

Each year the Commission has negotiated an Interagency Agreement with the State Controller's Office to conduct audits of selected local jurisdictions which receive POST reimbursement funds. The Commission approved an agreement not to exceed $80,000 for the current fiscal year.

MOTION - Ussery, second - Craig, carried unanimously to authorize the Executive Director to negotiate the seven contracts identified and report back through the Budget Committee at the April meeting.

Q. LONG-RANGE PLANNING COMMITTEE

Chairman Vernon, Chairman of the Long Range Planning Committee, reported that the Committee had met on January 7 and discussed a number of issues that had been discussed previously on the agenda. In addition, a document was discussed which contained over 40 issues that the Commission is interested in addressing. They were asked to prioritize the top 10-15 issues, and return them to the Chairman.

R. ORGANIZATIONAL AND PERSONNEL POLICIES COMMITTEE

The Organizational and Personnel Policies Committee reviewed certain written policies of the Commission which possibly needed to be adjusted and updated.

MOTION - Wasserman, second - Hicks, carried unanimously to accept the report, and incorporate the suggested changes in the Commission Policy Manual.

S. CORRESPONDENCE

- Correspondence received from Chief Leslie Sourisseau, President of the California Police Chiefs' Association, requesting reconsideration by the Commission to allow sergeants with significant command responsibility to attend the Command College.

- Correspondence received from Salvatore V. Rosano, President of the California Peace Officers' Association, requesting that the Commission reconsider the decision which excludes sergeants from attending the Command College.

Chairman Vernon appointed an Ad Hoc Committee to meet with Chief Sourisseau, President of the California Police Chiefs' Association, and Chief Rosano, President of the California Peace Officers' Association, to discuss the correspondence to the Commission regarding the Commission's policy to exclude sergeants from the Command College. The Committee is to be chaired by Commissioner Wasserman, and Commissioners Wilson and Van de Kamp (represented by Glen Craig) will serve as members.

NEW BUSINESS

Chairman Vernon appointed an Ad Hoc Committee to study the driver training issues. The Committee is to be chaired by Commissioner Ussery with Commissioners Dyer and Hicks serving as members.

Chairman Vernon also appointed a Nominating Committee to be chaired by Commissioner Grande with Commissioners Dyer and Hicks serving as members.

PROPOSED DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

April 25, 1985, Beverly Garland Hotel, Sacramento
July 25, 1985, Bahia Hotel, San Diego
October 24, 1985, Bay Area, Hyatt Hotel, Oakland Airport
January 23, 1986, Bahia Hotel, San Diego

Imogene Kauffman
Executive Secretary

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Course Certification/Decertification Report		Meeting Date April 25, 1985
Bureau Training Delivery Services	Reviewed By Darrell L. Stewart, Chief	Researched By Rachel S. Fuentes
Executive Director Approval Norman C. Boehm	Date of Approval April 3, 1985	Date of Report April 1, 1985

Purpose:
☐ Decision Requested ☒ Information Only ☐ Status Report

Financial Impact ☐ Yes (See Analysis per details) ☐ No

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

The following courses have been certified or decertified since the January 24, 1985 Commission meeting:

CERTIFIED

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
1.	Staff Officer Executive Seminar	Los Angeles County Sheriff's Dept.	N/A	IV	$ 2,950
2.	Reserve Training, Module C	San Joaquin Delta College	Approved	N/A	-0-
3.	Crime Scene Investigation	Allan Hancock College	Technical	IV	3,000
4.	Laser Firearms Training	NCCJTES, Butte Center	Technical	IV	8,880
5.	Firearms Inst.- Survival Shooting	NCCJTES, Santa Rosa Center	Technical	IV	7,574
6.	Background Inv. Course	Santa Clara Valley RCJTC	Technical	II	39,660
7.	Field Evidence Technician	Modesto CJTC	Technical	II	18,244
8.	Spec. Basic Inv. Course	Golden West College RCJTC	Spec. Basic Inv.	II	-0-
9.	Traffic Accident Investigation	Allan Hancock College	Technical	II	19,640
10.	Report Writing Update	Allan Hancock College	Technical	IV	2,240
11.	Firearms Instructors	Southwestern Col./ S.D. Sheriff's Dept.	Technical	IV	8,056

CERTIFIED - Continued

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
12.	Field Training Officer	Kern Co. Peace Officer Trng Acad.	Technical	II	5,940.80
13.	Driver Training	Stanislaus Co. Sheriff's Dept.	Technical	IV	4,848
14.	Interrogation Techniques	NCCJTES, Santa Rosa Center	Technical	IV	3,787
15.	Civil Procedure	NCCJTES, Los Medanos College	Technical	II	47,872
16.	CAMP Safety Course	DOJ Training Center	Technical	IV	72,000
17.	CAMP Supervision & Field Operations	DOJ Training Center	Technical	IV	25,920

DECERTIFIED

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
1.	Blood Stain Evidence	San Francisco Police Department	Technical	IV	-0-
2.	Firearms Instructors	San Diego Co Reg Law Enfor Trng Ctr	Technical	IV	-0-

TOTAL CERTIFIED 17

TOTAL DECERTIFIED 02

TOTAL MODIFICATIONS 62

709 courses certified as of 4/01/85
150 presenters certified as of 4/01/85

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
California Department of Developmental Services		January 26, 1984
Bureau Compliance and Certificate Services	Reviewed By Brooks Wilson	Researched By George Fox
Executive Director Approval Norman C. Boehm	Date of Approval 12-16-83	Date of Report December 5, 1983

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

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

ISSUE

The California Department of Developmental Services Investigations Unit has requested entry into the POST Specialized Program.

BACKGROUND

The agency employs ten sworn investigators throughout the state. Most work is performed at the department's several hospitals.

ANALYSIS

The department has submitted the necessary Letter of Intent agreeing to meet POST standards.

RECOMMENDATION

That the Commission be advised that the California Department of Developmental Services Investigations Unit has been admitted into the POST Specialized Program, consistent with Commission policy.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Affirmation of Commission Policy Statement		Meeting Date April 25, 1985
Bureau Information Services	Reviewed By 2-20-85	Researched By Georgia Pinola
Executive Director Approval	Date of Approval	Date of Report February 20, 1985

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

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

ISSUE

A policy statement is being submitted for approval as adopted by the Commission at its regular meeting on January 24, 1985.

BACKGROUND

The Commission has directed staff to submit policy matters for affirmation by the Commission prior to inclusion in the Commission Policy Manual. The policy statement below is, therefore, being submitted for affirmation.

RECOMMENDATION

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

GUIDELINES FOR WAIVER OF TESTING/RETRAINING REQUIREMENT

The Executive Director may waive the testing/retraining requirement under Commission Regulation 1008 for an individual who is returning to law enforcement employment after a three-year or longer break in service, possesses a POST basic certificate, and:

1. Is re-entering a middle management or executive rank and who will function at least at the second level of supervision; or

2. Has been (with no more than a 60-day break in service between law enforcement employers) employed continuously in another state as a full-time peace officer; or

3. Has served (with no more than a 60-day break in service between law enforcement employers) continuously as a Level I or Level II reserve officer in California and the individual's department head attests in writing that the reserve officer is currently proficient; or

4. The individual's employment, training, and education during the break in service provides assurance, as determined by POST, that the individual is currently proficient.

Resolution OF THE

Commission on Peace Officer Standards and Training

STATE OF CALIFORNIA

WHEREAS, Robert P. Blankenship is a Lieutenant with the Redding Police Department with impressive service in law enforcement; and

WHEREAS, He served the Commission on Peace Officer Standards and Training in the capacity of a POST Management Fellow, full time from December 1984 to April 1985; and

WHEREAS, He was the Project Director of the POST Domestic Violence Advisory Committee charged with developing guidelines for Law Enforcement Response to Domestic Violence, as required by Penal Code Section 13519; and

WHEREAS, He coordinated the efforts of these diverse thinking groups on the Committee bringing about consensus on important and potentially divisive issues; and

WHEREAS, His work on this difficult project was exemplary in every respect; and

WHEREAS, He and his work represent the highest level of dedication and professionalism in law enforcement; now therefore be it

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

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

Chairman

Executive Director

April 25, 1985

Date

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, *Governor*
DEPARTMENT OF JUSTICE
JOHN K. VAN DE KAMP, *Attorney General*
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
4949 BROADWAY
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Course Control
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Professional Certificates
(916) 739-5391
Reimbursements
(916) 739-5367
Resource Library
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Center for Executive Development
(916) 739-5328

March 18, 1985

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

Dear Dr. Boehm:

Not only am I grateful to my Chief, Robert Whitmer, but also to the Commission, you, and the POST staff for the opportunity to work with POST on the domestic violence issue.

From my first day, all the POST employees have made me feel at home and accepted. Many people at POST should share the success of my project, from the most competent librarians, Susan Haake and Patricia Noda, who spent considerable time and effort helping research material relating to domestic violence, to the Training Delivery Services Bureau and Training Program Services Bureau for all their help and advice. The executive staff has been accessible and encouraging throughout my stay.

I would like to especially thank Hal Snow for his trust, openness, and continuous support.

In the past four months I have physically traveled several thousand miles, but more important I have gained many more miles of experience and knowledge.

I want you to know that I am truly grateful; however, I feel this experience has been somewhat one-sided, for you have given me much more than I could possibly give you.

I am going to miss this place.

Sincerely,

BOB BLANKENSHIP
Senior Consultant
Training Program Services

BB:gr

Public Hearing - Amendment

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: of Definition of Regular Officer & Setting Minimum Standards For Limited Function Peace Officers		Meeting Date: April 25, 1985
Bureau: Compliance and Certificate Services	Reviewed By: Glen E. Fine	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: April 3, 1985	Date of Report: March 15, 1985

Purpose: [X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [ ] Yes (See Analysis per details) [X] No

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

ISSUE

Should the Commission define Limited Function Peace Officers, establish their selection and training requirements, and clarify that the Basic Course is the required training course for all police officers and deputy sheriffs appointed pursuant to Penal Code Section 830.1.

BACKGROUND

At the April 1984 Commission meeting the Commission authorized a public hearing at the October 1984 meeting to consider selection, training, and certification standards for Limited Function Officers.

The public hearing was held at the October 1984 Commission meeting and the Commission continued the matter to the January 1985 meeting.

Subsequent to the October 1984 meeting, the Long-Range Planning Committee met on the matter and recommended that the Commission consider requiring the Basic Course for all deputy sheriffs and police officers regardless of assignment.

At the January 1985 Commission meeting the Commission voted unanimously to adopt the recommendation of the Long-Range Planning Committee and schedule a public hearing with the idea of requiring the Basic Course as the training standard for all deputy sheriffs and police officers regardless of assignment.

ANALYSIS

The Commission is required by Penal Code Section 13510 to set selection and training standards for all deputy sheriffs of sheriff's departments, and police officers of cities and districts, that receive State aid from POST. Penal Code Section 832.3 provides that deputy sheriffs, and police officers of cities and districts, employed for the purposes of prevention and detection of crime and the general enforcement of criminal laws of the state must complete a course of training prescribed by POST. POST has prescribed the regular Basic Course for these peace officers.

Prior to the enactment of Penal Code Section 832.3 most deputy sheriffs and police officers of cities and districts were employed for general law enforcement purposes. The vast majority of these officers are still employed for those purposes and existing standards for selection and entry training are based upon general law enforcement duties.

Deputy sheriffs and police officers appointed under P.C. 830.1 and employed for purposes other than prevention and detection of crime and the general enforcement of the criminal laws of the state, based upon Penal Code Section 832.3, are deemed exempt by their employers from the basic course training requirement. However, these limited function peace officers are peace officers as described in Penal Code Section 830.1, and as such, their authority, unless restricted by the employer, is the same as that vested in all other deputy sheriffs and police officers of cities and districts. In some sheriff's departments these peace officers may be assigned to functions such as jailer, matron, bailiff, court security, airport security, county building security, and boat patrol; they are not trained in the regular Basic Course. These deputy sheriffs are not addressed by current POST regulations.

Any deputy sheriff or police officer deemed by the employer to have been employed for other than general law enforcement purposes, represents a category of deputy sheriff or police officer for which the Commission must, but has not set selection and entry training standards.

There is concern that failure to set the proposed requirements will bring about, in the future, a proliferation of categories of police officers and deputy sheriffs with concomitant difficulties in distinguishing these peace officers from more fully trained general law enforcement peace officers. Such potential proliferation is seen as counter to current trends to civilianize certain jobs performed by peace officers.

Commission regulations do not presently identify Limited Function Peace Officers nor do the regulations address the selection and entry training standards for these peace officers. It is believed to be impractical, because of the limited number of these employees and the resultant incrementally prohibitive training costs, to set discrete entry training standards for deputy sheriffs and police officers employed for a multiplicity of special, non-general law enforcement purposes.

Existing Section 1001 provides definitions of terms used in POST regulations. The proposed addition of new subsection (o) would define Limited Function Peace Officers. Existing subsections (o) through (u) are renumbered (p) through (v) with no substantive changes except in existing subsection (t). Proposed changes in (t) would: (1) delete references to general law enforcement duties; and (2) add specific job designations.

Existing Section 1003 requires that the department notify the Commission within 30 days of the employment or termination of specific peace officer categories. The proposed change in Section 1003 would add reference to Limited Function Officers.

Commission Regulation Section 1005(a)(1) sets forth training requirements based on similar general duty assignments. The proposed changes would: (1) delete references to general law enforcement duties; and (2) add the specification that training requirements must be fulfilled prior to exercising any peace officer power; and (3) add the minimum training requirement of the Arrest and Firearms (P.C. 832) Course for Limited Function Peace Officers.

Existing Section 1011 establishes the Commission's certification program and eligibility for participation. The proposed change would add subsection (f) which would exclude Limited Function Peace Officers from this program.

Existing Section 1015 establishes a program to reimburse participating jurisdictions for training related expenses. The proposed change would add subsection (a)(2) to include Limited Function Peace Officers in the POST reimbursement program.

Specifically, the recommendations propose the Commission amend the Regulations to:

- o Create a definition of Limited Function Peace Officer which will identify the few individuals who were appointed under 830.1 P.C., prior to June 30, 1985, for a purpose other than to perform the full range of peace officer duties. This will have the effect of "grandfathering" persons already employed in this capacity.

- o Require that POST be notified of the appointment or termination of Limited Function Peace Officers as is the case now with other peace officers.

- o Require that all Limited Function Peace Officers satisfactorily meet the training requirements of the Arrest and Firearms (P.C. 832) Course.

- o Specify that Limited Function Peace Officers are not eligible for POST Professional Certificates.

- o Specify that POST will provide reimbursement for allowable training expenses for Limited Function Peace Officers.

- o Redefine a Regular Officer effective July 1, 1985 by position rather than by reference to broad and generalized duties. This will have the effect of precluding appointment after that date of P.C. 830.1 deputy sheriffs and police officers who are exempt from the basic course training requirement.

RECOMMENDATION

Subject to input at the Public Hearing, amend POST Regulations as indicated by the Proposed Language in Attachment A.

7157A
4-03-85

ATTACHMENT A

Commission on Peace Officer Standards and Training

PUBLIC HEARING: AMENDMENT OF DEFINITION OF REGULAR OFFICER AND SETTING STANDARDS FOR LIMITED FUNCTION PEACE OFFICERS

PROPOSED LANGUAGE

REGULATIONS
Revised: ~~July 1, 1982~~
July 1, 1985

1001. Definitions (continued)

(o) "Limited Function Peace Officer" is a deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, who is designated on or prior to June 30, 1985, to be a peace officer as described in Penal Code Section 830.1, and is employed to perform duties other than the prevention and detection of crime and the general enforcement of the criminal laws of the state.

(p) (o) "Middle Management Position" is a management peace officer position between the first-level supervisory position and the department head position, for which commensurate pay is authorized, and which, in the upward chain of command, is responsible principally for management and/or command duties, and most commonly is of the rank of Lieutenant or higher.

(q) (p) "Non-Sworn Personnel Performing Police Tasks" are those full-time, nonpeace officer employees of participating departments for whom reimbursement may be claimed, based upon actual job assignment, as determined and approved by the Commission.

(r) (q) "Paraprofessional" is a full-time employee of a department in the Regular Program and includes, but is not limited to, such job classifications as: community service officer, police trainee, police cadet, and for whom reimbursement may be claimed for attendance of POST-certified courses as determined and approved by the Commission.

(s) (r) "POST Administrative Manual (PAM)" is a document containing Commission Regulations and Procedures, and Guidelines which implement the Regulations.

(t) (s) "Quasi-Supervisory Position" is a peace officer position above the operational level position, for which commensurate pay is authorized, is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of a "First-level Supervisory Position", and most commonly is of a rank below that of Sergeant.

(u) (t) "Regular Officer" is ~~a peace officer regularly employed and paid as such who is subject to assignment to the prevention and detection of crime and the general enforcement of the criminal laws of this state while employed by a city police department, a county sheriff's department,~~ a sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code Section 13507, or a peace officer member of the California Highway Patrol.

(v) (u) "Reimbursement" is the financial aid allocated from the Peace Officer Training Fund, as provided in Section 13523 of the Act.

1003. Notice of Peace Officer Appointment/Termination

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

1005. Minimum Standards for Training

(a) Basic Training (Required)

(1) Every regular officer, except those participating in a POST-approved field training program, shall satisfactorily meet the training requirements of the Basic Course before being assigned duties which include the exercise of peace officer power. ~~prevention and detection of crime and the general enforcement of state laws.~~

(5) Every limited function peace officer shall satisfactorily meet the training requirements of the Arrest and Firearms (P.C. 832) Course.

(5) (6) Every peace officer listed in paragraphs (1) - (5) (4) shall complete the training requirements of Penal Code Section 832 prior to the exercise of peace officer powers.

1011. Certificates and Awards

(f) Limited function peace officers are not eligible for POST professional certificates.

1015. Training for Non-Sworn and Paraprofessional Personnel

(a) Proportionate Reimbursement

(2) A jurisdiction that employs limited function peace officers may be reimbursed for allowable expenses related to attendance of POST-certified courses.

(6939B)

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, *Governor*
JOHN K. VAN DE KAMP, *Attorney General*

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

March 1, 1985

BULLETIN: 85-7

SUBJECT: PUBLIC HEARING - AMENDMENT OF DEFINITION OF REGULAR OFFICER AND SETTING MINIMUM STANDARDS FOR LIMITED FUNCTION PEACE OFFICERS

A public hearing has been scheduled in conjunction with the April 25, 1985 Commission meeting in Sacramento for the purpose of considering proposed changes in POST regulations to clarify that the Basic Course is the required training course for all police officers and deputy sheriffs appointed pursuant to Penal Code Section 830.1.

Currently, some law enforcement agencies appoint peace officers as described in Penal Code Section 830.1 and designate them as "limited function" officers. These officers are exempt from the training requirements of Penal Code Section 832.3 as they are not appointed for the purpose of "...prevention and detection of crime and the general enforcement of the criminal laws of the state...." The assignments of these officers include functions such as jailer, matron, bailiff, court security, airport security, county building security, and boat patrol.

Commission Regulation 1005(a) (1) requires that peace officers complete the POST Basic Course "...before being assigned duties which include the prevention and detection of crime and the general enforcement of state laws...."

The Commission conducted a public hearing on this matter in October 1984 (refer to Bulletin 84-8). The central issue at that hearing was the proposal that limited function officers be required to complete as a minimum training standard the P.C. 832 Course. Following testimony, the Commission did not act on that proposal. The Commission now desires to receive testimony on the proposal that such officers be required to complete the regular Basic Course.

The proposed regulation changes would have the specific effects of:

1. Defining a "regular officer" by using specific designations to identify enumerated peace officer categories rather than by reference to general law enforcement duties.

2. Requiring all deputy sheriffs of counties and police officers of cities and districts employed on or after July 1, 1985 to meet the Commission's minimum standards for selection and training including the regular Basic Course.

3. Identifying "limited function peace officers," in categories described in provisions of Penal Code Section 830.1 appointed on or prior to June 30, 1985, as a distinct peace officer category for the purpose of the regulations; establishing the Arrest and Firearms (P.C. 832) Course as the minimum training requirement for such peace officers; providing selection standards, allowing reimbursement for certain training; and prohibiting the award of POST certificates. This would provide for recognition of these officers and make clear that the proposed regular Basic Course requirement is not to be applied retroactively.

The attached Notice of Public Hearing, required by the Administrative Procedures Act, provides details concerning the proposed regulation changes and provides information regarding the hearing process. Inquiries concerning the proposed action may be directed to Georgia Pinola at (916) 739-5400.

Norman C. Boehm

NORMAN C. BOEHM
Executive Director

Attachment

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING
AMENDMENT OF DEFINITION OF REGULAR OFFICER
AND SETTING MINIMUM STANDARDS FOR LIMITED FUNCTION PEACE OFFICERS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested in Section 13506 of the Penal Code to interpret and make specific Sections 13503, 13506, 12507, 13510, 13510.1, 13510.5 13511, 13512, 13514, 13516, and 13517 of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title II of the California Administrative Code. A public hearing to adopt the proposed amendments will be held before the full Commission on:

Date: Thursday, April 25, 1985
Time: 10:00 a.m.
Place: Beverly Garland Hotel
Sacramento, California

INFORMATIVE DIGEST

Existing Section 1001 provides definitions of terms used in POST regulations. The proposed addition of new subsection (o) would define Limited Function Peace Officers. Existing subsections (o) through (u) are renumbered (p) through (v) with no substantive changes except in existing subsection (t). Proposed changes in (t) would: (1) delete references to general law enforcement duties; and (2) add specific job designations.

Existing Section 1003 requires that the department notify the Commission within 30 days of the employment or termination of specific peace officer categories. The proposed change in Section 1003 would add reference to limited function officers.

Commission Regulation Section 1005(a)(1) sets forth training requirements based on similar general duty assignments. The proposed changes would: (1) delete references to general law enforcement duties; and (2) add the specification that training requirements must be fulfilled prior to exercising any peace officer power; and (3) add the minimum training requirement of the Arrest and Firearms (P. C. 832) Course for limited function peace officers.

Existing Section 1011 establishes the Commission's certification program and eligibility for participation. The proposed change would add subsection (f) which would exclude limited function peace officers from this program.

Existing Section 1015 establishes a program to reimburse participating jurisdictions for training-related expenses. The proposed change would add subsection (a)(2) to include limited function peace officers in the POST reimbursement program.

ADOPTION OF PROPOSED REGULATIONS

After the hearing, the Commission may adopt the proposed language if it remains sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language will be made available to the public at least 15 days before adoption. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified language for 15 days after the date on which the revised text is made available.

FISCAL IMPACT

The Commission has determined that no saving or increased costs to any state agency, no costs or savings under Section 2231 of the Revenue and Taxation Code to local agencies or school districts, no other non-discretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the state will result from the proposed changes. The Commission has also determined that the proposed changes do not impose a mandate on local agencies or school districts and will involve no significant cost to private individuals and businesses.

The proposed regulations will have no effect on housing costs.

The proposed regulations will have no adverse economic impact on small businesses.

INFORMATION REQUESTS

Notice is hereby given that any interested person may present statements or arguments in writing relevant to the action proposed. Written comments must be received by the Commission on Peace Officer Standards and Training, P. O. Box 20145, Sacramento, CA 95820-0145, no later than April 19, 1985.

A copy of the Statement of Reasons and exact language of the proposed regulations may be obtained at the hearing or prior to the hearing upon request by writing to the Commission at the above address. This address is also the location of public records, including reports, documentation, and other materials related to the proposed action.

Inquiries concerning the proposed action may be directed to Georgia Pinola, Staff Services Analyst, at (916) 739-5400.

Commission on Peace Officer Standards and Training

PUBLIC HEARING: AMENDMENT OF DEFINITION OF REGULAR OFFICER AND SETTING MINIMUM STANDARDS FOR LIMITED FUNCTION PEACE OFFICERS

STATEMENT OF REASONS

The Commission is required by Penal Code Section 13510 to set selection and training standards for all peace officer members of sheriff's departments, and police officers of cities and districts, that receive State aid from POST. Penal Code Section 832.3 provides that deputy sheriffs, and police officers of cities and districts, employed for the purposes of prevention and detection of crime and the general enforcement of criminal laws of the state must complete a course of training prescribed by POST. POST has prescribed the regular Basic Course for these peace officers.

Prior to the enactment of Penal Code Section 832.3 most deputy sheriffs and police officers of cities and districts were employed for general law enforcement purposes. The vast majority of these officers are still employed for those purposes and existing standards for selection and entry training are based upon general law enforcement duties.

Deputy sheriffs and police officers employed for purposes other than prevention and detection of crime and the general enforcement of the criminal laws of the State, based upon Penal Code Section 832.3, are deemed exempt from the basic course training requirement. However, these limited function peace officers are peace officers as described in Penal Code Section 830.1, and as such, their authority, unless restricted by the employer, is the same as that vested in all other deputy sheriffs and police officers of cities and districts. In sheriff's departments these peace officers are assigned to functions such as jailer, matron, bailiff, court security, airport security, county building security, and boat patrol; they are not trained in the regular Basic Course. These deputy sheriffs are not addressed by current POST regulations.

Any deputy sheriff or police officer deemed by the employer to have been employed for other than general law enforcement purposes, represents a category of deputy sheriff or police officer for which the Commission must but has not set selection and entry training standards.

There is concern that failure to set the proposed requirements will bring about, in the future, a proliferation of categories of police officers and deputy sheriffs with concomittant difficulties in distinguishing these peace officers from more fully trained general law enforcement peace officers. Such potential proliferation is seen as counter to current trends to civilianize certain jobs performed by peace officers.

Commission regulations do not presently identify limited function peace officers nor do the regulations address the selection and entry training standards for these peace officers. It is believed to be impractical because of the limited number of these employees and the resultant incrementally

prohibitive training costs to set discrete entry training standards for deputy sheriffs and police officers employed for a multiplicity of special, non-general, law enforcement purposes.

Specifically, the Commission proposes to:

- Define "limited function peace officer" by using specific designations to identify peace officer categories employed and so designated, on or prior to June 30, 1985, to perform duties other than the prevention and detection of crime and the general enforcement of the criminal laws of the state.

- Define "regular officer" by using specific designations to identify peace officer categories rather than by reference to general law enforcement duties.

- Require notification to the Commission of the employment or termination of limited function peace officers in addition to other specific peace officer categories.

- Require that all deputy sheriffs and police officers of cities and districts employed on or after July 1, 1985, (those deemed employed for general law enforcement purposes and these deemed employed for other purposes) meet the Commission's minimum standards for selection and complete, as a minimum of entry training, the regular Basic Course.

- Require that all deputy sheriffs and police officers of cities and districts employed on or prior to June 30, 1985, in limited function classifications, that are intended to perform other than general law enforcement duties, meet the Commission's minimum standards for selection and complete, as a minimum of entry training, the Penal code Section 832 (Arrest and Firearms) Course.

- Specify that limited function peace officers are not eligible for POST professional certificates.

- Specify that POST will reimburse allowable training related expenses for the training of limited function peace officers.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Appeal of Edward R. Thomas Commission Regulation 1001(1) Full-Time Employment		Meeting Date: April 25, 1985
Bureau: Compliance and Certificates Services	Reviewed By: Glen Fine	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-9-85	Date of Report: March 19, 1985

Purpose: ☒ Decision Requested ☐ Information Only ☐ Status Report

Financial Impact: ☐ Yes (See Analysis per details) ☒ No

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

ISSUE

Should the Commission allow experience not conforming to the definition of "Full-Time Employment" toward the award of Professional Certificates?

BACKGROUND

Edward R. Thomas, a Deputy Sheriff with the Sacramento County Sheriff's Department, requests the award of an Intermediate Certificate with eligibility based in part on experience gained while serving as a part-time employee. Commission policy provides for only the acceptance of experience gained while employed in a full-time capacity.

On September 11, 1978, Mr. Thomas requested the award of a Basic Certificate after having had an evaluation of Reserve Academy Training by POST as meeting the requirements of the Basic Course on June 23, 1976. Mr. Thomas, at that time, however, wished to utilize Reserve/Provisional Deputy Sheriff experience of 4 years and nine months including 1500 hours in patrol and 34 months in Corrections and Security. The Basic Certificate was denied.

On October 3, 1978, following a discussion with a POST Consultant, Mr. Thomas was advised in writing to work with his Training Officer to resolve the problem as the whole issue of Provisional Deputy Sheriffs was being discussed with the Sacramento County Sheriff's Department.

On September 14, 1980 Edward Thomas inquired of POST in writing as to the minimum requirements for Basic, Intermediate, and Advanced Certificates and specifically, whether he would be given credit for time worked as a Provisional Deputy sheriff in order to meet the requirements for an Intermediate and/or Advanced Certificate (Attachment A).

On September 23, 1980, Mr. Thomas was provided Commission Procedure F-1, Certificate Program, and advised in writing that his experience as a Provisional Deputy would be evaluated and credit applied towards the Intermediate or Advanced Certificate, as appropriate (Attachment B). This was an administrative error.

On October 10, 1980 Mr. Thomas was awarded Basic Certificate 17116 after meeting the experience requirement of a regular, full-time officer. He had been promoted from provisional deputy to full-time Deputy Sheriff on September 30, 1979.

Through an administrative error, for a period of time prior to July 1, 1982, POST issued some Intermediate and Advanced Certificates to Sacramento County Sheriff's Deputies based on experience gained as On-Call Reserve Deputies. This practice was stopped in July 1982 and the Sheriff of Sacramento County was notified in writing.

On July 31, 1984, Mr. Thomas inquired in writing as to the policy of accepting provisional time as law enforcement experience when considering an application for an Intermediate Certificate (Attachment C). Mr. Thomas at that time advised he had been a Deputy Sheriff for eight years and two months, and enclosed an annual statement from the County Employee's Retirement Association providing service credits as of December 31, 1983, as seven years, six months and 21 days (Attachment D).

The reply by POST on August 8, 1984 clearly indicated that the experience was not applicable as Provisional Deputies with the Sacramento County Sheriff's Department do not meet the definition of full-time employment as articulated in Section 1001(1) or the Commission's Regulations. A copy of the regulation was enclosed (Attachment E).

On September 6, 1984, Mr. Thomas was again advised in writing by the Executive Director that Provisional Deputy Sheriff employment could not be considered as experience toward the Intermediate Certificate (Attachment F).

On January 18, 1985 Edward Thomas requested a Formal Hearing before the Commission to appeal the provisions of Commission Regulation 1001(1) as it prohibits himself and others from receiving credit for law enforcement experience (Attachment G).

On March 22, 1985 Mr. Thomas was advised in writing that his appeal to the Commission has been scheduled at 11 a.m. on April 25, 1985, at the Beverly Garland Motor Inn in Sacramento (Attachment H).

ANALYSIS

Commission Regulation 1001(1) defines "Full-time Employment" as follows:

> "Full-time Employment" as defined by local charter or ordinance; and, the employee normally works in excess of 20 hours weekly or 87 hours monthly; and, the employee is tenured or has a right to due process in personnel matters; and, the employee is entitled to public safety Workman's Compensation and retirement provisions as are other full-time peace officer employees of the department.

In the case of a Deputy Sheriff, the definition is designed to identify a regular sworn employee as opposed to provisional, part-time, intermittent, and reserve employees and volunteers.

The position in question, occupied by Mr. Thomas for some three years, is identified as the position of Deputy Sheriff (On-call). The class is distinguished from other Deputy Sheriff classes in that On-call employees are hired as temporary replacements for regular Deputy Sheriffs. No permanent appointments are made from eligible lists for this class. An employment standard to be appointed to this temporary position includes the requirement that the applicant be a sworn member active in the Deputy Sheriff Reserve.

In analysing Commission Regulation 1001(1) defining "Full-time Employment," the Sacramento County Deputy Sheriff (On-call) class meets only one of the five criteria required in the definition. The position appears generally to offer normal work in excess of 20 hours weekly or 87 hours monthly.

With regard to the remaining four requirements of the definition, the classification fails in each.

- The classification is not full-time as defined by local ordinance. Appointment to the class is either a short-term (from day to day) or long-term (pre-scheduled) assignment. The On-call Deputy classification is restricted to working the equivalent of three-quarters time.

- The definition requires the employee to be tenured or have a right to due process in personnel matters. As temporary employees, on-call deputies may be terminated without cause and they have no rights to due process absent a liberty interest.

- The definition further requires that the employee be entitled to Public Safety Workman's Compensation. If injured on duty, the temporary employee will be paid Workman's Compensation benefits as are all employees of the county. However, On-Call Deputies are not granted Workmen's Compensation under the provisions of Government Code Section 4850 as are Regular Deputy Sheriffs in public safety retirement systems for work-related illness or injuries.

- The definition finally requires that the employee be subject to the retirement provisions as are other full-time peace officer employees of the department. The Deputy Sheriff (On-call) of the Sacramento County Sheriff's Department is ineligible for contributions and the benefit of the County Retirement System. However, should the On-call Deputy be subsequently hired as a regular, full-time Deputy Sheriff, that individual may, by contractual agreement, buy into the retirement system the amount of time the individual was employed as an On-call Deputy.

Other benefits and restrictions of employment in the temporary position of Deputy Sheriff-On-call are:

Benefits:

- On-call Deputies receive a singular five percent pay raise following 2080 hours of service, the equivalent to one full year of employment.

- The On-call Deputy is credited with paid vacation at the same rate as a full-time employee.

- The On-call Deputy may use loan facilities and systematic savings plans of the Credit Union through payroll deduction.

- The On-call Deputy is eligible to collect Unemployment Benefits.

Restrictions:

- The On-call Deputy does not accrue holiday or sick leave benefits.
- The temporary employee is ineligible to participate in employee group health programs.
- The temporary employee may not participate in the Deferred Compensation Program.

Professional Certificates are presented by the Commission in recognition of a combination of education, training and experience for the purpose of raising the level of competence of law enforcement. The integrity of the experience is based on full-time employment which implies a career position to which an individual devotes intensive professional efforts.

Acceptance of other than full-time experience defined in 1001 (1) is a matter of policy. The Commission is empowered to decide this appeal without revision of any regulation. Staff recommends however, that the Commission maintain its current policy of accepting only full-time experience.

Commission Procedure F-1-6 provides for the number of years of law enforcement experience required for the Intermediate Certificate in association with varying education and training levels. Commission Procedure F-1-4(e) provides that full-time, paid experience with a Sheriff's Department may be accepted for the full period of such experience.

If POST were to consider acceptance of the experience of provisional, part-time, intermittent, temporary, and reserve employees or volunteers, it would be an insurmountable bookkeeping task for local agencies and workload increases for POST staff.

RECOMMENDATION

Subject to testimony at the Public Hearing, deny Mr. Thomas' appeal.

In the event that the Commission believes that the provisional Deputy Sheriff experience of Mr. Thomas should be credited towards higher level certificates, the following policy language is proposed:

> Pursuant to Procedure F-1-4(f) (acceptance of other categories of experience), the Commission provides for acceptance of part-time experience as a regular officer only after award of a regular Basic Certificate, and only when the employing jurisdiction has granted the officer service credits and public safety retirement "buy back" for the full-time equivalent experience. Only the full-time equivalent will be used in calculating length of experience.

#7170B 4/09/85

H

September 14, 1980

Normal C. Boehm, Executive Director
Peace Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, California 95823

Dear Mr. Boehm:

I am presently employed as a regular Deputy Sheriff for Sacramento County and have been since September 29, 1979. Prior to this I worked as a provisional (on-call) Deputy Sheriff for Sacramento County for over three (3) years.

In the near future I will be applying for my basic certificate. At this time, will you please supply me with answers to the following questions:

1. What are the P.O.S.T. minimum requirements for an individual to receive their basic certificate, intermediate certificate and advance certificate? Resend F-1

2. Will I be given credit for the time worked as a provisional Deputy Sheriff in order to meet the requirements for an intermediate certificate and/or advance certificate? Yes

The answers and any information you can give me in regard to my questions will be greatly appreciated. Thank you for your time and consideration.

Respectfully,

Edward R. Thomas

Edward R. Thomas
7740 Valley Wood Drive
Sacramento, California 95828

ERT:prt

SEP 16 10 14 AM '80

B

September 23, 1980

Edward R. Thomas
7740 Valley Wood Drive
Sacramento, CA 95828

Dear Deputy Thomas:

In response to your request for information concerning POST certificate requirements, subject of your letter of September 14, 1980, I am enclosing pertinent sections of Commission Procedure F-1, Certificate Program.

Your second question concerning experience as a provisional deputy counting towards a certificate, it will be evaluated and credit applied towards the Intermediate or Advanced Certificate, as appropriate.

When you are ready to apply for any certificate, please work through your Training Officer as he is no doubt familiar with the forms and process.

Thank you for your inquiry and we will look forward to your application for a Basic Certificate.

Sincerely,

W. N. STAHR, Chief
Program Services Bureau
Administration Division

Enclosure

cc - Sacramento Sheriff's Office

Note to Typist: Itemize Enclosures on this Copy

Bu. Chief	Director	Xerox copy to:	ADMINISTRATION DIVISION FILE COPY

C

July 31, 1984

Commission on Peace Officers'
Standards and Training
4949 Broadway, 2nd Floor
Sacramento, California 95820

Dear Executive Director:

I am presently an employee of the Sacramento County Sheriff's Department and have been employed as a Deputy Sheriff for the past eight years and two months.

Prior to being hired as a permanent Deputy Sheriff (September 30, 1979) I worked as a provisional/on-call Deputy Sheriff on a full-time basis. As a provisional I worked in areas such as the Main Jail, Rio Cosumnes Correctional Center and the County Courthouse. While assigned to these divisions I performed the same duties and held the same responsibilities as a permanent Deputy Sheriff. Also during the same period of time, I worked as a Reserve Deputy in the Patrol Division.

At this time I am inquiring as to your policy of accepting my provisional time as law enforcement experience when considering my application for an intermediate certificate.

Enclosed please find a copy of my annual statement from the Sacramento County Employees' Retirement Association, dated December 31, 1983, showing my service credits as of that date.

Your full cooperation and expedient reply would be appreciated.

Respectfully,

Edward R. Thomas

EDWARD R. THOMAS
7740 Valley Wood Drive
Sacramento, California 95828

Enclosure

SACRAMENTO COUNTY EMPLOYEES RETIREMENT ASSOCIATION

P.O. BOX 1703 • SACRAMENTO, CALIFORNIA 95808

PHONE: 440-5861

MEMBER'S ANNUAL STATEMENT AS OF DECEMBER 31, 19 83

A COPY OF THIS STATEMENT SHOULD BE KEPT FOR YOUR PERMANENT RECORDS.

IF YOU DO NOT AGREE WITH THE INFORMATION AS GIVEN BELOW, PLEASE NOTE THE EXCEPTION ON THE REVERSE SIDE OF THIS FORM AND SEND TO:

AUDITOR-CONTROLLER, INTERNAL AUDIT DIVISION
700 H STREET, ROOM 4650
SACRAMENTO, CALIFORNIA 95814

DO NOT SEND IF THIS INFORMATION IS CORRECT.

Ronald Edward Thomas
7740 Valley Wood Dr.
Sacramento, CA. 95823

547-62-0045

ACCUMULATED CONTRIBUTIONS			ACCUMULATED INTEREST	
$ 7808.18			$ 1323.40	
ACCOUNTS RECEIVABLE BALANCE DUE			SERVICE CREDITS 7Y 6Mo 21D	
INTEREST RATES		EMP	INDEX	CURRENT AS OF
5.000 JUNE	5.500 DEC	01	9999	12-31-83

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF JUSTICE
JOHN K. VAN DE KAMP, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
[illegible] BROADWAY
P.O. BOX 20145
SACRAMENTO 95820-0145
EXECUTIVE OFFICE
(916) 739-5328
BUREAUS
Administrative Services
(916) 739-5354
Compliance and Certificates
(916) 739-5377
Information Services
(916) 739-5340
Management Counseling
(916) 322-3492
Standards and Evaluation
(916) 322-3492
Training Delivery Services
(916) 739-5394
Training Program Services
(916) 739-5372
Course Control
(916) 739-5399
Professional Certificates
(916) 739-5391
Reimbursements
(916) 739-5367
Resource Library
(916) 739-5353
Center for Executive Development
(916) 739-5328

August 8, 1984

Mr. Edward R. Thomas
7740 Valley Wood Drive
Sacramento, CA 95828

Dear Mr. Thomas:

Your letter of July 31, 1984, has been referred to me for response. You asked if your experience as a provisional deputy with the Sacramento Sheriff's Department is applicable toward the Intermediate Certificate.

Provisional deputies with the Sacramento Sheriff's Department do not meet the definition of full-time employment as articulated in Section 1001 (1) of the Commission's Regulations (copy enclosed). It is not, therefore, applicable.

Sincerely,

BROOKS W. WILSON, Chief
Compliance & Certificate Services

NOTE TO TYPIST: Itemize enclosures on this copy

Bureau	Originator	Bureau Chief	Executive Office	Xerox copy to:

POST 1-272 (1/82)

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor
DEPARTMENT OF JUSTICE
JOHN K. VAN DE KAMP, Attorney General
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
1949 BROADWAY
P.O. BOX 20145
SACRAMENTO 95820-0145
EXECUTIVE OFFICE
(916) 739-5328
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Professional Certificates
(916) 739-5391
Reimbursements
(916) 739-5367
Resource Library
(916) 739-5353
Center for Executive Development
(916) 739-5328

September 6, 1984

Deputy Edward R. Thomas
7740 Valley Wood Drive
Sacramento, CA 95827

Dear Deputy Thomas:

You have asked that provisional/on-call time experience at the Sacramento County Sheriff's Department be applicable toward an Intermediate Certificate. Your earlier request was denied on August 8, 1984, in a letter sent to you by Brooks Wilson, the Chief of the Compliance and Certificate Services Bureau.

You have appealed that decision, and you have presented substantial documentation to support your case. Reserve experience, however, does not accrue as time for regular certificates. Also, you would have to be earning retirement provisions as are other full-time peace officer employees of the department. While on a provisional/on-call status, reserves do not receive retirement benefits as do regular officers.

The condition of your employment at that time, therefore, could not be considered for an Intermediate Certificate. If you have further questions, please call Senior Consultant Tom Farnsworth at 739-5387.

Thank you, however, for your interest in the POST Certificate Program.

Sincerely,

NORMAN C. BOEHM
Executive Director

NOTE TO TYPIST: Itemize enclosures on this copy

Bureau	Originator	Bureau Chief	Executive Office	Xerox copy to:

POST 1-272 (1/84)

January 18, 1985

Norman C. Boehm, Executive Director
California State Peace Officers'
Standards and Training
4949 Broadway
Sacramento, California 95820

Dear Mr. Boehm:

Prior to the holidays I contacted Tom Farnsworth of your office,per your letter dated September 6, 1984, regarding my provisional/on-call service time with the Sacramento County Sheriff's Department. He was very helpful but again I was not satisfied with the non-acceptance of my provisional/on-call service as being credit for law enforcement experience.

At this time, I am requesting a formal hearing before the Commission to appeal Section 1001 (1) of the Commission's regulations. This section is very biased and it is prohibiting me and many others from receiving credit for law enforcement experience which is justly due us.

Your full cooperation and expedient reply would be appreciated.

Respectfully,

Edward R. Thomas

EDWARD R. THOMAS
Deputy Sheriff
7740 Valley Wood Drive
Sacramento, California 95828

JAN 22 1 55 AM '85
COMMISSION ON POST

cc: Chief, Standards and Evaluation
Brooks W. Wilson, Chief, Compliance and Certificates

4

March 22, 1985

Edward R. Thomas
7740 Valley Wood Drive
Sacramento, CA 95828

Dear Mr. Thomas:

In response to your request for a Formal Hearing to appeal the application of Commission Regulation 1001(1), with regard to experience toward Professional Certificates, we wish to advise you of the following.

A Hearing has been scheduled at 11 a.m. before the Commission at its regular meeting on April 25, 1985 at the Beverly Garland Motor Lodge, Donner Room, 1780 Tribute Road, Sacramento.

The staff recommendation to the Commission will be for denial of your appeal. You will be provided a copy of the Commission Agenda Item Report together with all attachments approximately two weeks prior to the Commission meeting.

Sincerely,

NORMAN C BOEHM
Executive Director

NCB/DYA/dot #7171B 3/21/85

NOTE TO TYPIST: Itemize enclosures on this copy

Bureau	Originator	Bureau Chief	Executive Office	Xerox copy to:
POST 1-272 (1/83)				

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Modification of Basic Course Reimbursement Requirement		April 25, 1985
Bureau Administrative Services	Reviewed By Otto Saltenberger	Researched By
Executive Director Approval Norman C. Boehm	Date of Approval April 3, 1985	Date of Report April 25, 1985

Purpose:
☐ Decision Requested ☐ Information Only ☐ Status Report

Financial Impact ☐ Yes (See Analysis per details) ☐ No

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

ISSUE

Should a public hearing be approved to modify the existing reimbursement requirement to provide reimbursement for Basic Course reattendance?

BACKGROUND

Commission Regulation 1015 currently provides that training expenses may be claimed only once with the exception of certain courses which are designed for repeat attendance. Special circumstances that warrant repeat reimbursement must be approved by the Executive Director prior to beginning the training course in order for reimbursement to be granted.

Recent Commission action effective January 1, 1985, requires peace officers with a three-year or longer break in service to be retrained in the Basic Course, or be retested for proficiency and currency. When the testing process is used, unsuccessful candidates are required to reattend a basic course. Since in most instances these candidates have previously attended the Basic Course and their jurisdictions were reimbursed, payment for course reattendance is not allowable unless approval by the Executive Director prior to the beginning of the course is sought and obtained as an exception to existing regulations.

ANALYSIS

The rationale for establishing the retraining/testing process (Regulation 1008 effective January 1, 1985), is to assure peace officer competence and proficiency when a former officer has a three-year or longer break in service whether or not he/she qualified for a POST certificate. Since the Commission now requires retraining in these instances, it is desirous that the Commission establish a policy whereby qualified jurisdictions can be reimbursed for such retraining without seeking advanced approval.

RECOMMENDATION

Approve a public hearing for the July 1985 Commission Meeting to modify Commission Regulation 1015 to provide reimbursement for Basic Course reattendance by officers with a three-year or longer break in service.

1015. Reimbursements (continued)

bursement entitlement (up too 400 hours maximum) for those trainees eligible to be re-enrolled, may be applied to any certifeid basis course which is subsequently attended. (Effective 1-1-85)

(g) Reimbursement may be paid to a jurisdiction when a Regular Program trainee fails a certified basic course only because of not passing a locally required training subject(s), but the trainee otherwise satisfactorily completes the course.

(h) Reimbursement may be paid to a jurisdiction for a Regular Program Basic Course trainee when reattendance is necessary due to a three year break in service and retraining is required.

~~(h)~~(i) Reimbursement for partial completion of a certified Motorcycle Training Course or instructor training courses may be provided if the trainee fails to complete the course due to an inability to perform the skills required for successful completion.

Note: Refer to PAM Section E, Reimbursements, for detailed information on reimbursement procedures.

1016. Services Provided by the Commission

Counseling services are provided only to a local jurisdiction, and only upon request for the purpose of improving its administration, management, and operations. Aid may also be given to such agencies in implementing recommended procedures or practices. See PAM Section G.

*1017. Executive Director Evaluation and Vacation Allowance

The Commission, at the first meeting held after the beginning of each fiscal year, shall review the performance of the Executive Director and after such review, assign vacation credits that will accrue to that position for that fiscal year. Such vacation credits may accrue, without respect to annual vacation allowances, to a maximum of 60 working days at any given time.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: POST RECOGNITION OF STC CERTIFIED TRAINING (Advanced Officer Training Requirement)		Meeting Date: April 25, 1985
Bureau: Training Program Services	Reviewed By: Hal Snow	Researched By: Ray Bray
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-9-85	Date of Report: April 3, 1985

Purpose: [X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [ ] Yes (See Analysis per details) [X] No

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

ISSUE

Should POST recognize the training certified by the Standards and Training for Corrections (STC), Board of Corrections, as satisfying POST's Continuing Professional Training Requirement?

BACKGROUND

POST's Continuing Professional Training Requirement is presently 20 hours every four years. Effective July 1, 1986, the requirement will change to 24 hours every two years. Of the total 7,330 sheriffs and city police personnel subject to STC's requirements, it is estimated that 3,000 officers employed by agencies participating in the POST Program are also subject to both POST Continuing Professional Training Requirement and STC's Annual In-Service Training Requirement of 24 hours. The current statewide average for length of assignment to jails for officers/deputies upon completing the Basic Course is 48 months. Except for STC recognizing some POST-certified Technical and Advanced Officer Courses that are directly related to the jail/corrections assignment, there are no provisions to accomodate those officers who are subject to both requirements. STC certified in-service training is job specific to the jail/corrections assignment and largely presented by the employing agencies and under formal classroom conditions. The content varies according to the needs of that specific jail. Course evaluation instruments completed by attendees are submitted to STC on each course. The Commission at its January 1985 meeting directed staff to research this issue and report at the April 1985 meeting.

ANALYSIS

POST recognition of certain STC certified training would permit those officers assigned to local jails to meet POST's Continuing Professional Training Requirement as an "alternative method of compliance" authorized by POST Regulation 1005(d), by completion of either STC's Annual Training Requirement of 24 hours every year or POST's Continuing Professional Training Requirement. This would result in a savings of personnel time and training costs.

To implement this proposal, STC has agreed to send to POST their annual agency eligibilty lists, which must be submitted to STC by June 30, each year by eligible agencies. The list includes the name of the officer subject to STC Annual Training Requirement. STC also has agreed to modify the format of the eligibility list to include social security numbers, sworn or non-sworn status and the rank of the individual for ease of our computer entry. STC has also agreed to provide the names of officers and supervisors by agency who are deficient in meeting their Annual In-Service Training Requirement. Under this recommendation, a notation would be on the POST computerized training records as to whether the individual has satisfied STC Annual Training Requirement. Individual course information would not be entered into POST computer records.

If this proposal is implemented, POST will not be able to exercise course control including certification of presenter and subject matter. The advantages however, would appear to outweigh the disadvantages. This would also refine inter-agency cooperation as agreed by the Commission and STC.

Other alternatives to recognize STC training were considered but not found to be feasible include the following:

Jointly certify all STC Advanced Officer Courses.

- Would theoretically permit the same courses to satisfy both POST and STC's requirement. In reality this would not be practical because STC requires only jail assignment related training which is not the case for POST.
- Would require added effort on the part of STC and POST to duplicate certification methods.
- Would require more manpower for POST to certify STC courses which would be approximately double the present workload to certify and decertify courses.
- POST would have little quality control over an STC certified course if the Commission certification were proforma.

Enter STC course completion information into the POST computer.

- Would require added effort on STC or the presenter to submit rosters to POST.
- Would require STC to modify their forms or require the presenter to use POST rosters, as STC does not use social security numbers for training records, nor do they distinguish between sworn and civilian.
- Would require considerable additional workload on our computer staff.

RECOMMENDATION

Pursuant to POST's Continuing Professional Training Requirement (Commission Regulation 1005(d), approve an "Alternative Method of Compliance" that authorizes officers and first line supervisors while assigned to jail/ correctional facilities to satisfy the requirement by completing either STC's Certified Annual In-Service Training Requirement or POST's Continuing Professional Training Requirement effective July 1, 1985.

#7092B/001A
4/09/85

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Basic Course Curriculum Changes		April 25, 1985
Bureau	**Reviewed By**	**Researched By**
Training Program Services	Hal Snow H.S.	Bob Spurlock RS
Executive Director Approval	**Date of Approval**	**Date of Report**
Norman C. Boehm		March 18, 1985

Purpose:
[X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [ ] Yes (See Analysis per details) [X] No

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

ISSUE

Commission approval of routine curriculum changes to the Basic Course relative to Criminal Law, Evidence, and Patrol Procedures.

BACKGROUND

As part of POST's ongoing effort to maintain the Basic Course Curriculum, POST staff, with the input of academy instructors who teach particular subject areas, periodically reviews and updates curriculum. Functional Area #3 (Criminal Law), #4 (Evidence), and #8 (Patrol Procedures), have been reviewed. Recommended changes to performance objectives have been identified and are being submitted for approval.

ANALYSIS

Major recommended changes to Functional Area #3-Criminal Law include three deleted performance objectives and one new performance objective which concerns the new Sexual Battery Law. Recommended changes to Functional Area #4-Evidence include one deleted performance objective. Recommended changes to Functional Area #8-Patrol Procedures include three deleted performance objectives and the addition of three new performance objectives. The three new performance objectives in Patrol Procedures concern Crowd Management, Patrol Perception Techniques, and Tactics in Responding to Hostage/Barricaded Suspects. The recommendation to delete performance objectives is being made because the items are duplicated in other objectives.

It is also recommended that the success criteria of ten performance objectives be increased. Four objectives from 80% to 90%, one from 80% to 100% (must pass), and five from 90% to 100% (must pass). The tasks covered by the six objectives proposed for must-pass levels of success can be described briefly as:

1) Avoiding "silhouetting" in field tasks.
2) Avoiding hazards of making "police noises."
3) Reacting properly to plainclothes officers in the field.
4) Taking the safest, most effective positions when interviewing.
5) Approaching pedestrians safely and effectively from a patrol vehicle.
6) Safely removing occupants in felony/high risks car stops.

These recommendations to increase success criteria are consistent with Commission policy due to the citicality of the tasks.

The recommended changes are endorsed by the academy directors. There should be no fiscal impact or effect on the length of the Basic Course.

RECOMMENDATION

Effective July 1, 1985, approve the Basic Course curriculum changes to Functional Area #3 (Criminal Law), #4 (Evidence), and #8 (Patrol Procedures).

Attachment

7152B
4-4-85

Attachment A

BASIC COURSE CURRICULUM CHANGES

NEW PERFORMANCE OBJECTIVES

New (New Law)	80%	3.29.4	Given word-pictures depicting a possible sexual battery, the student will determine if the crime is complete, and will identify the crime by its common name and classification. (Penal Code Section 243.4).
New	80%	8.2.2	The student will identify at least two means by which an officer's skills of perception can be improved.
New	80%	8.43.2	The student will identify the following basic principles of crowd management: A. Preventive response B. Crowd psychology
New		8.46.0	Hostage/Barricaded Suspects Learning Goal: The student will understand the tactical considerations in dealing with hostages/barricaded suspect situations.
	90%	8.46.1	The student will identify the following tactical considerations in handling a hostage/barricaded suspect situation. A. Safe approach B. Containment of the scene C. Requesting the appropriate assistance (SWAT, hostage negotiator) D. Evacuation of people E. Communication/negotiation with the suspect

DELETED PERFORMANCE OBJECTIVES

Delete	~~3.37.2~~	~~In all practical exercises throughout the course, the student will refrain from violating the constitutional rights of any person.~~

Delete ~~3.38.10~~ (Contained in 4.7.1 and 4.7.2)

~~The student will identify the peace officer's right to search a person who has been arrested. (Penal Code Section 833)~~

Delete ~~4.7.3~~ (Contained in 4.7.1)

~~The student will identify the limits of those searches identified in Objective 4.7.1 when conducted within the following environments: (Case Law Decisions)~~

~~A. Indoors (premises)~~
~~B. Outdoors (landscapes)~~
~~C. Vehicles~~

Delete ~~8.5.3~~ (Contained in 10.13.1)

~~The student will identify the following as physical signs that an officer on a burglary call should be looking for first:~~

~~A. Broken windows~~
~~B. Open doors~~
~~C. Pry marks around locks~~
~~D. Suspicious vehicles/persons~~
~~E. Persons on foot~~
~~F. Lights off that are normally on (and vice versa)~~
~~G. Unusual sounds~~
~~H. Access to roof~~

Delete ~~8.6.4~~ (Contained in 9.9.2)

~~The student will identify the following hazards to an officer when approaching a stopped vehicle on foot:~~

~~A. The threat of attack by the occupant(s) of the vehicle~~
~~B. The danger of being hit by passing traffic~~

Delete ~~8.9.10~~ (Contained in 8.9.6)

~~The student will identify the proper positioning of a police officer when making a vehicle stop. This will minimally include:~~

~~A. Distances based upon nature of stop~~
~~B. Creation of a "safety corridor" for both the officer(s) and vehicle occupants(s).~~

Delete ~~8.9.13~~ (Contained in 8.9.12)

~~The student will identify the safety techniques to be employed while making a felony vehicle stop as determined by the training agency.~~

RECOMMENDED SUCCESS CRITERIA CHANGES

~~90%~~ 100% 8.6.1

The student will identify the following advantages of avoiding "silhouetting" while performing field tasks:

A. Officer safety
B. Tactical advantage

~~80%~~ 100% 8.6.2 The student will identify the hazards of making the following "police noises" and how to avoid making them:

A. Vehicle
B. Radio
C. Keys and ~~whistle~~ equipment
D. Unnecessary conversation

~~90%~~ 100% 8.6.3 The student will identify the following reactions as those a field officer should exhibit when encountering a plainclothes officer in the field:

A. No display of reaction until presence acknowledged by the plainclothes officer
B. In the absence of acknowledgement, reaction should be identical to the treatment of any other citizen

~~90%~~ 100% 8.7.3 The student will identify the safest and most effective positions one or two officers can take while interviewing.

~~90%~~ 100% 8.7.4 Given a practical exercise, the student will demonstrate safe and effective tactics for approaching pedestrian suspects while in a patrol vehicle.

~~The demonstration will minimally include:~~

~~A. Approaching pedestrian suspect(s) traveling in the same direction as the patrol unit and on the same side of the street.~~
~~B. Approaching pedestrian suspect(s) traveling in the opposite direction as the patrol unit and on the same side of the street.~~
~~C. Approaching pedestrian suspect(s) traveling in the same direction as the patrol unit and on the opposite side of the street.~~
~~D. Approaching pedestrian suspect(s) traveling in the opposite direction as the patrol unit and on the opposite side of the street.~~

~~80%~~ 90% 8.9.6 The student will identify the ~~proper~~ safe distance to maintain between vehicles ~~once~~ when initiating a vehicle stop ~~is initiated:~~

A. That distance which is not so great as to encourage the other driver to attempt escape, but
B. That distance which is not so close as to present a hazard due to erratic actions by the other driver.

~~80%~~ 90% 8.9.7 The student will identify the following proper use of the spotlight in a pullover and approach situation:

A. Not blinding the driver of the other vehicle while that vehicle is in motion.
B. Illuminating the interior of the other vehicle after it has stopped.
C. Focusing on side and rear view mirrors in order to blind occupants to officer's approach.

~~80%~~ 90% 8.9.11 The student will identify the basic ~~principles of~~ techniques for a traffic violation stop.

~~90%~~ 100% 8.11.1 Given exercises involving the stopping of a vehicle containing felony/ high risk suspect(s), the student will safely stop the vehicle, remove and place the occupant(s) in a position of disadvantage without the officer(s) being placed in a dangerous position.

~~80%~~ 90% 8.15.1 The student will identify the following principles of a safe and effective search of a vehicle.

~~B~~A. ~~Proper~~ Removal and control of occupants
~~A~~B. A systematic method of search

COMMISSION AGENDA ITEM REPORT

Agenda Item Title BASIC COURSE "FEEDER SYSTEMS"		Meeting Date April 25, 1985
Bureau Training Program Services	Reviewed By	Researched By Hal Snow
Executive Director Approval Norman C. Boehm	Date of Approval 4-10-85	Date of Report April 10, 1985

Purpose:
[X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [ ] Yes (See Analysis per details) [X] No

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

ISSUE

Should the Commission expand a pilot program and allow two San Diego County presenters to present a split format presentation of the Basic Course.

BACKGROUND

In 1981, the Commission approved a pilot course certification that permitted the Golden West College Regional Criminal Justice Training Center to present the extended format Basic Course in two parts. Part I or the first semester is a modified Reserve Level I course of 340 + hours with each having the same Performance Objective based curriculum and is presented both by Golden West College and two other area community colleges (Saddleback and Fullerton). Saddleback College has since dropped out of the feeder system because it is no longer certified for reserve training. Part II of the extended format Basic Course includes the balance of the required Basic Course and is presented exclusively by Golden West College. Graduates of Part I are required to successfully pass Golden West's examination on the first half content. The curriculum of Golden West's extended format Basic Course (Part I and Part II) meets POST's curriculum requirements.

The purpose of this method of presenting the Basic Course, which has the support of the Orange County police chiefs, is to overcome the redundancy of instruction which usually occurs when a Level I Reserve Officer becomes a regular officer. Golden West has been given approval by POST since 1981 to continue this Basic Course Feeder System as a pilot test of this form of delivery.

The reason this issue is being brought before the Commission at this time, is that POST has received a similar request from Southwestern and Grossmont Colleges in San Diego County. Southwestern College is certified for the Basic Course and it is proposed that the Level I Reserve Course graduates from Southwestern and Grossmont feed into Southwestern's Part II of the extended format Basic Course. Even though Golden West College has continued as a pilot project, staff has with- held approval of additional systems pending Commission consideration of the issue.

ANALYSIS:

This form of extended format Basic Course delivery (feeder system) is considered experimental and has not been encouraged nor discouraged. However, this system

has been viewed cautiously, because of the potential for fragmenting the Basic Course delivery system and reduced ability for POST to maintain course control and quality. Currently, POST has 33 different entities certified to present the Basic Course. Responsibility for the quality of instruction and meeting POST's curriculum requirements is fixed with one of these identifiable academies. Basic Course Feeder Systems, on the other hand, multiply the number of presenters making it more difficult for POST staff to monitor instructional quality. The following are advantages and disadvantages summarized:

ADVANTAGES

- Eliminates training redundancy between reserve training and the Basic Course.
- Permits students to readily move from reserve to regular officer.
- Enhances extended format Basic Courses because of the relatively high student dropout rate during Part I of the course. It is often not economical to offer Part II with fewer students.
- Testing of Part I graduates by the host academy enhances the appearance and chances for quality of Basic Course graduates.

DISADVANTAGES

- Establishes additional defacto presenters of the Basic Course, thus making it more difficult for POST to maintain course quality control.
- Imposes an additional difficult responsibility on the certified Basic Course presenter to maintain coordinative relationships with the feeder colleges. Ordinarily, one college has no control over another and this system requires the feeder colleges to follow directions from the college certified as the Basic Course presenter.
- Coordinators and instructors from the feeder courses do not participate in the Basic Course update seminars and Consortium and thus less up to date on POST curriculum, accepted course administration and teaching techniques.
- Such systems can lead to other precedent setting demands of POST, e.g., modularizing the intensive format Basic Course.

Results of staff evaluations of the Golden West College Basic Course Feeder System has been positive but inconclusive. Relatively few graduates of Part I (approx. 30) have transferred from the feeder community colleges since 1981, and only six attendees in 1984. Most Part II attendees come from Golden West's Part I Reserve Course. Virtually all of the graduates of the extended format Basic Course from Golden West have become employed as regular officers. However, the relatively small number of trainees involved in transferring from the sister community colleges is too small to draw conclusive results.

Alternatives available to the Commission include the following:

1. Discontinue approving extended format Basic Course Feeder Systems.

2. Approve the concept of extended format Basic Course Feeder Systems (involving multiple college presenters) and authorize staff to approve additional systems. Should the Commission adopt this alternative, it is recommended that guidelines for approving such systems be adopted as Commission Policy. See Attachment A for recommended guidelines.

3. Approve as pilots Golden West College and Southwestern Basic Course Feeder System for one year subject to the above guidelines and direct staff to evaluate their effectiveness and report back to the Commission in April 1986.

Our analysis of these alternatives suggests the most prudent is #3. The potential for eliminating redundant training and resulting costs to students, law enforcement agencies, POST and our community college education system, outweighs the fear of fragmenting our Basic Course delivery system. This alternative is a go-slow approach that involves an objective evaluation of the results. If the results prove negative, these pilots can be discontinued.

RECOMMENDATION

Approve as pilots Golden West and Southwestern Basic Course Feeder Systems for one year subject to the attached guidelines, with staff to evaluate their effectiveness and report back to the Commission as appropriate.

#7149B
4/10/85

Guidelines For Basic Course Feeder System

Feeder System Defined - An arrangement selectively approved by POST that permits an existing extended format, POST-certified Basic Course to accept graduates of especially designed and area-presented Level I courses to enter the second semester or half of the extended format Basic Course under guidelines prescribed by POST.

POST Policy - POST neither encourages nor discourages Basic Course Feeder Systems, as they are considered experimental.

Guidelines:

1. As part of a POST-approved Basic Course Feeder System, the existing extended format, POST-certified Basic Course is required to:

   a. Be in existence for at least a year and have demonstrated compliance with POST's certification requirements.

   b. Exercise leadership in the coordination and maintenance of curriculum content of Part I and Part II of the feeder system.

   c. Continuously keep feeder presenters informed of POST curriculum changes and Basic Course developments.

   d. Test graduates of the feeder presenter who wish to transfer to the second part of the extended format Basic Course.

   e. Appropriately indicate hours of course completion on POST course rosters as prescribed by POST.

   f. Permit enrollment of Part II applicants only if they have passed its especially designed test and completed any Part I feeder course (Reserve Training Modules A, B, and C presented separately or as one course within one semester) which has concluded in the last three months.

2. Feeder Presenters are required to:

   a. Continuously present the first half of the Basic Course and the Level I Course as Part I using the performance objectives.

   b. Continuously teach and test to these performance objectives.

   c. Track student progress on performance objectives for the purpose of determining successful completion of POST's success criteria.

   d. Maintain a close cooperative relationship with the extended format Basic Course presenter that participates in the feeder system.

   e. Comply with POST's certification requirements.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Reimbursement Review		April 25, 1985
Bureau Administrative Services	Reviewed By Otto H. Saltenberger	Researched By Staff
Executive Director Approval Norman C. Boehm	Date of Approval April 10, 1985	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 ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

ISSUE

Shall the Commission increase the salary reimbursement rate to 65% for Basic Course attendees and 80% for other salary reimbursable courses retroactive to July 1, 1984?

BACKGROUND

The Commission's policy is to provide periodic salary reimbursement increases throughout the fiscal year consistent with budget allocations and claims experience. The current salary reimbursement rate is 60% for the Basic Course and 70% for other appropriate courses.

ANALYSIS

Based on expenditures through the third quarter of the fiscal year, analysis and estimates show that the current salary reimbursement rate can be increased. It is proposed that the salary rate for Basic Course be increased by 5% to 65% (an increase of approximately $634,000) and the salary rate for other appropriate courses increased by 10% to 80% (an increase of approximately $1.01 million). Cost of this increase is approximately $1.64 million. The reduction of this amount from the projected year-end balance should still leave a sufficient balance to account for unexpected increases in training claims between now and June 30, 1985.

RECOMMENDATIONS

Increase the salary rate for the Basic Course to 65% and the salary rate for other appropriate courses to 80% retroactive to July 1, 1984.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Computerized, Interactive Video Program for PC 832 Instruction		Meeting Date: April 25, 1985
Bureau: Training Program Services	Reviewed By: Hal Snow	Researched By: George Niesl
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-2-85	Date of Report: March 19, 1985

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

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

ISSUE

Should POST initiate a Request for Proposal (RFP) Process to develop a pilot computer-assisted interactive video instructional program for PC 832 Course Training.

BACKGROUND

The Commission on POST has a long-standing interest in exploring new technologies that promise to improve the delivery or results of law enforcement training. In 1981, the Commission contracted with Tom Anderson of the Justice Training Institute to prepare a report with recommendations on the use of computers in training. The report's major recommendation was for POST to undertake a select number of pilot projects in or associated with computer-assisted instruction (CAI). One of the recommended projects was the development of a CAI program and system focusing on "remedial" training, with specific attention to the POST Basic Course.

Since completion of the report, several developments within the evolving technology of CAI have made it possible to seriously consider the application of computer-assisted instruction to POST-certified training courses. First, more and more powerful micro-computers have become available at low cost to law enforcement agencies and training institutions. The availability of such micro-computers for computer-assisted training of law enforcement personnel is a current reality statewide.

Second, the marriage of computer and video technologies in computer-assisted "interactive video" instruction (CAIVI), has emerged as the means to provide more powerful and effective training in all learning domains, from the very simple cognitive learning of knowledge to the highly complex "hands on" learning of psychomotor skills. The use of laser technology in video disks and equipment (e.g., laser guns) has further enhanced the interaction of CAIVI with the trainee for more responsive, individualized instruction.

An additional development over the past few years is the attention given by the POST Basic Course Consortium to the use of CAI in Basic Course Instruction. Recently, a committee of the full consortium examined the most promising subject areas for application of CAI and recommended development of a pilot program for computer-assisted instruction in those subject areas comprising the P.C. 832 training course.

ANALYSIS

There are a number of reasons for application of computer-assisted interactive video instruction (CAIVI) to P.C. 832 training:

1. P.C. 832 training is presented as part of the POST-certified Basic Course, and reserve training courses.

2. P.C. 832 training is the most widely-presented POST-certified course in California, with more than 8,000 graduates annually.

3. The P.C. 832 training curriculum includes areas of high risk and liability for peace officers and their departments.

4. The P.C. 832 broad learning goals (decision making; ethics; arrest, search and seizure; firearms) are already defined in specific Basic Course performance objectives.

5. The P.C. 832 training curriculum includes performance objectives in all three learning domains - cognitive, affective (attitudes) and psychomotor - thus providing a good test base for evaluation of CAI.

6. Computer-assisted instruction with video interaction (CAIVI) would be needed to adequately train in all P.C. 832 subject areas.

7. A high quality CAIVI program for P.C. 832 training would result in consistent satisfaction of mandated minimum training requirements by new peace officers in California.

8. A CAIVI program for P.C. 832 training could be used for initial, remedial and field training of officers.

9. CAIVI programs could be networked regionally or telecommunicated to outlying areas for greater accessibility to mandated P.C. 832 training.

A recent survey of POST-certified P.C. 832 course presenters revealed that nearly four-fifths of the respondents would use CAI if it were available. About 75 percent of the respondents indicated they have some capability to use CAI, and in most cases, with provision for video interactive instruction. More than two-thirds of the respondents had access to either IBM PC/compatible or APPLE computers, the most frequently cited equipment.

The development of a Request for a Proposal (RFP) for a CAIVI program, in a complex area experiencing rapid technological change, requires state-of-the-art expertise from outside POST staff. Contracting to develop the RFP will ensure that the RFP reflects POST's specific concerns and interests and that the various bidders on the proposal will be able to interpret and respond to the same specifics correctly. A Request for a Proposal to develop a P.C. 832 CAIVI program would require contract bidders to recommend the best hardware configurations and systems, given the needs of the program and existing hardware available among presenters. It is anticipated the contract for RFP development will cost less than $20,000.

Commission approval will enable the RFP process to begin immediately and be concluded in time for the Commission to consider the award of a contract at its October 1985 meeting. Following approval of a contract, the development of the CAIVI program would begin before the end of 1985 and be completed by July 1, 1986.

RECOMMENDATION

Approve the development of a pilot CAIVI program for P.C. 832 course training and authorize staff to contract for development of a Request for a Proposal (RFP) in an amount not to exceed $20,000.

#7093B/231A
4/4/85

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Contract for Computer System Feasibility Study		April 25, 1985
Bureau: Information Services	Reviewed By	Researched By: George Williams
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-2-85	Date of Report: April 2, 1985

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

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

ISSUE

Should the Commission approve the award of a contract (following competitive bidding) for the development of a feasibility study regarding the replacement of POST's computer equipment?

BACKGROUND

POST's computer equipment is currently leased through Four-Phase Systems, Inc. The current lease agreement expires on June 30, 1986.

The Department of Finance, Office of Information Technology, suggested last fall that POST evaluate its long term need before renewing this lease. Recently, staff contracted with an outside consultant to conduct an evaluation.

The consultant's report identifies many shortcomings of the present computer equipment. The equipment requires excessive programmer time, lacks user terminal expansion capability, and lacks system software to provide for adequate management information reporting. (See Attachment A)

An additional problem is that Four-Phase systems requires lease by three-year increments. Therefore, if the lease is extended again, POST will be locked into use of this equipment until 1989.

The Commission has previously approved a budget change item for 1985/86 that appropriates $50,000 for a feasibility study to assess future potential of computer networking between POST and local agencies and training presenters. Staff and the Department of Finance have negotiated an expansion of this BCP to include in the report POST's computer equipment and software needs. The Department of Finance has agreed to increase this combined computer system feasibility study dollar amount from $50,000 to $110,000.

ANALYSIS

The impending deadline for renewal of the Four-Phase systems lease coupled with the time frame requirement of the state's budgeting process, leaves little time to delay. Provision for computer equipment must be included in the proposed 1986/87 FY budget which must be finalized in the fall of 1985. Before an equipment budget proposal is submitted, a systems feasibility study must be completed and approved by the Office of Information Technology.

An RFP is now being prepared. If the Commission approves, the RFP will be let on approximately May 1, 1985 and the successful bidder will be selected by late June, 1985. This will allow the feasibility study to be commenced on July 1, 1985. If this time frame is met, the state's budgeting schedule can be adhered to.

If approval by the Commission is granted, staff will report on progress at the July Commission meeting and incorporate consultant recommendations into the 1986/87 budget proposal submitted for approval to the Commission through the Budget Committee.

Attachment

CRT TERMINALS. The 32 CRT terminals we now use is the maximum number that can be plugged into our Four Phase IV-90 computer. As we've added new functions and features to current information systems and as we've developed new systems we have periodically added more terminals so users can have access to these systems. We must be able to continue doing that.

CONCURRENT PROCESSING. Four Phase doesn't offer true concurrent processing. Although it handles concurrent tasks in the foreground partitions, the background partition, known as "Supervisor Mode" allows only one user at a time. All program compiling and testing, all reports, and all batch processing can only be done in the supervisor mode, one task at a time.

There are several problems with this arrangement. It seriously impedes program development since only one programmer at a time can be doing program compiling and testing. That increases our programming cost by as much as 10%. Moreover, we've reached the point where we have so many batch jobs and reports to process, the Supervisor Mode is in almost constant use. Consequently, both programmers and users often have to wait many hours, sometimes longer, for the computer to become available. This situation is bad enough already. But as we put more work on the computer it is only going to get worse.

DATABASE MANAGEMENT FACILITIES. The facilities Four Phase provides for managing database files are severely limited. Since programmers have to program all input and output functions in every program they write, there are many more instructions to be written, tested, and documented than would be necessary if we had better data management facilities. That, in turn, substantially increases the cost of every program we develop, by perhaps as much as 15%.

PROGRAMMING TOOLS. Facilities that improve programming efficiency are all but nonexistent. Both "Format" and "Dollar COBOL" are only slight improvements over native languages. We have no interactive program debugging facilities. Program library facilities are extremely limited. All this makes programming more time consuming and thus more costly than it would be if we had better programming tools. Lack of programming tools increase the cost of each program we write by as much as 25%.

REPORT GENERATOR FACILITIES. Four Phase does not provide a report generator. All database retrievals and reports must be programmed from scratch. We currently have over 60 separate retrieval programs and more than 100 separate report programs in our library. Many of these programs were used only one or a few times for "ad hoc" reports.

The investment we have in these programs is several times what it would be if we had access to better report generator facilities. We estimate on average each of the above 160 programs took 2 days to develop and cost around $600 (total $96,000). With a good report generator, reports should average 2 hours and cost less than $100 each (the same 160 programs would cost less than $12,000). Put another way, roughly one-half of a programmer position is being wasted every year because we don't have a report generator. We could do a lot of good in other areas if we could put that half of a position to better use.

Moreover, without an easy-to-use report generator, users cannot do their own reports, even simple ones. They must wait until a programmer is available to write a program. We have a number of professionals on our staff who are fully capable of doing reports if they had the right tools, but are not trained to write computer programs. Thus a report generator would save considerable programmer time which could be devoted to efforts that have far greater benefits to POST.

SCREEN GENERATOR FACILITIES. Four Phase's screen generator ("Format") handles most of our screen processing. However it does not allow user-defined logic operations to be performed on input data, which means we have to write COBOL programs in these instances. Moreover, Format cannot be used by our users, even for simple input tasks. It's not that user-friendly. That further compounds the burden on our programming staff.

RECOVERY FACILITIES. Four Phase's facilities for recovering from a system failure is nothing short of primitive. It takes a minimum of 2 hours to rebuild database indexes and pointers before we can resume processing. The system fails 4 or 5 times per month on average, making downtime a serious matter.

In short, we simply can't proceed with further information system development work without first enhancing our computer facilities. Our computer simply can't handle much more. In addition to that, we must find ways to reduce or eliminate programming inefficiencies inherent in current facilities. Otherwise all future development work will cost far more than it should.

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: 1985-86 Interagency Agreement for Auditing Services - State Controller's Office		Meeting Date: April 25, 1985
Bureau: Administrative Services	Reviewed By: Otto H. Saltenberger	Researched By: Staff
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-2-85	Date of Report: 3/28/85

Purpose: ☐ Decision Requested ☐ Information Only ☐ Status Report

Financial Impact ☑ Yes (See Analysis per details) ☐ No

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

ISSUE

Commission review and final approval of Interagency Agreement for Auditing Services - State Controller's Office for Fiscal Year 1985/86.

BACKGROUND

There is a need to audit the training claims made by local agencies against the Peace Officer Training Fund. These audits have been conducted by the State Controller on a yearly basis.

ANALYSIS

Each year for the past several years POST has negotiated an interagency agreement with the State Controller's Office to conduct audits of selected local agencies which receive POST reimbursement funds. The Controller's Office continues to do an acceptable job in auditing selected jurisdictions to assure that reimbursement funds are being appropriately expended. Approval is requested to negotiate a similar agreement for 1985-86 in the amount of $80,000.

RECOMMENDATION

It is recommended that the Commission authorize the signing of an interagency agreement with the State Controller in an amount not to exceed $80,000 to audit local agency reimbursement claims for Fiscal Year 1984-85.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: CONTRACT WITH CPS FOR ADMINISTRATION OF POST PROFICIENCY EXAMINATION		Meeting Date: April 25, 1985
Bureau: Standards and Evaluation Services	Reviewed By:	Researched By: John Berner JB
Executive Director Approval: Norman C. Boehm	Date of Approval: 4-2-85	Date of Report: March 29, 1985

Purpose: [X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [ ] Yes (See Analysis per details) [ ] No

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

ISSUE:

Continuation of the POST Contract with Cooperative Personnel Services (CPS) of the State Personnel Board to administer the POST Basic Proficiency Examination.

BACKGROUND:

Penal Code Section 832(b) requires POST to administer a basic training proficiency test to all academy graduates. POST has contracted with Cooperative Personnel Services (CPS) for the administration of the exam each of the last four years.

ANALYSIS:

CPS has done an acceptable job of administering the POST Basic Course Proficiency Examination over the last four years. Moreover, CPS can administer the exam for much less than it would cost if POST staff were to assume this function.

The amount of the FY 84-85 contract is $29,770. The proposed contract for FY 85-86 would not exceed $33,000. This increase is due to an anticipated increase of 7% for labor costs and 5% general operating expenses and 10% for certain direct cost items.

RECOMMENDATION:

Authorize the Executive Director to sign a contract with CPS for an amount not to exceed $33,000, for administration of the POST Proficiency Exam during FY 85-86.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
California Peace Officer Legal Sourcebook		April 25, 1985
Bureau	**Reviewed By**	**Researched By**
Training Program Services		Hal Snow
Executive Director Approval	**Date of Approval**	**Date of Report**
Norman C. Boehm	4-2-85	March 22, 1985

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

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

ISSUE

Should POST continue to fund the cost of reproduction and postage of the California Peace Officer Legal Sourcebook bi-monthly updates for Fiscal Year 1985/86?

BACKGROUND

On December 1, 1983 POST entered into an interagency agreement with the California Department of Justice to fund, at a cost not to exceed $40,000, the initial production and distribution of 5,000 copies of the California Peace Officer Legal Sourcebook.

At the April 1984 meeting, the Attorney General requested additional funding ($13,710) to pay for reproduction and mailing of the bi-monthly updates for the 5,000 original copies through October 1, 1984. Based upon a positive evaluation of the Sourcebook, the Commission at its October 1984 meeting approved a request to continue funding reproduction and distribution through this Fiscal Year 1984/85 at an additional cost of $37,303.

POST has received a request from the California Attorney General to continue this funding through Fiscal Year 1985/86 because of the inability to secure state funding.

ANALYSIS

The request in effect calls for the Attorney General's Office to continue researching and developing the bi-monthly updates and for POST to fund the printing and postage costs which will be $65,000 for 1985/86 fiscal year.

The request indicates that the State's Budget Change Proposal (BCP) process was not available for the 1985/86 fiscal year, but that a BCP would be introduced for Fiscal Year 1986/87.

In view of POST's previous funding support of the Sourcebook and the extensive use by law enforcement agencies and training course presenters, it is recommended POST continue funding.

RECOMMENDATION

Approve funding of printing and distribution costs for the California Peace Officer Legal Sourcebook through the 1985/86 fiscal year at a cost not to exceed $65,000.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title CONTRACT FOR COMMAND COLLEGE AND EXECUTIVE TRAINING		Meeting Date April 25, 1985
Bureau Center for Executive Development	Reviewed By	Researched By Ted Morton
Executive Director Approval Norman C. Boehm	Date of Approval 4-2-85	Date of Report March 13, 1985

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

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

ISSUE

This item is presented for Commission review and final approval of the Command College and Executive Training contract for Fiscal Year 1985/86. The total maximum cost is $351,137.

BACKGROUND

The first year of the Command College has now been completed. Three classes have started: January, 1984; May, 1984; and January 1985. A fourth class will start June, 1985. Thereafter 2 classes will start each year, January and June. During the 1985/86 Fiscal Year, a total of nineteen, four-and five-day workshops will be presented for classes 1, 2, 3, 4, 5, and 6.

The contract will provide funds to present nineteen Command College workshops, including: site costs; 2 Research Advisory Committee meetings; 2 Planning Committee meetings; 2 Assessment Centers; research advisors for student projects; faculty advisors for scoring and evaluating students' intersession projects (4); funds for continuous redesign, upgrading instruction, hiring and orientation for new instructors; and training for research advisors. The total Command College funding is $307,037.00.

The 1985/86 contract (expenditures shown under Attachment "A") reflects four full classes in session during the year.

The Center is developing a series of 3-day workshops specifically designed for the sheriff and undersheriff. In addition, 4 counties have been selected for the first workshops for chiefs of police. The regional chiefs groups are working with POST staff in identifying training needs. Planning is progressing for the presentation of six sheriff and six chief seminars in 1985/86.

The contract will provide funds to develop and present twelve seminar for chiefs of police and sheriffs. This includes: funds for development, faculty, materials and site costs. The total executive training funding is $44,100.00.

ANALYSIS

The 2-year Command College program is gradually being recognized as a very sophisticated approach to preparing California law enforcement executives and senior managers to foresee the future and be prepared to provide the necessary leadership for a rapidly changing society.

POST has taken a leadership position in design and presentation of a futures oriented executive development training program. The Commission is setting new standards in the public sector for quality of training.

The total contract for 1984/85 (with the recommended $77,496 adjustment) brings the total first year maximum cost to $277,553 with four Command College classes going concurrently, along with increased Chief/Sheriff training (e.g., Office of the Sheriff series). The contract amount for 1985/86 will top out at $351,137.

RECOMMENDATION

The action for the Commission would be to authorize the Executive Director to enter into a contract agreement with the San Diego Regional Training Center to provide expert management consultants, educators and trainers for Command Collge programs and special seminars for law enforcement executives and senior managers at a maximum cost of $351,137 for Fiscal Year 1985/86.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title AMENDMENT - SAN DIEGO REGIONAL TRAINING CENTER CONTRACT		Meeting Date April 25, 1985
Bureau Center for Executive Development	Reviewed By	Researched By Ted Morton
Executive Director Approval Norman C. Boehm	Date of Approval April 2, 1985	Date of Report March 25, 1985

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

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

ISSUE

This item is presented for Commission review and approval of an amendment to the San Diego Regional Training Center contract for Command College and Executive and Management Training for fiscal year 1984/85. The total maximum cost for the contract would be $277,553. The amendment would include $77,496 additional funds.

BACKGROUND

The first year of the Command College has now been completed. Three classes have started; January 1984, May 1984, and January 1985. A fourth class will start June 1985. The Commission's direction of starting two classes per year will have been reached.

We are projecting a full schedule for the Command College in 1985. The schedule will consist of 20, 4 and 5 day workshops conducted one and two a month at Cal-Poly, Pomona.

The development of curricula, selection of faculty, and selection of students has become a major POST project, somewhat beyond our expectations.

ANALYSIS

The 2-year Command College program is gradually being recognized as a very sophisticated approach to preparing California law enforcement executives and senior managers to foresee the future and be prepared to provide the necessary leadership for a rapidly changing society.

In addition to the Command College, the Center is increasing training emphasis toward those sheriffs and chiefs of police who are not a part of the Command College. The Center is developing a series of 3-day workshops specifically designed for the sheriff and undersheriff. In addition, 4 counties have been selected for the first workshops for chiefs of police. The county chiefs associations are working with POST staff in a local needs assessment. The assessment will be used by staff to bring faculty and training directly to the chiefs who find it difficult to be away from their departments for lengthy periods of time.

The fourth Command College class will commence in June, 1985. We will then have reached our goal of having 4 classes in session continuously. With 4

classes, Center staff will be designing and redesigning training, preparing materials, negotiating with faculty, counseling students on their projects, working with the planning and control committees and coordinating the student selection process.

The primary reasons for the increase in contract funds are:

- Emphasis on new subject development and increased training programs for sheriffs and chiefs of police.

- Providing funds for preparation of Command College graduate level and industry oriented faculty to the discipline of law enforcement management. This has included funds for preparation for teaching and grading students' intersession projects.

- Increased costs for faculty with various levels of technical expertise in futures orientation, strategic planning and decision making, transition management, human resources management organization and personnel, management of resources, management of technology, and research development.

- To keep the Command College current it has been necessary to expend funds on additional course design because of the rapid change in social, economic, and fiscal issues.

- The training of assessors to provide consistency in the selection process has brought about the development of areas not previously considered.

- POST has taken a leadership position in design and presentation of a futures oriented executive development training program. We are setting new standards in the public sectors for quality training.

See Attachment A for a breakdown of individual workshop costs for Command College and executive training programs scheduled for March through June, 1985.

We have now gained a full year's experience with the Command College and costs of this high quality leadership development training. It is necessary to annualize the costs for the current fiscal year and amend the contract to reflect the annualized costs.

SUMMARY

The Command College is attracting students with high expectations. This is shown by the high numbers of graduate degrees, promotions taking place during the course and comments being received from all segments of law enforcement. Interest is being shown nationally and in some cases internationally.

We were only prepared to speculate to what level of sophistication the Command College might reach. A drastic departure from POST's staff normal relation with faculty has taken place. With our high level of attention a better faculty has been attracted than we anticipated. We are now under consideration by the California State University Chancellors office for awarding of a Master of Public Administration degree to graduating students. The degrees would be awarded by the CSU systems with some required on-campus work.

RECOMMENDATION

If the Commission concurs, action would be for the Executive Director to seek an amendment to the San Diego Regional Training Center contract for $77,496. This would bring the total contract to a sum of $277,553 for fiscal year 1984/85.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title MANAGEMENT COURSE CONTRACTS - FISCAL YEAR 1985/86		Meeting Date April 25, 1985
Bureau Center for Executive Development	Reviewed By Ted Morton	Researched By Holly Mitchum
Executive Director Approval Norman C. Boehm	Date of Approval 4-9-85	Date of Report March 26, 1985

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

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

ISSUE

Commission review and final approval of the Management Course contracts for Fiscal Year 1985/86. The total maximum cost is $254,530 for 22 presentations.

BACKGROUND

Staff has met with each coordinator representing the four contract presenters for the Management Course. Staff has identified a need for 22 contract course presentations during Fiscal Year 1985/86.

ANALYSIS

Course costs are consistent with POST tuition guidelines. Required learning goals are being satisfactorily presented by each contractor. The Fiscal Year 1985/86 contract costs for 22 presentations will not exceed a total of $254,530.00. The following costs have been agreed to by the presenters:

California State University Long Beach Foundation - 5 presentations	$57,335.00
San Jose State University Foundation - 4 presentations	$44,384.00
Humboldt State University - 5 presentations	$55,075.00
San Diego Regional Training Center - 5 presentations	$62,555.00
California State University Northridge Foundation. 3 presentations	$35,181.00

Total cost of contract for FY 84/85 was $237,562.00 for 22 presentations. A minimum number of 440 law enforcement middle managers will attend the 22 presentations during the fiscal year.

RECOMMENDATION

If approved, the action of the Commission will be to authorize the Executive Director to enter into contact agreements with the current five contractors to present twenty-two (22) presentations of the Management Course during Fiscal Year 1985/86, not to exceed total contract costs of $254,530.00.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title EXECUTIVE DEVELOPMENT COURSE CONTRACT - FY 1985/86		Meeting Date April 25, 1985
Bureau Center for Executive Development	Reviewed By Ted Morton	Researched By Everitt A. Johnson
Executive Director Approval Norman C. Boehm	Date of Approval 4-2-85	Date of Report March 11, 1985

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

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

ISSUE

This item is presented for Commission review and final approval of the Executive Development Course Contract costs for Fiscal Year 1985/86. The total maximum cost is $59,285.00.

BACKGROUND

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

The single contractor for the Executive Development Course is Cal-Poly Kellogg Foundation, located on the California State Polytechnic University, Pomona campus. The Cal-Poly Kellogg Foundation has been under contract to present the course since October, 1979. The 1984/85 contract was for $56,453 for five presentations.

ANALYSIS

The presentations by the Cal-Poly Kellogg Foundation have been well received. The coordinators of the course have developed a special expertise in identifying law enforcement management needs and developing an excellent core of subject materials that meet the needs of the trainees. This expertise has attracted a top level group of instructors. The instructors are recognized for their expertise in law enforcement management, psychology, management consulting, legal matters, education and social issues.

The contract provides for five presentations in Fiscal Year 1985/86. A minimum of 100 chiefs, sheriffs and senior managers will receive training in the 80-hour course.

RECOMMENDATION

If approved, the action of the Commission would be to authorize the Executive Director to enter into contract agreements with Cal-Poly Kellogg Foundation for five presentations of the POST Executive Development Course for Fiscal Year 1985/86, at a maximum cost of $59,285.00.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
POST/DOJ Interagency Agreement		April 25, 1985
Bureau	**Reviewed By**	**Researched By**
Training Delivery Services	Darrell L. Stewart	Tom Farnsworth
Executive Director Approval	**Date of Approval**	**Date of Report**
Norman C. Boehm	April 2, 1985	March 26, 1985

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

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

ISSUE

The Department of Justice has requested the approval of an Interagency Agreement in the amount of $687,151.00 for Fiscal Year 1985/86. This is approximately 8.2% more than the current agreement. The purpose of the agreement would be to support presentation costs of law enforcement training certified by POST to the Department of Justice Training Center.

BACKGROUND

POST has contracted with DOJ for certified course training for the last ten years. The amount of the agreement each year has been based on costs to DOJ for instruction, coordination, clerical support, supplies and travel. Each year in the past the total to POST for training presented has been at or below the maximum allowable costs established in tuition guidelines.

ANALYSIS

The Fiscal Year 1985/86 proposal is for 27 separate courses, with a total of 170 presentations. This total is up from 157 presentations given last year. There will be 5,156 training hours for the estimated 4,299 students (see attachment). The list of courses is similar to last year with the addition of one new course, the Camp Management and Field Operations Course (Campaign Against Marijuana Planting), and an increase in the number of narcotic classes given.

As in past agreements, the total costs of the proposed agreement to POST does not cover the total costs to DOJ. Overhead costs have been reduced from 15% to 11%, allowing for the greater number of courses and students.

RECOMMENDATION

Authorize the Executive Director to enter into an Interagency Agreement with the Department of Justice to present the described training courses for an amount not to exceed $687,151.00.

1985/86 BUDGET BREAKDOWN
IN COMPLIANCE WITH COST REQUIREMENTS

COURSE	Instruct.	Coordination Presite	Coordination Onsite	Clerical	Supplies	Travel	Sub-Total	11% Indirect	Est.Cost Per Presentation
Analyst (C.I. Data)	$1,255	$150	$450	$375	$365	$ 758.66	$3,353.66	$ 368.90	$ 3,722.56
Basic Elements (C.I.)	1,430	150	540	375	210	1,060.00	3,765.00	414.15	4,179.15
Camp Supervision & Field Operations	1,000	159	795	562.50	706	716.00	3,938.50	433.23	4,371.73
Clandestine Laboratory	1,160	100	300	300	362	606.00	2,828.00	311.08	3,139.08
Commander(C.I.,Vice,Narc.)	1,554	150	540	375	240	688.00	3,547.00	390.17	3,937.17
Drug Influence-11550-H&S	1,116	100	225	300	662	1,103.00	3,506.00	385.66	3,891.66
Economic Crime Investigation	1,145	150	540	375	417	1,504.00	4,131.00	454.41	4,585.41
Executive Protection	2,232.50	150	540	375	590	1,623.00	5,510.50	606.15	6,116.65
Financial Investigation	1,279	150	540	375	660	1,117.00	4,121.00	453.31	4,574.31
Informant Development & Maintenance (O.C.)	1,628	150	540	375	354	1,526.50	4,573.50	503.08	5,076.58
Information Services-DOJ	400	50	-	90	107.50	310.00	957.50	105.32	1,062.82
Introduction to Crime Analysis	1,430	150	540	375	245	1,015.99	3,755.99	413.15	4,169.14
Investigation of Computer Crime	1,055	150	540	375	344	1,159.75	3,623.75	398.61	4,022.36
Investigation of Homicide & Violent Crime	1,819	150	600	375	375	2,146.00	5,465.00	601.15	6,066.15
Latent Print Techniques	1,040	150	150	375	275.35	-0-	1,990.35	218.93	2,209.28
Link Analysis Techniques	220	50	-0-	90	175	213.00	748.00	82.28	830.28
Modular Training	690	100	22	270	315	516.00	1,913.00	210.43	2,123.43
Narcotic Enforcement for Peace Officers	1,200	100	90	300	475	547.11	2,712.11	298.33	3,010.44
Narcotic Investigation	8,091	300	600	750	844	990.00	11,575.00	1,273.25	12,848.25
Officer Involved Shooting	1,648	150	540	375	285	1,685.50	4,683.50	515.18	5,198.68
Prison Gang Activity	1,280	150	540	375	360	1,153.00	3,858.00	424.38	4,282.38
Records Management	1,710	150	540	375	525	1,858.00	5,158.00	567.38	5,725.38
Rolling Inked Prints & Lifting	520	100	-0-	300	632	544.50	2,096.50	230.61	2,327.11
Specialized Surveillance Equipment	1,370	150	300	375	759	676.00	3,630.00	399.30	4,029.30
Street Gang Activity	1,130	100	360	300	265	1,168.32	3,323.32	365.56	3,688.88
Urban Terrorist Activity	1,300	150	540	375	470	2,267.00	5,102.00	561.22	5,663.22
Visual Investigative Analysis	256	50	-0-	90	250	120.00	766.00	84.26	850.26

2/28/85

TRAINING PROGRAM 1985/86

Course	Hours	Offsite	Training Center	Total	Est. Class Sizes (*5)	Total Classroom Hours	Est. Attend. All Present. (*5)	Average Cost Per Course(*2)	POST Cost on IAA (*2,*3)
Analyst (C.I. Data)	36	1	2	3	20	108	60	$ 3,722.56	$ 11,167.68
Basic Elements (C.I.)	36	1	2	3	24	108	72	4,179.15	12,537.45
Camp Supervision & Field Operations	24	2	0	2	24	72	48	4,371.73	8,743.46
Clandestine Laboratory	20	2	2	4	24	80	96	3,139.08	12,556.32
Commander(C.I.,Vice,Narc.)	36	0	4	4	24	144	96	3,937.17	15,748.68
Drug Influence-11550-H&S	24	24	0	24	40	576	960	3,891.66	93,399.84
Economic Crime Investigation	36	2	2	4	24	144	96	4,585.41	18,341.64
Executive Protection	36	2	2	4	20	144	80	6,116.65	24,466.60
Financial Investigation	40	2	2	4	24	160	96	4,574.31	18,297.24
Informant Development & Maintenance (O.C.)	36	3	3	6	24	216	144	5,076.58	30,459.48
Information Services-DOJ	8	5	0	5	25	40	125	1,062.82	5,314.10
Introduction to Crime Analysis	36	1	2	3	20	108	60	4,169.14	12,507.42
Investigation of Computer Crimes	36	2	2	4	24	144	96	4,022.36	16,089.44
Investigation of Homicide & Violent Crime (*7)	40	3	3	6	24	240	144	6,066.15	36,396.90
Latent Print Techniques	36	0	4	4	15	144	60	2,209.	8,837.12
Link Analysis Techniques	8	5	0	5	15	48	90	830.20	4,151.40
Modular Training(*1,*4)	24	27	0	27	20	672	540	2,123.43	57,332.61
Narcotic Enforcement for Peace Officers	20	18	0	18	35	360	630	3,010.44	54,187.92
Narcotic Investigation(*7)	80	0	10	10	20	800	200	12,848.25	128,482.50
Officer Involved Shooting	36	3	3	6	24	216	144	5,198.68	31,192.08
Prison Gang Activity	36	1	1	2	24	72	48	4,282.38	8,564.76
Records Management	36	3	1	4	24	144	96	5,725.38	22,901.52
Rolling Inked Prints & Lifting	20	1	1	2	20	40	40	2,327.11	4,654.22
Specialized Surveillance Equipment	36	0	6	6	15	216	90	4,029.30	24,175.80
Street Gang Activity	24	2	1	3	24	72	72	3,688.88	11,066.64
Urban Terrorist Activity	36	1	1	2	24	72	48	5,663.22	11,326.44
Visual Investigative Analysis	8	5	0	5	15	40	75	850.26	4,251.30
		116(68%)	54(32%)	170		5,156	4,299		$687,150.56

2/28/85

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Augumentation of Interagency Agreement		Meeting Date April 25, 1985
Bureau Information Services	Reviewed By	Researched By George Williams GW
Executive Director Approval Norman C. Boehm	Date of Approval 4-2-85	Date of Report April 1, 1985

Purpose:
[X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [X] Yes (See Analysis per details) [ ] No

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

ISSUE

Should the Commission approve augmentation of the existing Interagency Agreement with the Stephen P. Teale Data Center so as to continue without interruption the conditions of the contract?

BACKGROUND

The current Interagency Agreement allocates $32,000 for services and telephonic communication lines and related equipment between the POST headquarters office and the 7100 Bowling Drive, Suite 100, and the Teale Data Center MVS Computer System. The balance of the funds allocated for services has been exhausted.

ANALYSIS

1. In order to continue the research under way by the staff of the Standards and Evaluation Services Bureau, it is necesssary to augment the agreement by $12,000 to provide continued computer services through June 30, 1985, the close of the 1984/1985 Fiscal Year.

2. It has been planned that some of the funds provided in the agreement would be used to purchase from the Teale Data Center an IBM PC/AT micro computer so that the computer services needed by the Standards and Evaluation Services Bureau researchers could be more ecomonically provided than is otherwise available from the Teale Data Center. Through circumstances beyond POST's control, the micro computer could not be purchased on a timely basis which resulted in the funds allocated for the services provisions of the agreement being wholey expended for services. The further augmentation of the agreement by $10,000 would permit the purchase of the micro computer and allow the data processing related to current and future research to be performed at substantially reduced cost.

3. The limitations of POST's Four-Phase computer place severe limitations on our data processing staff; both with regard to the development of necessary new computer programs, as well as the timely processing of needed data reports. For example: (1) While we have three computer programmers, Four-Phase permits only one programmer to work in the supervisor mode at a time;

and (2) the design of the Four-Phase computer is grossly inefficient when required, in effect, to consolidate data from several of its files to produce needed analytical reports. As an interim measure, before the completion of the proposed feasibility studies regarding POST's computer hardware and software needs and implementation of related recommendations it is proposed that the Interagency Agreement with the Teale Data Center also be augmented by $3,000 to permit POST's Information Services Bureau Computer Unit personnel to use the Teale Data Center's time share system.

RECOMMENDATION

Authorize the Executive Director to amend the Interagency Agreement with the Teale Data Center by increasing the amount of the agreement by $25,000.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Renewal of Interagency Agreement with Teale Data Center		Meeting Date April 25, 1985
Bureau Information Services	Reviewed By	Researched By George Williams GW
Executive Director Approval Norman C. Boehm	Date of Approval April 2, 1985	Date of Report April 1, 1985

Purpose:
[X] Decision Requested [ ] Information Only [ ] Status Report

Financial Impact [X] Yes (See Analysis per details) [ ] No

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

ISSUE

Should the Commission approve renewal of the Interagency Agreement with the Stephen P. Teal Data Center?

BACKGROUND

The current Interagency Agreement allocates $32,000 for services and telephonic communication lines and related equipment between POST headquarters office and 7100 Bowling Drive, Suite 100, and the Teal Data Center MVS Computer System.

For 1985/86 it is proposed to:

Provide POST with additional time use in order to develop the new test item bank software on the Teale Data Center's time share computer system. And in addition to provide POST Standards and Evaluation Services researchers and Information Services programmers continued access to the Teale Data Center's time share computer system. This is to allow POST staff to use the Teale Data Center's main frame computers to program and process complex data processing reports that cannot be processed on POST's Four-Phase Systems equipment. The cost for these additional services is estimated to be approximately $18,000.

Continuance of the existing interagency agreement with the State Teale Data Center at the current rate of $32,000 together with the above described additional computer services would total $50,000.

RECOMMENDATION

Authorize the Executive Director to continue the interagency agreement with the State Teale Data Center for Fiscal Year 1985/86 for a cost not to exceed $50,000.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Renewal of Contract with Four-Phase Systems		Meeting Date April 25, 1985
Bureau Information Services	Reviewed By	Researched By George Williams GW TMS 4-1-85
Executive Director Approval Norman C. Boehm	Date of Approval April 2, 1985	Date of Report April 1, 1985

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

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

ISSUE

Should the Commission approve renewal of the contract with Four-Phase Systems for POST computer equipment lease/maintenance.

BACKGROUND

POST has contracted with Four-Phase Systems for computer leasing and service since 1979. In January 1983 the Commission approved the upgrading of the computer system to allow for greater storage capacity and flexibiity of computer use. The upgrading of the computer system was completed in July of 1983 and has enabled Standards and Evaluation Services researchers to communicate with the POST computer and the State Teal Data Center.

ANALYSIS

The ongoing lease and maintenance cost for the Four-Phase computer system is $81,167. The current master contract is a three year commitment with Four-Phase Systems that began in Fiscal Year 1983/84. Analysis of the POST Computer system has shown that greater efficiency in programming and in data storage can be achieved by installing a Four-Phase software product, MKAM (Multiple Key Access Method). The cost of this software and the additional needed memory capacity would be approximately $1,560 per year. Thus the total (annual) cost for the Four-Phase Systems contract would be approximately $83,000.

Multiple Key Access Method is the Four-Phase state-of-the art enhancement. It will provide POST greater flexibility and ease in accessig the data base. Use of this software will reduce overall programming time and will greatly accelerate the process of providing needed ad hoc reports for POST's management and staff. This software will aid in the elimination of duplicated data, thereby enabling more efficient use of storage space facilities.

RECOMMENDATION

Authorize the Executive Director to continue the contract for Fiscal Year 1985/86 with Four-Phase Systems not to exceed $83,000.

State of California

Department of Justice

Memorandum

: Legislative Review Committee

Date : April 3, 1985

From : Robert L. Vernon, Chairman
Commission on Peace Officer Standards and Training

Subject: Legislative Review Committee Meeting

The Legislative Review Committee of the Commission will meet at 8:00 a.m., April 25, 1985 in the Garden Court Coffee Shop of the Beverly Garland Motor Lodge, 1780 Tribute Road, Sacramento. The Chairman will report the Committee's actions to the full Commission at the regular meeting later that date.

AGENDA

1. New Legislation

SB 21	First Aid/CPR Training for Marshals
SB 159	Wiretap Training
SB 345	Basic Certificate Required of Sheriffs
AB 453	Peace Officer Mental Requirements
SB 535	Domestic Violence Cleanup Bill
SB 757	Training for Child Abuse Investigators
AB 913	School Police Peace Officer Powers
SB 1374	CHP Training Fund
AB 1379	POST Commission Membership
AB 1844	Community Crime Resistance Funding
AB 1988	Guidelines for Sexual Assault Investigations
AB 2187	Guidelines/Training for Lockout Situations
AB 2191	Stun Gun Training
AB 2513	Guidelines for Child Abuse/Neglect Investigations

2. Discussion of Dispatcher Standards

3. General Discussion

4. Adjournment

COMMISSION ON POST
BILL INDEX REPORT

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* BILLS TRACKED BY *
*
* TYPE: ACTIVE *
****

BILL #	AUTHOR	POSITION	TYPE	SUBJECT
AB0453	ELDER	NOT CONSID	ACTIVE	STANDARDS
AB0913	ALATORRE	NOT CONSID	ACTIVE	TRAINING
AB1379	HAUSER	NOT CONSID	ACTIVE	POST RELAT
AB1844	HAYDEN	NOT CONSID	ACTIVE	FUNDING
AB1988	WATERS, NOR	NOT CONSID	ACTIVE	POST RELAT
[illegible]2187	WATERS, MAX	NOT CONSID	ACTIVE	TRAINING
AB2191	CLUTE	NOT CONSID	ACTIVE	TRAINING
AB2513	WATERS, NOR	NOT CONSID	ACTIVE	POST RELAT
SB0021	ELLIS	NOT CONSID	ACTIVE	TRAINING
SB0159	PRESLEY	NOT CONSID	ACTIVE	TRAINING
SB0345	DAVIS	NOT CONSID	ACTIVE	STANDARDS
SB0535	WATSON	NOT CONSID	ACTIVE	TRAINING
SB0757	RUSSELL	NOT CONSID	ACTIVE	TRAINING
SB1374	KEENE	NOT CONSID	ACTIVE	FUNDING

END OF REPORT

COMMISSION ON POST
BILL STATUS REPORT

AB0453 -- ELDER PEACE OFFICERS

AB 453 WOULD PROVIDE THAT INDIVIDUALS CHARGED WITH CRIMINAL OFFENSES AND ADJUDGED MENTALLY INCOMPETENT, INSANE, OR ADDICTED, OR IN DANGER OF BECOMING ADDICTED TO NARCOTICS AND COMMITTED TO STATE INSTITUTIONS, AS SPECIFIED, WOULD BE DISQUALIFIED FROM HOLDING OFFICE OR BEING EMPLOYED AS A PEACE OFFICER.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 11 In committee: Set, first hearing. Hearing canceled at the request of author.

Assembly Public Safety
05/20/85 1:30 P.M. ROOM 447

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	STANDARDS

AB0913 -- ALATORRE SCHOOLS: PEACE OFFICERS

AB 913 WOULD SPECIFY THAT MEMBERS OF COMMUNITY COLLEGE AND SCHOOL DISTRICT POLICE DEPARTMENTS ARE PEACE OFFICERS WHOSE AUTHORITY EXTENDS TO ANY PLACE IN THE STATE AND WOULD MAKE CONFORMING CHANGES. THIS BILL WOULD REQUIRE THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING TO ADOPT REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR PEACE OFFICERS EMPLOYED BY COMMUNITY COLLEGE AND SCHOOL DISTRICT POLICE DEPARTMENTS.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 12 Referred to Com. on PUB. S.

Assembly Public Safety
05/20/85 1:30 P.M. ROOM 447

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

AB1379 -- HAUSER COMMISSION ON PEACE OFFICERS AND STANDARDS AND

TRAINING

AB 1379 WOULD REQUIRE UNDER EXISTING LAW THAT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING CONSISTS OF 11 MEMBERS, 5 OF WHICH SHALL CONSIST ONLY OF SHERIFFS OR CHIEFS OF POLICE.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 21 Referred to Com. on PUB. S.

Assembly Public Safety
05/20/85 1:30 P.M. ROOM 447

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	POST RELAT

AB1844 -- HAYDEN COMMUNITY CRIME RESISTANCE PROGRAM

AB 1844 WOULD REVISE THE CALIFORNIA COMMUNITY CRIME RESISTANCE PROGRAM BY PROVIDING THAT: MAXIMUM AWARD WOULD BE $250,000, BASED UPON POPULATION FIGURES; EXPAND THE LIST OF SPECIFIED ACTIVITIES FOR IMPLEMENTATION BY ADDING THAT EFFORTS BE PROPOSED TO ADDRESS THE CRIME PREVENTION NEEDS OF COMMUNITIES WITH HIGH PROPORTIONS OF TEENAGERS AND YOUNG ADULTS, AS DEFINED, LOW-INCIME FAMILIES, AND NON-ENGLISH-SPEAKING RESIDENTS; EXPAND THE CRITERIA TO BE CONSIDERED FOR THE SELECTION OF COMMUNITIES TO RECEIVE FUNDING; AND REVISE THE PROCEDURES FOR EVALUATING AND MONITORING THE GRANTS MADE UNDER THE PROGRAM. THIS BILL WOULD CREATE IN THE STATE TREASURY THE COMMUNITY CRIME RESISTANCE FUND TO MAKE MONEYS AVAILABLE TO LOCAL AGENCIES TO IMPLEMENT THE COMMUNITY CRIME RESISTANCE PROGRAM. THIS BILL WOULD PROVIDE THAT ONCE A MONTH THERE WOULD BE DEPOSITED IN THE COMMUNITY CRIME RESISTANCE FUND AN AMOUNT EQUAL TO 0.77% OF THE FUNDS DEPOSITED IN THE ASSESSMENT FUND DURING THE PRECEDING MONTH. THIS BILL WOULD REPEAL THE REPEALER AND THEREFORE PERMIT THE PROGRAM TO CONTINUE AS AMENDED BY THIS BILL. THIS BILL WOULD MAKE TECHNICAL NONSUBSTANTIVE CHANGES.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 28 Art. IV, Sec. 8(a) of the Constitution dispensed with and Joint Rule 55 suspended.

Assembly Public Safety
04/08/85 1:30 p.m. Room 447

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	FUNDING

AB1988 -- WATERS, NORMAN INVESTIGATION GUIDELINES

AB 1988 WOULD EXPRESS THE LEGISLATURE'S INTENT THAT THIS EXISTING LAW IS TO ENCOURAGE THE ESTABLISHMENT OF INVESTIGATION GUIDELINES THAT TAKE INTO CONSIDERATION THE SENSITIVE NATURE OF THE SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN WITH RESPECT TO BOTH THE ACCUSED AND THE ALLEGED VICTIM.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 26 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	POST RELAT

AB2187 -- WATERS, MAXINE LANDLORD AND TENANT: ILLEGAL LOCKOUTS

AB 2187 WOULD IMPOSE A STATE-MANDATED LOCAL PROGRAM BY REQUIRING COUNTY AND CITY LAW ENFORCEMENT AGENCIES TO ADOPT AND IMPLEMENT SPECIAL WRITTEN POLICIES AND STANDARDS FOR RESPONDING TO THESE SITUATIONS, AS SPECIFIED, BY JULY 1, 1986. THE BILL WOULD REQUIRE THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING TO ADOPT STANDARDS FOR INSTRUCTION AND GUIDELINES FOR LAW ENFORCEMENT RESPONSE. THE BILL WOULD REQUIRE THE COMMISSION, IN CONSULTATION WITH SPECIFIED GROUPS AND INDIVIDUALS, TO REVIEW EXISTING TRAINING PROGRAMS FOR INCLUSION OF TRAINING UNDER THE BILL. THE BILL WOULD APPROPRIATE $40,000 TO THE COMMISSION TO PAY THE EXPENSES OF EXPERTS UTILIZED BY THE COMMISSION FOR PURPOSES OF THIS BILL. THIS BILL WOULD PROVIDE THAT REIMBURSEMENT FOR COSTS MANDATED BY THE BILL SHALL BE MADE PURSUANT TO STATUTORY PROCEDURES AND, IF THE STATEWIDE COST DOES NOT EXCEED $500,000, SHALL BE PAYABLE FROM THE STATE MANDATES CLAIMS FUND.

VOTE: 2/3 APPROPRIATION: YES FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 28 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

AB2191 -- CLUTE WEAPONS

AB 2191 WOULD REGULATE THE SALE, USE, POSSESSION, AND LICENSING OF STUN GUN WEAPONS, AS DEFINED. THIS BILL WOULD REQUIRE A MANUFACTURER, WHOLESALER, OR PERSON WHO SELLS, FURNISHES, OR TRANSFERS STUN GUN WEAPONS FOR SALE, AT RETAIL, TO MAINTAIN A FILE ON THE DEALERS TO WHOM THE WEAPONS ARE SOLD, AS SPECIFIED. THIS BILL WOULD PROVIDE THAT THE KNOWING SALE, OFFER FOR SALE, POSSESSION, OR TRANSPORTATION OF A STUN GUN WEAPON, EXCEPT AS PERMITTED BY THIS BILL, IS PUNISHABLE AS A MISDEMEANOR BY FINE OR IMPRISONMENT, OR BOTH. THIS BILL WOULD PROVIDE THAT ANY PERSON WHO KOWINGLY MAKES A FALSE STATEMENT ON A REPORT OR RECORD REQUIRED UNDER THESE PROVISIONS WOULD BE, ON THE FIRST OFFENSE, GUILTY OF EITHER A MISDEMEANOR OR A FELONY, AS SPECIFIED, AND ANY SUBSEQUENT CONVICTION WOULD BE AFELONY, PUNISHABLE AS SPECIFIED. THIS BILL WOULD IMPOSE A STATE-MANDATED LOCAL PROGRAM BY CREATING NEW CRIMES. THIS BILL WOULD PROVIDE THAT NO REIMBURSEMENT IS REQUIRED BY THIS ACT FOR A SPECIFIED REASON.

VOTE: 2/3 APPROPRIATION: YES FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 28 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

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AB2513 -- WATERS, NORMAN PEACE OFFICERS: STANDARDS AND TRAINING.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 28 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	POST RELAT

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SB0021 -- ELLIS PEACE OFFICERS: MARSHALS.

SB 21 WOULD ADD MARSHALS AND DEPUTY MARSHALS TO THE LIST OF PEACE OFFICERS REQUIRED TO MEET THE TRAINING STANDARDS PRESCRIBED BY THE EMERGENCY MEDICAL SERVICES AUTHORITY FOR THE ADMINISTRATION OF FIRST AID AND CARDIOPULMONARY RESUSCITATION.This bill would state that it is the intent of the Legislature that peace officer members of the marshal's office meet the first aid and cardiopulmonary resuscitation

standards established by the Commission on Peace Officer Standards and Training, as part of the selection and training standards for marshals and deputy marshals. This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

AMENDED: 03/11/85 03/28/85

1985 MAR 28 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

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SB0159 -- PRESLEY ELECTRONIC SURVEILLANCE

SB 159 WOULD AUTHORIZE THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS BY CERTAIN LAW ENFORCEMENT OFFICERS UNDER SPECIFIED JUDICIAL AUTHORIZATION PROCEDURES. VIOLATION OF CERTAIN PROVISIONS WOULD CONSTITUTE CONTEMPT, AND PERSONS AGGRIEVED BY A VIOLATION WOULD HAVE A CIVIL CAUSE OF ACTION FOR DAMAGES, AS SPECIFIED.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

AMENDED: 03/19/85

1985 MAR 19 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

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SB0345 -- DAVIS COUNTY SHERIFFS: ELIGIBILITY

SB 345 WOULD REQUIRE A PERSON, IN ORDER TO BE ELIGIBLE FOR ELECTION OR APPOINTMENT TO THE OFFICE OF SHERIFF ON OR AFTER JAN 1, 1986, TO POSSESS A VALID BASIC CERTIFICATE ISSUED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 FEB 14 To Com. on JUD.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	STANDARDS

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SB0535 -- WATSON CIMINAL LAW: DOMESTIC VIOLENCE

SB 535 WOULD REPEAL THE PROVISION UNDER EXISTING LAW WHICH AUTHORIZES THE ISSUANCE OF A STAY-AWAY ORDER IN A CRIMINAL CASE INVOLVING DOMESTIC VIOLENCE WHERE, WITH NOTICE TO THE DEFENDANT AND UPON AN AFFIDAVIT, A LIKELIHOOD OF HARRASSMENT OF THE VICTIM BY THE DEFENDANT HAS BEENDEMON-STRATED TO THE SATISFACTION OF THE COURT. IT ALSO WOULD MAKE A TECHNICAL CHANGE. URGENCY STATUTE.

VOTE: 2/3 APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 7 To Com. on JUD.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

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SB0757 -- RUSSELL CHILD ABUSE AND NEGLECT

SB 757 WOULD REQUIRE THAT THE LAW ENFORCEMENT AGENCY HAVING JURIS-DICTION OVER A CASE SHALL REPORT TO THE COUNTY WELFARE DEPARTMENT THAT IT IS INVESTIGATING THE CASE WITHIN 24 HOURS AFTER STARTING ITS INVESTI-GATION. IT WOULD REQUIRE THE COUNTY WELFARE DEPARTMENT TO RECOMMEND IN WRITING WHAT ACTION WOULD BE IN THE BEST INTEREST OF THE CHILD VICTIM ON OR BEFORE THE COMPLETION OF THE INVESTIGATION, AS SPECIFIED. IN ADDITION, THE BILL WOULD REQUIRE THE COUNTY WELFARE DEPARTMENT TO SUBMIT IN WRITING ITS RECOMMENDATION TO THE DISTRICT ATTORNEY BEFORE A CRIMINAL COMPLAINT IS FILED AND WOULD REQUIRE THE DISTRICT ATTORNEY TO CONSIDER THE RECOMMENDATION BEFORE FILING OR DECLINING TO FILE A CRIMINAL COM-PLAINT. ALL OF THESE REQUIREMENTS WOULD ESTABLISH STATE MANDATED LOCAL PROGRAMS.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 19 Set for hearing April 16.

Senate Judiciary
04/16/85 1:30 p.m. Room 4203

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	TRAINING

SB1374 -- KEENE FINES AND FORFEITURES: CALIFORNIA HIGHWAY PATROL

SB 1374 WOULD ESTABLISHA SIMILAR BUT SEPARATE PENALTY ASSESSMENT OF $1 FOR EVERY $10 OR FRACTION THEREOF, TO BE DEPOSITED IN THE CALIFORNIA HIGHWAY PATROL EDUCATIONAL TRAINING FUND, WHICH IS CREATED BY THIS ACT BUT SHALL BE APPROPRIATED IN THE BUDGET ACT. THE BILL WOULD IMPOSE A STATE-MANDATED LOCAL PROGRAM BY REQUIRING A HIGHER LEVEL OF SERVICE UNDER AN EXISTING PROGRAM. THIS BILL WOULD PROVIDE THAT REIMBURSEMENT FOR COSTS MANDATED BY THE BILL SHALL BE MADE PURSUANT TO STATUTORY PROCEDURES AND, IF THE STATEWIDE COST DOES NOT EXCEED $500,000, SHALL BE PAYABLE FROM THE STATE MANDATES CLAIMS FUND.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 21 To Com. on JUD.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NOT CONSID 00/00/00	ACTIVE	FUNDING

END OF REPORT

AMENDED IN ASSEMBLY MARCH 28, 1985

AMENDED IN SENATE MARCH 11, 1985

SENATE BILL No. 21

Introduced by Senator Ellis

December 3, 1984

An act to amend Section 13518 of the Penal Code, relating to peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 21, as amended, Ellis. Peace officers: marshals.

(1) Existing law requires specified peace officers to meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation.

This bill would add marshals and deputy marshals to the list of peace officers required to have such training, thereby imposing a state-mandated local program.

This bill would state that it is the intent of the Legislature that peace officer members of the marshal's office also meet the first aid and cardiopulmonary resuscitation standards ~~established by the Commission on Peace Officer Standards and Training~~ *prescribed by the Emergency Medical Services Authority*, as part of the selection and training standards for marshals and deputy marshals *established by the Commission on Peace Officer Training and Standards*. However, if a marshal's office chooses not to comply with the optional selection and training standards of the commission, it would not be required to meet the first aid and cardiopulmonary resuscitation standards ~~of the commission~~ *prescribed by the Emergency Medical Services Authority*. Marshals' offices which do comply with the ~~commissions~~ *optional selection and training* standards *of the commission* would be reimbursed for

the cost of the *first aid and cardiopulmonary resuscitation* training from the Peace ~~Officers~~ *Officers'* Training Fund in accordance with commission regulations. *The bill would make an appropriation by authorizing new expenditures from the Peace Officers' Training Fund, which is a continuously appropriated fund.*

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

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

Vote: ~~majority~~ ⅔. Appropriation: ~~no~~ *yes*. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 13518 of the Penal Code is
2 amended to read:
3 13518. (a) Every city police officer, sheriff, deputy
4 sheriff, marshal, deputy marshal, peace officer member
5 of the California State Police, peace officer member of
6 the California Highway Patrol, and police officer of a
7 district authorized by statute to maintain a police
8 department, except those whose duties are primarily
9 clerical or administrative, shall meet the training
10 standards prescribed by the Emergency Medical Services
11 Authority for the administration of first aid and
12 cardiopulmonary resuscitation. In addition, satisfactory
13 completion of periodic refresher training or appropriate
14 testing in cardiopulmonary resuscitation and other first
15 aid as prescribed by the Emergency Medical Services
16 Authority shall also be required.
17 (b) The course of training leading to the basic

1 certificate issued by the commission shall include
2 adequate instruction in the procedures described in
3 subdivision (a). No reimbursement shall be made to local
4 agencies based on attendance at any such course which
5 does not comply with the requirements of this
6 subdivision.
7 (c) As used in this section, "primarily clerical or
8 administrative" means the performance of clerical or
9 administrative duties for a minimum of 90 percent of the
10 time worked within a pay period.
11 SEC. 2. It is the intent of the Legislature that peace
12 officer members of a marshal's office meet the first aid
13 and cardiopulmonary resuscitation standards ~~established~~
14 ~~by the Commission on Peace Officer Standards and~~
15 ~~Training~~ *prescribed by the Emergency Medical Services*
16 *Authority* as part of the selection and training standards
17 for marshals and deputy marshals *established by the*
18 *Commission on Peace Officer Standards and Training*. A
19 marshal's office choosing not to comply with the optional
20 selection and training standards of the commission will
21 not be required to meet the first aid and
22 cardiopulmonary resuscitation training requirements ~~of~~
23 ~~the commission~~ *prescribed by the Emergency Medical*
24 *Services Authority*.
25 Reimbursement for the cost of the first aid and
26 cardiopulmonary resuscitation training *for marshals and*
27 *deputy marshals* shall be in accordance with commission
28 regulations and payable from the Peace ~~Officer~~ *Officers'*
29 Training Fund.
30 SEC. 3. Reimbursement to local agencies and school
31 districts for costs mandated by the state pursuant to this
32 act shall be made pursuant to Part 7 (commencing with
33 Section 17500) of Division 4 of Title 2 of the Government
34 Code and, if the statewide cost of the claim for
35 reimbursement does not exceed five hundred thousand
36 dollars ($500,000), shall be made from the State Mandates
37 Claims Fund.

O

AMENDED IN SENATE MARCH 19, 1985

SENATE BILL No. 159

introduced by Senators **Presley, Alquist, Ayala, Beverly, Boatwright, Campbell, Davis, Doolittle, Ellis, Foran, Maddy, Montoya, Morgan, Nielsen, Richardson, Russell, Seymour, Stiem, and Vuich**

(Coauthors: Assembly Members Allen, Baker, Clu te, McAlister, and Stirling

January 10, 1985

An act to add Chapter 1.3 (commencing with Section ~~628~~ 629) to Title 15 of Part 1 of, ***and to add Section 633.2 to,*** the Penal Code, relating to surveillance.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Presley. Electronic surveillance.

Existing law generally prohibits electronic eavesdropping or recording of confidential communications with certain exceptions for certain law enforcement officers.

This bill would also authorize the interception of wire or oral communications by certain law enforcement officers under specified judicial authorization procedures. Violation of certain provisions would constitute contempt, and persons aggrieved by a violation would have a civil cause of action for damages, as specified. ***It would require the Commission on Peace Officer Standards and Training to establish a course of training and the Attorney General to set standards for certification of law enforcement officers to intercept private communications.'***

The bill would provide that the general prohibition. of electronic eavesdropping or recording or tapping communications does not render inadmissible in a criminal proceeding any communication intercepted by federal

officers if validly authorized by a federal court.

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

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

SECTION 1. Chapter 1.3 (commencing with Section ~~628~~ *629*) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 1.3. ELECTRONIC SURVEILLANCE

~~628.~~

629. Each application for an order authorizing the interception of a wire or oral communication shall be made in writing upon the personal oath or affirmation of the Attorney General or Chief Assistant Attorney General; Criminal Law Division, or of a district attorney, to the presiding judge of the superior court or the judges designated by the presiding judge. Each application shall include all of the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application..

(b) The identity of the law enforcement agency that is to execute the order.

(c) A statement attesting to a review of the application and the circumstances in support thereof by the chief executive officer, or his or her designee, of the law enforcement agency making the application. This statement shall name the chief executive officer or the designee who effected this review.

(d) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his or her belief that an order should be issued, including (1) details as to the particular offense that has been ~~or~~, is being, ***or is about to be*** committed, (2) the fact that conventional investigative techniques had been tried and were unsuccessful, or why they ~~would be inapplicable in the instant case~~ ***reasonably appear to be unlikely to***

1 succeed or ***to be too dangerous, (3)*** a particular
2 description of the nature and location of the facilities
3 from which or the place where the communication is to
4 be intercepted, (4) a particular description of the type of
5 communication sought to be intercepted, and (5) the
6 identity, if known, of the person committing the offense
7 and whose communications are to be intercepted, or if
8 that person's identity is not known, then the information
9 relating to the person's identity that is known to the
10 applicant.
11 (e) A statement of the period of time for which the
I2 interception is -required to be maintained, and if the
13 nature of the investigation is such that the authorization
14 for interception should not automatically terminate'
15 when the described type of communication has been first
16 obtained, a particular description of the facts establishing
17 probable cause to believe that additional
18 communications of the same type will occur thereafter.
19 (f) A full and complete statement of the facts
20 concerning all previous applications known, to the
a 21 individual authorizing and to the individual making the
22 application, to have been made to any judge of a state or
23 federal court for authorization to intercept wire or oral .
24 communications involving any of the same persons,
a 25 facilities, or places specified in the application, and the
26 action taken by the judge on each of those applications.
27 (g) If the application is for the extension of an order,
28 a statement setting forth the number of communications
29 intercepted pursuant to the original order, and the results
30 thus far obtained from the interception, or a reasonable
31 explanation of the failure to obtain results.
32 The judge may require the applicant to furnish
33' additional testimony or documentary evidence in
34 support of the application.
35 6438.h
36 ***629.02.*** Upon application made under Section ~~628~~ 629,
37 the judge may enter an ex parte order, as requested or
38 modified, authorizing interception of wire or oral
39 communications within the territorial jurisdiction of the
46 court in which the judge is sitting, if the judge determines

on the basis of the facts submitted by the applicant all of **the** following:

~~(a) There is probable cause to believe that an individual is engaged in one or more of the following activities, and there is probable cause to believe that the individual is committing or has committed one of the following activities:~~

~~(1) Arson, as defined in Section 451, unlawfully causing a fire, as defined in Section 452, and violations of Section 455.~~

~~(2) Bribery, as defined in Sections 67 and 68, and attempting to defer or prevent an executive officer from performing his or her duty, as defined in Section 69.~~

~~(3) Burglary, as defined in Section 459.~~

~~(4) Embezzlement, as defined in Sections 424 and 503.~~

~~(5) Extortion, as defined in Section 518.~~

~~(6) Assault, as defined in Section 245.~~

~~(7) Intimidation of a witness, as defined in subdivision (c) of Section 136.1.~~

~~(8) Forgery, as defined in Section 470.~~

~~(9) Gambling, as defined in Sections 337a to 337f, inclusive, and Section 337.1.~~

~~(10) Grand theft, as defined in Section 487.~~

~~(11) Kidnapping, as defined in Section 207.~~

~~(12) Loan/sharking, as defined in Section 3 of the initiative act known as the usury law.~~

~~(13) Mayhem, as defined in Section 203.~~

~~(14) Murder, as defined in Section 187.~~

~~(15) Pimping or pandering, as defined in Section 266.~~

~~(16) Receiving stolen property, as defined in Section 496.~~

~~(17) Robbery, as defined in Section 211.~~

~~(18) Solicitation of crimes, as defined in Section 653f.~~

~~(19) Terrorism, as defined in Section 422.~~

~~(20) Trafficking, transportation, or sale of narcotic durgs, marijuana, or dangerous drugs in violation of Sections 11351 to 11353, inclusive, Sections 11358 to 11360, inclusive, or Sections 11378 to 11383, inclusive, of the Health and Safety Code.~~

~~(21) Corporate securities violations set forth in Section~~

~~25541 of the Corporations Code.~~

~~(22) The presentation of a false or fraudulent insurance claim in violation of Section 556 of the Insurance Code.~~

~~(23) Exploding a destructive device with intent to murder, as defined in Section 12308.~~

~~(24) Exploding a destructive device which causes bodily injury, in violation of Section 12309, or which causes mayhem or great bodily injury, in violation of Section 12310.~~

~~(25) Conspiracy to commit any of the above/mentioned crimes.~~

(a) There is probable cause to believe that an individual is committing, has committed, or 'is about to commit, one of the following offenses:

(1) Any crime involving an immediate danger of death to any person.

(2) Murder, as defined in Section 187.

(3) Kidnapping, as defined in Section 20%

(4) Robbery, as defined in Section 211.

(5) Extortion, as defined in Section 518.

(6) **Trafficking,** *transportation,* **manufacture, or sale** *of narcotic drugs, marijuana, or dangerous drugs in violation of Sections 11351 to 11353, inclusive, Sections 11358 to 11360, inclusive, or Sections 11378 to 11383, inclusive of the Health and Safety Code.*

(7) Conspiracy **to** *commit any Of the above mentioned crimes.*

(b) There is probable cause for belief that particular communications concerning the illegal activities will be obtained through that interception.

(c) There is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person.

(d) Normal investigative procedures have been tried and have failed or reasonably appear either to be unlikely to succeed if tried or to be too dangerous.

1 ~~628.2.~~
2 629.04. Each order authorizing the interception of
3 any wire or oral communication shall specify:
4 (a) The identity, if known, of the person whose
5 communications are to be intercepted, or if the identity
6 is not known, then that information relating to the
7 person's identity known to the applicant.
8 (b) The nature and location of the communication
9 facilities as to which, or the place where, authority to
10 intercept is granted.
11 (c) A particular description of the type of
12. communication sought to be intercepted, and a
13 statement of the illegal activities to which it relates.
14 (d) The identity of the agency authorized to intercept
15 the communications and of the person making the
16 application.
17 (e) The period of time during which the interception
18 is authorized including a statement as to whether or not
19 the interception shall automatically terminate when the
20 described communication has been first obtained.
21 ~~628.3.~~
22 629.06. (a) Upon informal application by the
23 Attorney General, the Chief Assistant Attorney General
24 Criminal Law Division, or a district attorney, a judge of
25 competent jurisdiction may grant oral approval for an
26 interception, without an order, if he or she determines all
27 of the following:
28 (1) There may be grounds upon which an order could
29 be issued under this chapter.
3 0 (2) There is probable cause to' believe that an
31 emergency situation exists with respect to the
32 investigation of an offense enumerated in this chapter.
33 (3) There is probable' cause to believe that a
34 substantial danger to life or limb exists justifying the
3 5 authorization for immediate interception of a private
36 wire or oral communication before an application for an
37 order' could with due diligence be submitted and acted
38 upon.
39 (b) Approval for an interception under this section
40 shall be conditioned upon filing with the judge, within 48

hours, of a written application for an order which, if granted consistent with this chapter, shall also recite the oral approval under this subdivision and be retroactive to the time of the oral approval.

~~628.4.~~

629.08. No order entered under' this chapter shall authorize the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days. Extensions of an order may be granted, but only upon application for an extension made in accordance with Section ~~628~~ 629 and upon the court making findings required by Section ~~628.1~~ *629.02.* The 'period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event any longer than 30 days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception not otherwise ***subject*** to ***interception*** under this chapter, and shall terminate upon attainment of the authorized objective, or in any event at the time expiration of the term designated in the order or any extensions.

~~628.5.~~

629.10. An order authorizing interception, entered pursuant to this chapter, may require reports to be made to the judge who issued the order showing ~~that~~ *what* progress has been made toward achievement of the authorized objective' and the need for continued interception. The reports shall be made at those intervals that the judge may require.

~~628.6.~~

629.12. The Attorney General shall prepare and submit a report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Court on interceptions conducted under the authority of this chapter during the preceding year. Information for this report shall be provided to the Attorney General by any prosecutorial agency seeking an

order pursuant to this chapter. This report shall include data on the number of orders applied for, the number of orders granted, the results of orders executed, the prosecutions undertaken from information gained pursuant to an order, and the results of orders executed, the prosecutions, as well as other data that the Legislature, the Judicial Council, or the Director of the Administrative Office shall require.

~~628.7.~~

629.14. The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication pursuant to this chapter shall be done'in a way that will protect the recording from editing or other alterations. In addition, ***the monitoring or recording device shall be of a type and shall be installed to preclude. any interruption or monitoring of the interception by any unauthorized means.*** Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his or her directions. Custody of the recordings shall be ~~with the judge issuing the order~~ ***where the judge orders.*** They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of Sections ~~629.2 and 629.3~~ 629.24 ***and*** 629.26 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under Section ~~629.4~~ 629.28.

~~628.8.~~

629.16. Applications made and orders granted pursuant to this chapter shall be sealed by the judge. Custody of the applications and orders shall be ~~with the judge issuing the order~~ ***where the judge orders.*** The applications and orders shall be disclosed only upon a

showing of good cause before a judge and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for 10 years.

~~628.9.~~

629.18. Within a reasonable time, but no later than 90 days, after the termination of the period of an order or extensions thereof, the issuing judge shall cause to be served upon persons named in the order or the application and other known parties to intercepted communications an inventory which shall include notice of all of the following:

(a) The fact of the entry of the order.

(b) The date of the entry and the period of authorized interception.

(c) The fact that during the period wire or oral communications were or were 'not intercepted.

The judge, upon filing of a motion, may, in his or her discretion, make available to the person or his or her counsel for inspection the portions of the intercepted communications, applications, and orders that the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this section may be postponed. The period of postponement shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted ~~an in no event for longer than 30 days for each showing of good cause.~~ .

~~629.~~

629.20. The contents of any intercepted wire or oral communication or evidence derived from it shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding, except a grand jury proceeding, unless each party, not less than 10 days before trial, hearing, or proceeding, has been furnished with a transcript of the contents of the interception and with a copy of the court order and accompanying ~~notification~~ ***application*** under which the interception was authorized. This 10-day period may be waived by the judge if he or she finds that it was not possible to furnish the party with the above information 10 days before the

trial, hearing, or proceeding, and that the party will not be prejudiced by the delay in receiving that information.

~~629.1. Any aggrieved person in any trial, hearing, or proceeding may move to suppress some or all of the contents of any intercepted wire or oral communications, or evidence derived therefrom, on any of the following grounds:~~

~~(a) The communication was unlawfully intercepted.~~

~~(b) The order authorizing the interception is insufficient on its face.~~

~~(c) The interception was not made in conformity with the order or in accordance with the provisions of this chapter.~~

~~The motion shall be made and determined pursuant to the provisions of Section 1538.5 or other applicable law.~~

629.22. Any person in any trial, hearing, or proceeding, may move to suppress some or all of the contents of any intercepted wire or oral communications, or evidence derived therefrom, only on the basis that the contents or evidence were obtained in violation of the Fourth Amendment of the United States Constitution. The motion shall be made, determined, and be subject to review in accordance with the procedures set forth in Section 1538.5.

~~629.2.~~

629.24. The Attorney General, any Deputy Attorney General, district attorney, or deputy district attorney, or any peace officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose the contents to one of the individuals referred to in this section ***and to any investigative or law enforcement officer as defined in subdivision (7) of Section 2510 of Title 18 of the United States Code*** to the extent that the disclosure is appropriate to the proper performance of the official duties of the individual making or receiving the disclosure. No other disclosure, except to a grand jury, of intercepted information is permitted prior to a public court hearing by any person regardless of how the person

may have come into possession thereof.

~~629.3.~~

629.26. The Attorney General, any Deputy Attorney General, district attorney, or deputy district attorney, or any peace officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use the contents to the extent the use is appropriate to the proper performance of his or her official duties.

~~629.4.~~

629.29. Any person who has received, by any means authorized by this chapter, any information concerning a wire or oral communication, or evidence derived therefrom, intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or derivative evidence while giving testimony under oath or affirmation in any criminal court proceeding or in any grand jury proceeding.

~~629.5.~~

629.30. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character. When a peace officer, while engaged in intercepting wire or oral communications in the manner authorized by this chapter, intercepts wire or oral communications that are of a privileged nature he or she shall immediately cease the interception for at least two minutes. After a period of at least two minutes, interception may be resumed for up to 30 seconds during which time the officer shall determine if the nature of the communications is still privileged. If still of a privileged nature, the officer shall again cease interception for at least two minutes, after which the officer may again resume interception for up to 30 seconds to redetermine the nature of the communication. The officer shall continue to go on-line and off-line in this manner until such time as the communication is no longer privileged or the communication ends. The recording device shall be metered in such a way as to authenticate upon review

that interruptions occurred as set forth in this chapter.

~~629.6.~~

629.32. If a peace officer, while engaged in intercepting wire or oral communications in the manner authorized by this chapter, intercepts wire or oral communications relating to crimes other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in Sections ~~629.2 and 629.3~~ 629.24 ***and*** 629.26. The contents and any evidence derived therefrom may be used under Section ~~629.4~~ 629.26 when authorized by a judge if the judge finds upon subsequent application, that the contents were otherwise intercepted in accordance with the provisions of this chapter. The application shall be made as soon as practicable.

~~629.7.~~

629.34. Any violation of this chapter shall be punished as contempt of court.

~~629.8.~~

629.36. Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall have the following remedies:

(a) Have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use the communications.

(b) Be entitled to recover, in that action, all of the following:

(1) Actual damages but not less than liquidated damages computed at the rate of one hundred dollars ($100) a day for each day of violation or one thousand dollars ($1,000), whichever is greater.

(2) Punitive damages.

(3) A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action brought under this chapter, or under Chapter 1.5 (commencing with Section 630) or any other law.

~~629.9.~~

629.38. Nothing in Section ,631 or 632 shall be construed as prohibiting any peace officer from intercepting any wire or oral communication pursuant to an order issued in accordance with the provisions of this chapter. Nothing in Section 631 or 632 shall be construed as rendering inadmissible in any criminal proceeding in any court or before any grand jury any evidence obtained by. means of an order issued in accordance with the provisions of this chapter. Nothing in Section 637 shall be construed as prohibiting the disclosure of the contents of any oral or wire communication obtained by any means authorized by this chapter, if the disclosure is authorized by this chapter. Nothing in this chapter shall apply to any conduct authorized by Section 633.

~~629.92. No order issued pursuant to this chapter shall either directly or indirectly authorize covert entry into or upon the premises of a private residential dwelling for installation or removal of any interception device or for any other purpose. Notwithstanding that such entry is otherwise prohibited by any other section or code, this chapter expressly prohibits covert entry of a private residential dwelling to facilitate an order to intercept wire or oral communication. Nothing in this section shall preclude covert entry into a motel, hotel, or business premise.~~

~~629.94.~~

629.40. An order authorizing the interception of a wire or oral communication shall direct, upon request of the applicant, that a public utility engaged in the business of providing communications services and facilities, a landlord, custodian, or any other person furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and. with a minimum of interference with the services which the public utility, landlord, custodian, or other person is providing the person whose communications are to be intercepted. Any such public utility, landlord, custodian, or other person furnishing facilities or technical assistance shall be

1 compensated by the applicant at the prevailing rates.
2 ~~629.96.~~
3 629.42. Notwithstanding any other provision of la&,
4 any court to which an application is made in accordance
5 with this chapter may take any evidence, make any
6 finding, or issue any order required to conform the
7 proceedings or the issuance of any order of authorization
8 or approval to the provisions of the Constitution of the
9 United States or any law of the United States.
10 ~~629.98. The Attorney General shall do all of the~~
11 ~~following:~~
12 ~~(a) Establish a course of training in the legal, practical,~~
13 ~~and technical aspects of the interception of private oral~~
14 ~~communications and related investigation and~~
15 ~~prosecution techniques.~~
16 ~~(b) Issue regulations that he or she finds necessary for~~
17 ~~the training program.~~
18 ~~(c) Set minimum standards for certification and~~
19 ***629.44. (a) The Commission on Peace Officer***
20 ***Standards and Training, in consultation with the***
21 ***Attorney General, shall establish a course of training in***
22 ***the legal, practical, and technical aspects of the***
23 ***interception of private wire and oral*** communications
24 ***and related investigative techniques.***
25 ***(b) The Attorney General shall set minimum***
26 ***standards for certification and*** periodic recertification of
27 investigative or law enforcement officers as eligible to
28 apply for orders authorizing the interception of private
29 ***wire or*** oral communications, to conduct the
30 interceptions, and to use the communications or
31 evidence derived from them in official proceedings.
32 ~~The Attorney General~~
33 ***(c) The Commission on Peace Office Standards and***
34 ***Training and the*** may charge a reasonable enrollment fee
35 to offset the costs of the training ~~and~~***, and the Attorney***
36 ***General may charge a reasonable fee to offset the costs of***
37 certification.
38 629.99.
39 ***629.46.*** If any provision of this chapter, or the
40 application thereof to any person or circumstances, is

1 **held invalid, the remainder of the chapter, and the**
2 **application of its provisions to other persons or**
3 **circumstances, shall not be affected thereby.**
4 SEC. *2. Section 633.2 is added to the Penal Code, to*
5 *read:*
6 ***633.2. Nothing in Section 631 or 632 or any other***
7 *provision of law shall render inadmissible in any criminal*
8 *proceeding in any court or before a grand jury of any*
9 *communication intercepted by any federal investigative*
10 *or law enforcement officers if validly authorized by a*
11 *federal court under federal law.*
12 ***SEC. 3.*** **No appropriation is made and no**
13 **reimbursement is required by this act pursuant to Section**
i4 **6 or Article XIII B of the California Constitution or**
15 **Section 2231 or 2234 of the Revenue and Taxation Code.**

0

SENATE BILL No. 345

Introduced by Senator Davis

February 6, 1985

An act to add Section 24004.1 to the Government Code, relating to sheriffs.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as introduced, Davis. County sheriffs: eligibility.

Existing law provides for an elected sheriff in each county. The law does not prescribe any educational or training qualifications to hold office as sheriff.

Under existing law, the Commission on Peace Officer Standards and Training is required to establish minimum standards, training, and a certification program for specified classes of law enforcement officers.

This bill would require a person, in order to be eligible for election or appointment to the office of sheriff on or after January 1, 1986, to possess a valid basic certificate issued by the Commission on Peace Officer Standards and Training.

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

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

1 SECTION 1. Section 24004.1 is added to the
2 Government Code, to read:
3 24004.1. A person is not eligible for election or
4 appointment to the office of sheriff on or after January 1,
5 1986, unless he or she possesses a valid basic certificate
6 issued by the Commission on Peace Officer Standards
7 and Training pursuant to Section 13510.1 of the Penal
8 Code.

O

ASSEMBLY BILL No. 453

Introduced by Assembly Member Elder

January 29, 1985

An act to amend Section 1029 of the Government Code, relating to public officers and employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as introduced, Elder. Peace officers.

Under existing law, a person who has been convicted of a felony, or an offense in another state which would have been a felony in this state, is, with specified exceptions, disqualified from holding or being employed as a peace officer by the state or local government.

This bill would provide that individuals charged with criminal offenses and adjudged mentally incompetent, insane, or addicted, or in danger of becoming addicted to narcotics and committed to state institutions, as specified, would be disqualified from holding office or being employed as a peace officer.

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

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

SECTION 1. Section 1029 of the Government Code is amended to read:

1029. (a) Except as provided in subdivision (b), (c), or (d) any person who has been convicted of a felony in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony if committed in this state *or those individuals charged with criminal offenses and adjudged by a court*

to be mentally incompetent, insane, or addicted, or in danger of becoming addicted to narcotics and committed to state institutions as provided for in Section 3051 of the Welfare and Institutions Code, is disqualified from holding office or being employed as a peace officer of the state, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer.

(b) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections or the Department of the Youth Authority, or as a probation officer in a county probation department, if he or she has been granted a full and unconditional pardon for the felony or offense of which he or she was convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority, or a county probation department, may refuse to employ any such person regardless of his or her qualifications.

(c) Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(d) Nothing in this section shall be construed to prohibit any person from holding office or being

employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

O

laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women in the presentation of training.

As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office.

(b) The course of basic training for law enforcement officers shall, no later than January 1, 1986, include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on police officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim.

(4) The nature and extent of domestic violence.

(5) The legal rights of, and remedies available to, victims of domestic violence.

(6) The use of an arrest by a private person in a domestic violence situation.

(7) Documentation, report writing, and evidence collection.

(8) Domestic violence diversion as provided in Chapter 2.6 (commencing with Section 1000.6) of Title ~~5~~ *6* of Part 2.

(9) Tenancy issues and domestic violence.

(10) The impact on children of law enforcement intervention in domestic violence.

(11) The services and facilities available to victims and batterers.

(12) The use and applications of this code in domestic violence situations.

(13) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.

(14) Verification and enforcement of stay-away orders.

(15) Cite and release policies.

(16) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

The guidelines developed by the commission shall also incorporate the foregoing factors.

(c) All law enforcement officers who have received their basic training before January 1, 1986, shall participate in supplementary training on domestic violence subjects, as prescribed and certified by the commission. This training shall be completed no later than January 1, 1989.

Local law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on domestic violence. The commission shall assist where possible.

(d) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence. The groups and individuals shall include, but shall not be limited to, the following: one representative each from the California Peace Officers' Association, the Peace Officers' Research Association of California, the State Bar of California, the California Women Lawyers' Association, and the State Commission on the Status of Women; two representatives from the commission; two representatives from the California Alliance Against Domestic Violence; two peace officers, recommended by the commission, who are experienced in the provision of domestic violence training; and two domestic violence experts, recommended by the California Alliance Against Domestic Violence, who are experienced in the provision of direct services to victims of domestic violence. At least one of the persons selected shall be a former victim of

1 domestic violence.
2 The commission, in consultation with these groups and
3 individuals, shall review existing training programs to
4 determine in what ways domestic violence training
5 might be included as a part of ongoing programs.
6 (e) Forty thousand dollars ($40,000) is appropriated
7 from the Peace Officers Training Fund in augmentation
8 of Item 8120-001-268 of the Budget Act of 1984, to support
9 the travel, per diem, and associated costs for convening
10 the necessary experts.
11 SEC. 2. Chapter 3 (commencing with Section 13720)
12 of Title 5 of Part 4 of the Penal Code is repealed.
13 SEC. 3. This act is an urgency statute necessary for
14 the immediate preservation of the public peace, health,
15 or safety within the meaning of Article IV of the
16 Constitution and shall go into immediate effect. The facts
17 constituting the necessity are:
18 In order to ensure that this act shall achieve maximum
19 implementation, it is necessary that it take effect at the
20 earliest date possible.

O

Introduced by Senator Watson

February 25, 1985

An act to amend Section 13519 of, and to repeal Chapter 3 (commencing with Section 13720) of Title 5 of Part 4 of, the Penal Code, relating to criminal law, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 535, as introduced, Watson. Criminal law: domestic violence.

Existing law authorizes the issuance of a stay-away order in a criminal case involving domestic violence where, with notice to the defendant and upon an affidavit, a likelihood of harrassment of the victim by the defendant has been demonstrated to the satisfaction of the court.

This bill would repeal the above provision. It also would make a technical change.

The act would take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 13519 of the Penal Code is
2 amended to read:
3 13519. (a) The commission shall implement by
4 January 1, 1986, a course or courses of instruction for the
5 training of law enforcement officers in California in the
6 handling of domestic violence complaints and also shall
7 develop guidelines for law enforcement response to
8 domestic violence. The course or courses of instruction
9 and the guidelines shall stress enforcement of criminal

of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes invloving the sexual exploitation and sexual abuse of children.

SEC. 5. Section 13836.2 of the Penal Code is amended to read:

13836.2. (a) The office shall reimburse each county for the costs of salaries and transportation to the extent necessary to permit up to 10 percent of the staff of the district attorney to complete the course of training established pursuant to this chapter. The office shall prescribe the manner in which ~~such~~ *the* training shall be obtained. ~~Such~~ *The* training shall be offered at least ~~once~~ *twice* each year in both northern and southern California.

(b) The office shall seek certification from the State Bar of the course as a course which may be taken to complete the Criminal Law Specialist Certificate.

SEC. 6. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

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

O

SENATE BILL No. 757

Introduced by Senator Russell
(Principal coauthor: Assembly Member Mojonnier)
(Coauthors: Senators Craven, Doolittle, Bill Greene, Leroy Greene, Presley, Rosenthal, Seymour, and Stiern)
(Coauthors: Assembly Members Allen, Bradley, Hauser, Herger, La Follette, Leonard, McAlister, McClintock, Mountjoy, Sebastiani, and Wyman)

March 4, 1985

An act to amend Sections 1000.12, 11166, 13516 and 13836.2 of, and to add Section 11174.5 to, the Penal Code, relating to child abuse and neglect.

LEGISLATIVE COUNSEL'S DIGEST

SB 757, as introduced, Russell. Child abuse and neglect.

Existing law provides that in lieu of prosecuting a person who is suspected of violating laws in which a minor is a victim of an act of abuse or neglect, and who is referred by the local police or sheriff's department, the prosecuting attorney may refer that person to the county department in charge of public social services for counseling and other services, after seeking the advice of the county department in charge of public social services in determining whether or not to make the referral. In the case of a person suspected of sexual abuse of a child, certain specified conditions must be complied with in order to make such a referral.

This bill would delete the requirement that the person be referred to the prosecuting attorney by the local police or sheriff's department.

Existing law requires a county welfare or probation department to report known or suspected instances of child abuse to the law enforcement agency having jurisdiction over the case and to the agency having the responsibility for the

investigation of cases coming within the provisions of the juvenile court law relating to dependent children, except as specified.

This bill would require that the law enforcement agency having jurisdiction over a case shall report to the county welfare department that it is investigating the case within 24 hours after starting its investigation. It would require the county welfare department to recommend in writing what action would be in the best interest of the child victim on or before the completion of the investigation, as specified. In addition, the bill would require the county welfare department to submit in writing its recommendation to the district attorney before a criminal complaint is filed and would require the district attorney to consider the recommendation before filing or declining to file a criminal complaint. All of these requirements would establish state mandated local programs.

Existing law requires the Commission on Peace Officer Standards and Training to prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes are required to successfully complete that training within 6 months of the date the assignment was made. Cities, counties, and districts not adhering to the standards established by the commission are ineligible for allocations from the Peace Officers' Training Fund.

This bill would provide that any officer assigned to investigation duties which include the handling of cases involving the sexual exploitation or sexual abuse of children must successfully complete the above specified training within 6 months of the date of the assignment.

Existing law requires the office of Criminal Justice Planning to provide a course of training for sexual assualt investigators at least once each year in both northern and southern California.

This bill would require the course to be offered at least twice each year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated

completion of the investigation. Before a criminal complaint is filed, the county welfare department shall submit in writing its recommendation to the district attorney, and the district attorney shall consider the recommendation before filing or declining to file a criminal complaint.

SEC. 3. Section 11174.5 is added to the Penal Code, to read:

11174.5. The intent and purpose of the Legislature is to protect children from abuse. In any investigation of suspected child abuse, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

SEC. 4. Section 13516 of the Penal Code is amended to read:

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

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

(c) The commission shall prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned ~~as~~ *to* investigation ~~specialists for these crimes~~ *duties which include the handling of cases involving the sexual exploitation or sexual abuse of children,* shall successfully complete ~~their~~ *that* training within six months of the date the assignment was made.

(d) It is the intent of the Legislature in the enactment

immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, *and* to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, ~~and to the district attorney's office~~ every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department *and* ; the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, ~~and to the district attorney's office~~ every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

(h) The Legislature intends that in each county the law enforcement agencies and the county welfare or social services department shall develop and implement cooperative arrangements for investigating suspected child abuse cases. The local law enforcement agency having jurisdiction over a case reported under this section shall report to the county welfare department that it is investigating the case within 24 hours after starting its investigation. The county welfare department shall recommend in writing what action would be in the best interest of the child victim on or before the

by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

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

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

SECTION 1. Section 1000.12 of the Penal Code is amended to read:

1000.12. (a) It is the intent of the Legislature that nothing in this chapter is intended to deprive a prosecuting attorney of the ability to prosecute persons suspected of ~~violating any section of this code~~ *committing any crime* in which a minor is a victim of an act of abuse or neglect to the fullest extent of the law, if the prosecuting attorney so chooses.

(b) In lieu of prosecuting a person suspected of ~~violating any section of this code~~ *committing any crime* in which a minor is a victim of an act of abuse or neglect ~~when such person is referred to him or her by the by the local police or sheriff's department~~, the prosecuting attorney may refer that person to the county department in charge of public social services or the probation department for counseling *or psychological treatment* and such other services as the department deems necessary. The prosecuting attorney shall seek the advice of the county department in charge of public social

services or the probation department in determining whether or not to make the referral.

SEC. 2. Section 11166 of the Penal Code is amended to read:

11166. (a) Except as provided in subdivision (b), any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of, or who reasonably suspects, that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report ~~such~~ *the* known or suspected instance of child abuse to a child protective agency.

(c) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child under the age of 14 years engaged in an act of sexual conduct, shall report ~~such~~ *the* instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached

within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation, for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent ~~the provisions of~~ with this article.

(g) A county probation or welfare department shall

ASSEMBLY BILL No. 913

Introduced by Assembly Member Alatorre

February 25, 1985

An act to amend Sections 39670, 39671, and 72330 of the Education Code, and to amend Sections 830.2, 830.31, 830.4, and 13510.5 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 913, as introduced, Alatorre. Schools: peace officers.

Under existing law, school districts are authorized to establish a security department or a police department under the supervision of a designated official. Existing law also specifies that members of a police department of a school district are peace officers only for the purpose of carrying out the duties of their employment pursuant to a specified statutory provision of the Penal Code which limits the exercise of their peace officer powers to certain places within the state, except as specified.

Existing law specifies that members of a community college police department are peace officers for purposes of enforcing the law on or near the campus, grounds, or property of the community college.

This bill would instead specify that members of community college and school district police departments are peace officers whose authority extends to any place in the state and would make conforming changes.

Existing law requires the Commission on Peace Officer Standards and Training to adopt regulations which establish minimum standards for training peace officers employed by prescribed agencies.

This bill would, additionally, require the commission to adopt regulations estabishing minimum standards for peace

officers employed by community college and school district police departments.

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

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

1 SECTION 1. Section 39670 of the Education Code is
2 amended to read:
3 39670. The governing board of any school district may
4 establish a security department under the supervision of
5 a chief of security or a police department under the
6 supervision of a chief of police, as designated by, and
7 under the direction of, the superintendent of the school
8 district, and employ, in accordance with the provisions of
9 Chapter 5 (commencing with Section 45100) of Part 25 of
10 Division 3 personnel as may be necessary to ensure the
11 safety of school district personnel and pupils, and the
12 security of the real and personal property of the school
13 district. It is the intention of the Legislature in enacting
14 this section that a school district police or security
15 department shall be supplementary to city and county
16 law enforcement agencies ~~and shall under no~~
17 ~~circumstances be vested with general police powers~~.
18 SEC. 2. Section 39671 of the Education Code is
19 amended to read:
20 39671. Persons employed and compensated as
21 members of a police department of a school district,
22 when appointed and duly sworn, are peace officers, for
23 the purposes of carrying out their duties of employment
24 pursuant to Section ~~830.1~~ *830.2* of the Penal Code.
25 SEC. 3. Section 72330 of the Education Code is
26 amended to read:
27 72330. The governing board of a community college
28 district may establish a community college police
29 department, under the supervision of a community
30 college chief of police, and employ, in accordance with
31 the provisions of Chapter 4 (commencing with Section
32 88000) of Part 51 such personnel as may be necessary to
33 enforce the law on or near the campus of the community

college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college. Each campus of a multicampus community college district may designate a chief of police.

Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, are peace officers ~~as defined by~~ *pursuant to* Section ~~830.31~~ *830.2* of the Penal Code.

SEC. 4. Section 830.2 of the Penal Code is amended to read:

830.2. The following persons are peace officers whose authority extends to any place in the state:

(a) Any member of the California Highway Patrol, provided that the primary duty of the 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.

(b) Any member of the California State Police Division, provided that the primary duty of the peace officer shall be the protection of state properties and occupants thereof.

(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 the 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 those circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 92600 of the

Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

(e) A member of the California State University and College Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(f) Any member of the Law Enforcement Liaison Unit of the Department of Corrections, provided that the primary duty of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

(g) Members of the Wildlife Protection Branch of the Department of Fish and Game, provided that the primary duty of those deputies shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code.

(h) Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.

(i) The Director of Forestry and employees or classes of employees of the Department of Forestry designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.

(j) A member of a community college police department.

(k) A member of a school district police department.

SEC. 5. Section 830.31 of the Penal Code is amended to read:

830.31. The following persons are peace officers

whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense, or pursuant to Section 8597 or 8598 of the Government Code. Such peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) 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 or fire protection agency of the state, or a county, city, or district regularly paid and employed as such, if the primary duty of arson investigators is the detection and apprehension of persons who have violated any fire law or committed insurance fraud, and the primary duty 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 fire prevention and fire suppression.

(b) Persons designated by a local agency as park rangers, and regularly employed and paid as such, if the primary duty of any such peace officer is the protection of park and other property of the agency and the preservation of the peace therein.

(c) ~~Members of a community college police department appointed pursuant to Section 72330 of the Education Code, if the primary duty of any such peace officer is the enforcement of the law as prescribed in Section 72330 of the Education Code.~~

~~(d)~~ A welfare fraud investigator or inspector, regularly employed and paid as such by a county, if the primary duty of any such peace officer is the enforcement of the provisions of the Welfare and Institutions Code.

~~(e)~~

(d) A child support investigator or inspector, regularly employed and paid as such by a district attorney's office, if the primary duty of any such peace

officer is the enforcement of the provisions of the Welfare and Institutions Code and Section 270.

~~(f)~~

(e) The coroner and deputy coroners, regularly employed and paid as such, of a county, if the primary duty of any such peace officer are those duties set forth in Sections 27469 and 27491 to 27491.4, inclusive, of the Government Code.

~~(g)~~

(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, if the primary duty of any such peace officer is the enforcement of the law in or about properties owned, operated, or administered by the district or when performing necessary duties with respect to patrons, employees, and properties of the district.

~~(h)~~

(g) Harbor or port police regularly employed and paid as such by a county, city, or district other than peace officers authorized under Section 830.1, and the port warden and special officers of the Harbor Department of the City of Los Angeles, if the primary duty of any such peace officer is the enforcement of the law in or about the properties owned, operated, or administered by the harbor or port or when performing necessary duties with respect to patrons, employees, and properties of the harbor or port.

~~(i)~~

(h) Persons designated as a security officer by a municipal utility district pursuant to Section 12820 of the Public Utilities Code, if the primary duty of any such officer is the protection of the properties of the utility district and the protection of the persons thereon.

~~(j)~~

(i) Persons designated as a security officer by a county water district pursuant to Section 30547 of the Water Code, if the primary duty of any such officer is the protection of the properties of the county water district and the protection of the persons thereon.

~~(k)~~

(j) The security director of the public utilities commission of a city and county, if the primary duty of the security director is the protection of the properties of the commission and the protection of persons thereon.

SEC. 6. Section 830.4 of the Penal Code is amended to read:

830.4. The following persons are peace officers while engaged in the performance of their duties in or about the properties owned, operated, or administered by their employing agency, or when they are required by their employer to perform their duties anywhere within the political subdivision which employs them. These officers shall also have the authority of peace officers anywhere in the state as to an 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 duty of the officer or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is an immediate danger to person or property or of the escape of the perpetrator of the offense. These peace officers may carry firearms only if authorized by, and under such terms and conditions as are specified by, their employing agency:

(a) Security officers of the California State Police Division.

(b) The Sergeant at Arms of each house of the Legislature.

(c) Bailiffs of the Supreme Court and of the courts of appeal.

(d) Guards and messengers of the Treasurer's office.

(e) Officers designated by the hospital administrator of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services pursuant to Section 4313 or 4493 of the Welfare and Institutions Code.

(f) Any railroad policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

~~(g) Persons employed as members of a police~~

~~department of a school district pursuant to Section 39670 of the Education Code.~~

~~(h)~~

(g) Safety police officers of the County of Los Angeles.

~~(i)~~

(h) Housing authority patrol officers employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city, or city and county.

~~(j)~~

(i) Transit police officers of a county, city, or district.

~~(k)~~

(j) Any person regularly employed as an airport law enforcement officer by a city, county, or district operating the airport or by a joint powers agency, created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, operating the airport.

~~(l)~~

(k) Court service officers in a county of the third class.

~~(m)~~

(l) Security officers of the Department of General Services of the City of Los Angeles designated by the general manager of the department. Notwithstanding any other provision of law, the peace officers designated by this subdivision shall not be authorized to carry firearms.

SEC. 7. Section 13510.5 of the Penal Code is amended to read:

13510.5. 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 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who are employed by any railroad company, the California State Police Division, the University of California Police Department, a California State University police department, *a community college police department, a*

school district police department, the Department of Alcoholic Beverage Control, the Division of Investigation of the Department of Consumer Affairs, the Wildlife Protection Branch of the Department of Fish and Game, the Department of Forestry, the Department of Motor Vehicles, the California Horse Racing Board, the State Fire Marshal, the Bureau of Food and Drug, the Division of Labor Law Enforcement, the Director of Parks and Recreation, the State Department of Health Services, the State Department of Social Services, the State Department of Mental Health, the State Department of Developmental Services, the State Department of Alcohol and Drug Programs, the Office of Statewide Health Planning and Development, and the Department of Justice. All rules shall be adopted and amended pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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act shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code and, if the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars ($500,000), shall be made from the State Mandates Claims Fund.

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SENATE BILL No. 1374

Introduced by Senator Keene

March 8, 1985

An act to add Section 1464.1 to the Penal Code, and to add Section 2115 to the Vehicle Code, relating to the California Highway Patrol.

LEGISLATIVE COUNSEL'S DIGEST

SB 1374, as introduced, Keene. Fines and forfeitures: California Highway Patrol.

(1) Existing law imposes a penalty assessment of $5 for every $10 or fraction thereof upon every fine, penalty, or forfeiture imposed or collected by the courts for criminal offenses, including Vehicle Code offenses, except offenses relating to parking or registration and offenses by pedestrians or bicyclists, and specified payments ordered by a court with respect to Vehicle Code violations by minors. These penalty assessments are transferred by each county to the Assessment Fund and redistributed each month to the Fish and Game Preservation Fund, the Restitution Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, the Corrections Training Fund, the Local Public Prosecutors and Public Defenders Training Fund, and the Victim-Witness Assistance Fund.

This bill would establish a similar but separate penalty assessment of $1 for every $10 or fraction thereof, to be deposited in the California Highway Patrol Educational Training Fund, which is created by this act but shall be appropriated in the Budget Act. The bill would impose a state-mandated local program by requiring a higher level of service under an existing program.

(2) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does not contain a repealer, as required by that section; therefore, the

provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

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

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

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

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

1 SECTION 1. Section 1464.1 is added to the Penal
2 Code, to read:
3 1464.1. (a) In addition to the assessments established
4 under Section 1464 and Section 76000 of the Government
5 Code, there shall be levied an assessment in an amount
6 equal to one dollar ($1) for every ten dollars ($10) or
7 fraction thereof, upon every fine, penalty, or forfeiture
8 imposed and collected by the courts for criminal offenses,
9 including all offenses involving a violation of a section of
10 the Vehicle Code or any local ordinance adopted
11 pursuant to the Vehicle Code, except offenses relating to
12 parking or registration or offenses by pedestrians or
13 bicyclists, or where an order is made to pay a sum to the
14 general fund of the county pursuant to subparagraph (iii)
15 of paragraph (3) of subdivision (a) of Section 258 of the
16 Welfare and Institutions Code. Any bail schedule adopted
17 pursuant to Section 1269b may include the necessary
18 amount to pay the assessments established by this section,
19 Section 1464, and Section 76000 of the Government Code
20 for all matters where a personal appearance is not
21 mandatory and the bail is posted primarily to guarantee

1 payment of the fine.
2 (b) Where multiple offenses are involved, the
3 assessment shall be based upon the total fine or bail for
4 each case. When a fine is suspended, in whole or in part,
5 the assessment shall be reduced in proportion to the
6 suspension.
7 (c) When any deposited bail is made for an offense to
8 which this section applies, and for which a court
9 appearance is not mandatory, the person making such
10 deposit shall also deposit a sufficient amount to include
11 the assessment prescribed by this section for forfeited
12 bail. If bail is returned, the assessment made thereon
13 pursuant to this section, shall also be returned.
14 (d) In any case where a person convicted of any
15 offense, to which this section applies, is in prison until the
16 fine is satisfied, the judge may waive all or any part of the
17 assessment, the payment of which would work a hardship
18 on the person convicted or his or her immediate family.
19 (e) After a determination by the court of the amount
20 due, the clerk of the court shall collect the same and
21 transmit it to the State Treasury to be deposited in the
22 California Highway Patrol Educational Training Fund.
23 Money in the California Highway Patrol Educational
24 Training Fund is not continuously appropriated and shall
25 be appropriated in the Budget Act.
26 SEC. 2. Section 2115 is added to the Vehicle Code, to
27 read:
28 2115. There is hereby created in the State Treasury
29 the California Highway Patrol Educational Training
30 Fund, to provide funding for improved training for
31 officers of the California Highway Patrol and to
32 encourage such officers to seek additional training.
33 SEC. 3. Notwithstanding Section 2231.5 of the
34 Revenue and Taxation Code, this act does not contain a
35 repealer, as required by that section; therefore, the
36 provisions of this act shall remain in effect unless and
37 until they are amended or repealed by a later enacted
38 act.
39 SEC. 4. Reimbursement to local agencies and school
40 districts for costs mandated by the state pursuant to this

ASSEMBLY BILL No. 1379

Introduced by Assembly Member Hauser

March 5, 1985

An act to amend Section 13500 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as introduced, Hauser. Commission on Peace Officers Standards and Training.

Existing law provides that the Commission on Peace Officer Standards and Training consists of 11 members, 5 of which shall consist of sheriffs, chiefs of police, or certain nominated or designated peace officers.

This bill would require the 5 members specified above to consist only of sheriffs or chiefs of police.

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

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

SECTION 1. Section 13500 of the Penal Code is amended to read:

13500. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of 11 members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate.

The commission shall be composed of the following members:

(1) ~~Two~~ *five* members shall be ~~(i)~~ sheriffs or chiefs

of police ~~or peace officers nominated by their respective sheriffs or chiefs of police, (ii) peace officers who are deputy sheriffs or city policemen, or (iii) any combination thereof.~~.

(2) ~~Three members shall be sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police.~~

~~(3)~~ One member shall be a peace officer of the rank of sergeant or below with a minimum of five years' experience as a deputy sheriff or city policeman.

~~(4)~~

(3) One member shall be an elected officer or chief administrative officer of a county in this state.

~~(5)~~

(4) One member shall be an elected officer or chief administrative officer of a city in this state.

~~(6)~~

(5) Two members shall be public members who shall not be peace officers.

~~(7)~~

(6) One member shall be an educator or trainer in the field of criminal justice.

The Attorney General shall be an ex officio member of the commission.

Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

The additional member provided for by the Legislature in its 1973–1974 Regular Session shall be appointed by the Governor on or before January 15, 1975, and shall serve for a term of three years.

The additional member provided for by the Legislature in its 1977–78 Regular Session shall be appointed by the Governor on or after July 1, 1978, and shall serve for a term of three years.

The revision of the membership qualifications

provided for by the Legislature at its 1985–86 Regular Session shall not affect the terms of office of those persons who are serving on the commission on the effective date of this paragraph. However, any appointment made on or after January 1, 1986, shall comply with this section.

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ASSEMBLY BILL No. 1844

Introduced **by Assembly Member Hayden**

March 7, 1985

An act to amend Sections 1464, 13841, 13842, 13843, 13844, 13845, and 13846 of, and to repeal and add Section 13847 to the Penal Code, and to repeal Section 4 of Chapter 1291 of the Statutes of 1982, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 1844. as introduced, Hayden. Community Crime Resistance Program.

(1) Existing law provides for the California Community Crime Resistance Program to combat crime and juvenile delinouencv. under the Office of Criminal Justice Planning. The program establishes criteria for the selection of communities to receive funding of up to $125,006 for a 12-month period, after the review and evaluation of the applications by the Crime Resistance Task Force. Local projects supported by the program are required to propose the implementation of at least 3 activities from a specified list.

This bill would revise the program by providing that: maximum award would be $250,000, based upon population figures; expand the list of specified activities for implementation by adding that efforts be proposed to address the crime prevention needs of communities with high proportions of teenagers and young adults, as defined, low-income families, and non-English-speaking residents; expand the criteria to be considered for the selection of communities to receive funding; and **revise** the procedures for evaluating and monitoring the grants made under the program.

(2) This bill would create in the State Treasury the

Community Crime Resistance Fund to make moneys available to local agencies to implement the Community Crime Resistance Program.

(3) Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses, which are deposited in the Assessment Fund in the State Treasury. The moneys in the Assessment Fund are transferred each month to the Fish and Game Preservation Fund, the Restitution Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, the Corrections Training Fund, the Local Public Prosecutors and Public Defenders Training Fund, and the Victim-Witness Assistance Fund, in specified percentages.

This'bill would provide that once a month there would be deposited in the Community Crime Resistance Fund an amount equal to 0.77% of the funds deposited in' the Assessment Fund during the preceding month. The share of the money being transferred into the Driver Training Penalty Assessment Fund from the Assessment Fund would be reduced from 29.73% to 28.96%.

(4) Existing law provides that the California Community Crime Resistance Program shall remain in effect only until January 1, 1986, and as of that date is repealed.

This bill would repeal the repealer and therefore permit the program to continue as amended by this bill.

(5) This bill would also make. technical nonsubstantive changes.

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

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

1 SECTION 1. ***Section*** 1464 of the Penal Code is
2 amended to read:
3 1464. (a) Subject to the provisions of Section 76000 of
4 the Government Code, there shall be levied an
5 assessment in an amount equal to five dollars ($5) for
6 every ten dollars ($10) or fraction thereof, upon ***every***
7 fine, penalty, or forfeiture imposed and collected by the
8 courts for criminal offenses, including all offenses

involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the assessments established by this section and Section 76000 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making ~~such~~ *the* deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his *or her* immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. The portion thereof attributable to Section 76000 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.38 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. ~~Such~~ *The* moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 22.12 percent of the funds deposited in the Assessment Fund during the preceding month. ~~Such~~ *The* funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 27.75 percent of the funds deposited in the Assessment Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to ~~29.73~~ *28.96* percent of the funds deposited in the Assessment Fund during the preceding month.

(5) Once a month there shall be transferred into the Community Crime Resistance Fund an amount equal to 0.77 percent of the funds deposited in the Assessment Fund during the preceding month.

~~(5)~~

(6) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 9.12 percent of the funds deposited in the Assessment Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

~~(6)~~

(7) Once a month there shall be transferred into the

Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.90 percent of the funds deposited in the Assessment Fund during the preceding month. The amount so transferred shall not exceed the sum of seven hundred fifty thousand dollars ($750,000) in any fiscal year. The remainder in excess of seven hundred fifty thousand dollars ($750,000) shall be transferred to the Restitution Fund.

~~(7)~~

(8) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 10.00 percent of the funds deposited in the Assessment Fund during the preceding month.

SEC. 2. Section 13841 of the Penal Code is amended to read:

13841. As used in this chapter:

(a) "Community" means city or county governments or *portions or* combinations thereof.

(b) "Elderly or senior citizen" means individuals 55 years of age or older.

(c) "Teenagers and young adults" means individuals between the ages of 15 and 24 years of age.

SEC. 3. Section 13842 of the Penal Code is amended to read:

13842. (a) There is hereby established in the Office of Criminal Justice Planning an advisory group entitled "The California Crime Resistance Task Force." All funds appropriated to the Office of Criminal Justice Planning for the purposes of this chapter shall be administered and disbursed by the executive director of such office and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

(b) The California Crime Resistance Task Force, to consist of not more than 16 members, shall be composed of two elected city officials, two elected county officials, six community members, and six law enforcement officials designated by the Governor in recognition of successful endeavors in the area of crime prevention and

other forms of crime resistance. When this chapter takes effect the existing members of the California Crime Resistance Task Force shall continue as full members.

(c) Members of the task force shall assist the Governor and the Office of Criminal Justice Planning in furthering citizen involvement in local law enforcement and crime resistance efforts.

(d) The California Crime Resistance Task Force shall be chaired by the Governor or his *or her* designated representative.

(e) The Executive Director of the Office of Criminal Justice Planning shall serve as secretary of the task force. He *or she* shall accept and administer on behalf of the task force any funds made available to the California Community Crime Resistance Program.

(f) Funds awarded under this program as local assistance grants shall not be subject to review as specified in Section 14780 of the Government Code.

SEC. 4. Section 13843 of the Penal Code is amended to read:

13843. (a) Allocation and award of funds made available under this act shall be made upon application to the Office of Criminal Justice Planning. All applications shall be reviewed and evaluated by the California Crime Resistance Task Force in accordance with its established criteria, policy, and procedures. Applications deemed appropriate for funding consideration and those deemed not appropriate for funding will be transmitted, with explanatory comments to the Executive Director of the Office of Criminal Justice Planning.

(b) The Executive Director of the Office of Criminal Justice Planning is authorized to allocate and award funds to communities developing *and providing ongoing* citizen involvement and crime resistance programs in compliance with the policies and criteria developed by the California Crime Resistance Task Force as set forth in Sections 13844 and 13845. Applications receiving funding under this section shall be selected from among those deemed appropriate for funding by the California Crime Resistance Task Force. Comprehensive crime prevention

available and relayed to other California communities through the California Crime Resistance Task Force technical assistance procedures.

SEC. 8. Section 13847 of the Penal Code is repealed.

~~13847. This chapter may be cited as the "Rains/Levine Community Crime Prevention Act."~~

SEC. 9. Section 13847 is added to the Penal Code, to read:

13874. There is hereby created in the State Treasury the Community Crime Resistance Fund. Money from this fund shall be made available to local agencies to implement the California Community Crime Resistance Program in order to continue successful efforts to prevent crimes.

SEC. 10. Section 4 of Chapter 1291 of the Statutes of 1982 is repealed.

~~SEC. 4. This act shall remain in effect only until January 1, 1986, and as of that date is repealed.~~

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the community.

(9) The display of efforts of cooperation between the community and their local law enforcement agency in dealing with the crime problem.

~~(6)~~

(10) Demonstrated effort on the part of the applicant to show how funds that may be awarded under this program may be coordinated or consolidated with other local, state or federal funds available for the activities set forth in Section 13844.

~~(7)~~

(11) Applicant must be a city or county government, or *portion or* combinations thereof.

SEC. 7. Section 13846 of the Penal Code is amended to read:

13846. (a) Evaluation and monitoring of all grants made under this section shall be the responsibility of the Office of Criminal Justice Planning. *The Office of Criminal Justice Planning shall issue standard reporting forms for reporting the level of activities and number of crimes reported in participating communities. The information shall be used in the annual report to the Legislature required in subdivision (i) of Section 13843. The quarterly reporting forms shall include, but not be limited to:*

(1) The number of volunteers recruited and trained.

(2) The number of volunteer hours of work provided to the Community Crime Resistance Program.

(3) The number of neighborhood watch meetings held and the level of participation.

(4) The number of home security inspections completed.

(5) The number of programs for senior citizens held and level of participation.

(6) The number of programs directed at teenagers and young adults held each quarter and level of participation.

(7) The number of personal safety programs held and level of participation.

(b) Information on successful programs shall be made

programs for the elderly as set forth in paragraph (1) of subdivision (a) of Section 13844 shall, in the aggregate, be included among program activities in local assistance grants receiving not less than 50 percent of funds available under this chapter.

(c) ~~No~~ *(1) In communities with a population of less than 250,000, no* single award of funds under this chapter shall exceed a maximum of one hundred twenty-five thousand dollars ($125,000) for a 12-month grant period. ~~It is intended that at least eight local project awards will be supported with funds made available under this chapter.~~

(2) In communities with a population greater than 250,000:

(A) A single award under this chapter may be based on a per capita minimum, thus exceeding one hundred twenty-five thousand dollars ($125,000).

(B) More than one portion of the city or county may apply for an award under this chapter so that the total award for two or more regional programs exceeds one hundred twenty-five thousand dollars ($125,000).

(d) Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Community Crime Resistance Program, be made available to support crime resistance programs in local law enforcement agencies.

(e) Within 90 days following the effective date of this chapter and in consultation with the California Crime Resistance Task Force, the executive director shall prepare and issue written program and administrative guidelines and procedures for the California Community Crime Resistance Program, consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of such guidelines and procedures, a complete and final draft of them shall be submitted no later than 60 days following the effective date of this chapter to the Chairpersons of the ~~Criminal Justice Committee of the~~ Assembly *Committee on Public Safety* and the *Senate* Judiciary Committee ~~of the Senate~~ of the California Legislature.

(f) These guidelines shall set forth the terms and conditions upon which the Office of Criminal Justice Planning is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders or standards of general application.

(g) Funds disbursed under this chapter shall be supplemented with local funds constituting, at a minimum, 10 percent of the total crime resistance program budget during the initial year and 20 percent in subsequent periods of funding.

(h) Funds disbursed under this chapter may in part be used to support statewide technical assistance and crime prevention training; public awareness activities, and the operation of the California Crime Resistance Task Force.

(i) Annually, commencing November 1, 1983, the executive director shall prepare a report to the Legislature describing in detail the operation of the program and results obtained from the California Community Crime Resistance Program.

SEC. 5. Section 13844 of the Penal Code is amended to read:

13844. (a) Local projects supported under the California Community Crime Resistance Program shall propose to implement at least three of the following activities:

(1) Comprehensive crime prevention programs for the elderly, to include but not be limited to, education, training, and victim and witness assistance programs.

(2) Efforts to promote neighborhood involvement, such as, but not limited to, block clubs and other community-based resident-sponsored anticrime programs.

(3) Home and business security inspections.

(4) Efforts to deal with domestic violence.

(5) Prevention of sexual assaults.

(6) Programs which make available to community residents and businesses information on locking devices, building security and related crime resistance approaches.

(7) Training for peace officers in community orientation and crime prevention.

(8) Efforts to address the crime prevention needs of communities with high proportions of teenagers and young adults, low-income families, and non-English-speaking residents, including juvenile delinquency diversion, social service referrals, and making available crime resistance literature in appropriate languages other than English.

(b) Those activities which shall be included in approved programs are:

(1) The use of volunteers to assist local law enforcement agencies in implementing and conducting community crime resistance programs.

(2) The applicant's commitment to continue the citizen involvement program with local funds after they have been developed and implemented with state moneys.

SEC. 6. Section 13845 of the Penal Code is amended to read:

13845. Criteria for selection of communities to receive funding shall include consideration of, but need not be limited to, all of the following:

(1) Compliance with subdivisions (a) and (b) of Section 13844.

(2) The rate of reported crime, by type, including, but not limited to, the seven major offenses, in the community making the application.

(3) The number of elderly citizens residing in the community.

(4) The number and ratio of elderly crime victims compared to the total senior citizen population in that community.

(5) *The number of teenagers and young adults residing in the community.*

(6) The number and ratio of crimes committed by teenagers and young adults.

(7) The proportion of families with an income below the federally established poverty level in the community.

(8) The proportion of non-English-speaking citizens in

ASSEMBLY BILL No. 1988

Introduced by Assembly Member Norman Waters

March 8, 1965

An act to amend Section 13516 of the Penal Code, relating to investigative procedures.

LEGISLATIVE COUNSEL'S DIGEST

AB 1988, as introduced, N. Waters. Investigation guidelines.

Existing law requires the Commission on Peace Officer Standards and Training to prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, and cases involving the sexual exploitation or sexual abuse of children, including, police response to, and treatment of, victims of these crimes.

This bill would express the the Legislature's intent that this existing law is to encourage the establishment of investigation guidelines that take into consideration the sensitive nature of the sexual exploitation and sexual abuse of children with respect to both the accused and the alleged victim.

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

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

1 SECTION 1. Section. 13516 of the Penal Code is
2 amended to read:
3 13516. (a) The commission shall prepare guidelines
4 establishing standard procedures which may be followed
5 by police agencies in the investigation of sexual assault
6 cases, and cases involving the sexual exploitation or sexual

abuse of children, including, police response to, ,and treatment of, victims of ~~such~~ *these* crimes.

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

(c) The commission shall prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned as investigation specialists for these crimes shall successfully, complete their training within six months of the date the assignment was made.

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

(e) It is the further intent of the Legislature in the enactment of this section to encourage the establishment of investigation guidelines that take into consideration the sensitive nature of the sexual exploitation and sexual abuse of children with respect to both the accused and the alleged victim.

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ASSEMBLY BILL No. 2187

Introduced by Assembly Member Maxine Waters

March 8, 1985

An act to add Title 11 (commencing with Section 14200) to Part 4 of the Penal Code, relating to tenancies, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2187, as introduced, M. Waters. Landlord and tenant: illegal lockouts.

(1) Nothing in existing law requires development of state or local policies on training respecting peace officers' response to unlawful evictions of residential tenants.

This bill would impose a state-mandated local program by requiring county and city law enforcement agencies to adopt and implement special written policies and standards for responding to these situations, as specified, by July 1, 1986. The bill would require the Commission on Peace Officer Standards and Training to adopt standards for instruction and guidelines for law enforcement response. Basic training for peace officers would be required to include appropriate new elements by July 1, 1986, and city or county law enforcement officers who receive their basic training before that date would be required to undergo supplementary training under this bill by January 1, 1989. These training requirements for local peace officers constitute a state-mandated. local program.

The bill would require the commission, in consultation with specified groups and individuals, to review existing training programs for inclusion of training under the bill.

The bill would appropriate $40,000 to the commission to pay the expenses of experts utilized by the commission for

purposes of this bill.

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

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, shall be payable from the State Mandates Claims Fund.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this bill does r ɔt contain a repealer, as required. by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted bill.

Vote: 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. (a) The Legislature finds and declares
2 the following:
3 (1) The illegal lockout of tenants by property owners
4 from residential rental property is an increasing problem
5 in some parts of the state.
6 (2) These illegal lockouts exacerbate housing
7 problems for low-income households, many of whom are
8 elderly or with young children, at a time' when alternate
9 and comparable housing is practically impossible to
10 obtain.
11 (3) These illegal lockouts have the potential of
12 generating violence and responses by public law
13 enforcement agencies to the problem of illegal lockouts
14 have been ineffective or inadequate.
15 (b) The Legislature further finds and declares that the
16 problem of illegal lockouts of tenants in residential rental
17 property should be addressed by additional legislation so

districts for costs mandated by the state pursuant to this act shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code and, if the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars ($500.000)., shall be made from the State Mandates Claims Fund.

SEC. 4. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 5. The sum of forty thousand dollars ($40,000) is hereby appropriated from the General Fu id to the Commission on Peace Officer Standards and Training, to be used exclusively to pay travel expenses, per diem compensation, and associated costs of consultant-experts utilized by the commission pursuant to subdivision (d) of Section 14202 of the Penal Code.

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that the law on illegal lockouts is uniformly and effectively enforced throughout the state.

SEC. 2. Title 11 (commencing with Section 14200) is added to Part 4 of the Penal Code, to read:

TITLE 11. LAW, ENFORCEMENT RESPONSE TO ILLEGAL LOCKOUTS

CHAPTER 1. GENERAL PROVISIONS

14200. As used in this title, the following terms have the following meanings:

(a) "Illegal lockout" means depriving a person or persons in lawful possession of a residential p :operty of the use thereof in violation of Section 418,602, or 602.5 of this code or Section 789.3 of the Civil Code.

(b) "Law enforcement officer" or "officer" means any peace officer employed by a city police department or a county sheriffs office.

(c) "Residential property" means those accommodations subject to the provision of Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

14201. Every county and city. law enforcement agency shall develop, adopt, and implement written policies and standards for officers' response to illegal-lockout calls on or' before July 1, 1986. These policies shall reflect that illegal lockouts may constitute criminal conduct as well as violation of statutes subjecting these actions to civil liability. Further, the standards shall reflect the policy that a request for assistance, where an illegal lockout has occurred, shall result in a law enforcement response regardless of the complainant's right to institute a civil action. These policies shall be in writing and shall be available to the public, upon request, and shall include specific standards for the following:

(a) Felony arrests.

(b) Misdemeanor arrests.

(c) Use of citizen arrests.

(d) Verification and enforcement of temporary restraining orders.

(e) Writing of reports.

(f) Assisting victims in pursuing criminal law remedies, such as giving the victim the report number and directing the victim to the proper investigation unit.

In developing these policies, each law enforcement agency is encouraged to consult with experts in landlord-tenant law, such as the staff of the local legal aid and legal services organizations and offices and local associations of property owners. Law enforcement agencies may utilize the response guidelines developed by the Commission on Peace Officer Standards and Training pursuant to Section 14202 in developing local policies.

14202. (a) On or before July 1, 1986, the Commission on Peace Officer Standards and Training shall adopt and implement one or more courses of instruction for the training of law enforcement officers in the handling of cases of illegal lockout of tenants from residential rental property and shall also develop guidelines for law enforcement response to illegal lockouts. The course or courses of instruction and the guidelines shall stress enforcement of this code and local ordinances in illegal-lockout situations, the rights and responsibilities of the tenant and the property owner under Section 789.3 of the Civil Code, and resources available for conflict resolution.

(b) The course of basic training for law enforcement officers shall, no later than July 1, 1986, include adequate instruction in the following procedures and techniques:

(1) The provisions of Sections 413, 602, 602.5 and Section 789.3 of the Civil Code, relating to illegal lockouts.

(2) The legal duties imposed on officers in illegal lockout situations.

(3) Techniques for handling 'incidents of illegal lockouts.

(4) The provisions of Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, relating to obtaining possession of real

property through the use of the civil unlawful detainer procedure.

(5) Referral agencies which can assist in conflict resolution between landlord and tenant.

(6) Referral agencies which can provide legal assistance for the victims of illegal lockouts.

The guidelines developed pursuant to subdivision (a) shall also incorporate the elements specified in this subdivision.

(c) All city or county law enforcement officers who have received their basic training before July 1, 1986, shall participate in supplementary training on illegal-lockout subjects, as prescribed and certified by the commission. This supplementary training shall be completed no later than January 1, 1989.

Local law enforcement agencies are encouraged to include, as part of an advanced officer training program, periodic updates and training on illegal lockouts. The Commission on Peace Officer Standards. and Training shall assist where possible.

(d) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines required by this section shall be developed in consultation with appropriate groups and 'individuals, including groups and individuals having an interest and expertise in the field of landlord-tenant law. These groups and individuals shall include, but shall not be limited to, one representative each from the California Peace Officers' Association, the Peace Officers Research Association of California, the State Bar of California, the National Housing Law Project, the Western Center on Law and Poverty, the California Rural Legal Assistance Foundation, the California Apartment Association, and the California Association of Realtors.

The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways illegal-lockout training might be included as part of ongoing programs.

SEC. 3. Reimbursement to local agencies and school

ASSEMBLY BILL No. 2191

Introduced by Assembly Member Clute

March 8, 1985

An act to add Chapter 4.5 (commencing with Section 12460) to Title 2 of Part 4 of the Penal Code, relating to dangerous weapons, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2191, as introduced, Clute. Weapons.

Existing law generally provides for the regulation of concealable weapons, machine guns, and tear gas weapons.

This bill would regulate the sale, use, possession, and licensing of stun gun weapons, as defined. The Department of Justice would be authorized to issue permits for the possession and transportation of stun guns, grant licenses to sell stun guns, and certify the acceptability of the stun guns. The department would be required to keep various records in accordance with the above duties, would be authorized to promulgate all regulations necessary for the enforcement of the provisions regulating stun guns, and would be authorized to collect various fees that would be continuously appropriated for it.

This bill would require a manufacturer, wholesaler, or person who sells, furnishes, or transfers stun gun weapons for sale, at retail, to maintain a file on the dealers to whom the weapons are sold, as specified.

This bill would provide that the knowing sale, offer for sale, possession, or transportation of a stun gun weapon, except as permitted by this bill, is punishable as a misdemeanor by fine or imprisonment, or both. This bill would also provide that any person who knowingly makes a false statement on a report or record required under these provisions would be, on

the first offense, guilty of either a misdemeanor or a felony, as specified, and any subsequent conviction would be a felony, punishable as specified. In addition, the changing, altering, removing, or obliterating of the name of the manufacturer, the serial number or other identifying mark would be punishable as a felony by fine or imprisonment in the state prison, or both.

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

This bill would impose a state-mandated local program by creating new crimes.

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

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Chapter 4.5 (commencing with Section 12460) is added to Title 2 of Part 4 of the Penal Code, to read:

CHAPTER 4.5. STUN GUNS

Article 1. General Provisions

12460. "Stun gun" as used in this chapter shall include any weapon capable of temporarily immobilizing a victim by the infliction of an electrical charge.

12461. Nothing in this chapter shall prohibit any person who is a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 from purchasing, possessing, transporting, or using any stun gun, if that weapon has been certified as acceptable under Article 5 (commencing with Section 12485) of this chapter, and if the peace officer has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in

the Department of Justice. A fee shall be charged by the Department of Justice for the certificate. The fee shall be no more than is necessary to reimburse the Department of Justice for the costs of approving the courses, the facilities, maintaining control of the quality of the courses, and issuing the certificate of completion. The Department of Justice may provide by regulation the manner in which the fee is collected and paid.

12466. Nothing in this chapter authorizes the possession of stun gun weapons in any institution described in Section '4574, or within the grounds belonging or adjacent to any such institution, except where authorized by the person in charge of that institution.

Article 2. Unlawful Possession and Sale

12470. Any person, firm, or corporation who within this state knowingly sells or offers for sale, possesses, or transports any stun gun weapon, except as permitted under the provisions of this chapter, is guilty of a public offense and upon conviction thereof shall be punishable by imprisonment in the county jail for not exceeding one year or by a fine not to exceed two thousand dollars ($2,000)) or by both.

12471. Each stun gun weapon sold, transported, or possessed under the authority of this chapter shall bear the name of the manufacturer and a serial number applied by the manufacturer.

12472. Any person who changes, alters, removes, or obliterates the name of the manufacturer, the serial number or any other mark of identification on any stun gun weapon is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the state prison or by a fine of not more than two thousand dollars ($2,000), or by both.

Possession of any stun gun weapon upon which the -same 'shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated

the use of stun guns.

12462. 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 stun gun weapon for official use in the discharge of his or her duties.

12463. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11.5 (commencing with Section 7512) of Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any stun gun weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if the person has satisfactorily completed a course of instruction approved by the Commission of Peace Officer Standards and Training in the use of stun guns.

12464. This chapter shall not be construed to prohibit any Department of Justice or State Department of Health Services employee, while acting within the scope of his or her duties, from possessing any stun gun weapon for the purposes of examination, testing, or court appearance or any other official activity undertaken pursuant to the' provisions of this chapter.

12465. (a) Notwithstanding any other provision of law, any person may purchase, possess, or use stun gun weapons if the stun gun 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 or any crime involving an assault under the laws of the United States, of the State of California, or any other state, government, or country or convicted of misuse of a stun gun under paragraph (8) shall purchase, possess, or use stun guns.

(2) No person who is addicted to any narcotic drug shall purchase, possess, or use stun gun weapons.

(3) No person shall sell or furnish any stun gun weapons to a minor.

(4) No person who is a minor shall purchase, possess, or use stun gun weapons.

(5) (A) No person shall purchase, possess, or use a stun gun weapon other than that authorized by regulation of the Department of Justice.

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

(C) The regulations of the department shall include a requirement that every stun gun weapon which may be lawfully purchased, possessed, and used pursuant to this section have a label which states: "WARNING: The use of this device for any purpose other than self-d fense is a felony under the law."

(6) (A) No person shall purchase, possess, or use any stun gun weapon who has not completed a course certified by the Department of Justice in the use of stun gun weapons pursuant to which a card is issued identifying the person who has completed the course. The course shall be taken under the auspices of any institution approved by the Department of Justice to offer stun gun training. The training institution is authorized to charge a fee covering the actual cost of the training. The requirements of this paragraph shall not apply to a person who is a retired peace officer, as peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, if the person prior to retirement had satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of stun guns.

(B) 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 stun gun weapons.

(7) If the purchase of a stun gun weapon is denied, the vendor denying the purchase shall inform the person in writing of the reason for the denial. The valid identification card specified in paragraph (6) shall be

carried on the person when carrying a stun gun weapon and shall' be presented for examination to the vendor from whom any stun gun weapon is purchased. The sale of stun gun weapons by a vendor to a person who fails to present a valid identification card specified in paragraph (6) is a violation of Section 12470.

(8) 'Any person who uses a stun gun or stun gun 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 the fine and imprisonment, except that if the use is against a peace officer, as defined in Chapter 4.5 (commer cing with Section 830) of Title 3 of Part 2, engaged in the performance of his or her official duties and the person committing the offense knows or reasonably should know that the victim is a peace officer, the offense is punishable by imprisonment in a state prison for 16 months or two or three years or by fine of one thousand dollars ($1,000) or by both the fine and imprisonment.

(b) The identification card as specified in paragraph (6) of subdivision (a) shall be valid so long as the person meets the requirements in subdivision (a), and shall be nontransferable.

All forms, cards, and other documentation necessary to administer the provisions of this section shall be uniform throughout the state as prescribed by the Department of Justice.

The Department of Justice may adopt and promulgate regulations concerning the purchase and disposal of self-defense stun gun weapons, the standards for stun gun training courses, and the approval of facilities at which that training shall occur as are necessary to ensure the safe use and possession of stun gun weapons.

(c) Any person who successfully completes training under this section for which the course and training facility must be approved by the Department of Justice is entitled to receive a certificate of completion issued by

(g) The sales register requirements of this section shall not apply to wholesale or retail dealers in their normal business intercourse with other wholesale or retail dealers.

(h) The sales register 'required for each tear gas weapon sale shall be prepared by and obtained from the Department of General Services and shall be furnished by the-Department of General Services to the licensed vendor on application at a cost to be determined by the Department of General Services for each 100 leaves in duplicate, one original and one duplicate for the making of one carbon copy. The original and duplicate copy shall differ in color, and shall be in a form prescribed by the Department of Justice.

The Department of General Services upon issuing a register shall forward to the Department of Justice the name and business address of the vendor together with the series and sheet numbers of theregister. The register shall not be transferable. If the vendor moves his or her business to a different location he or she shall notify the Department of Justice of that fact in writing within 48 hours.

(i) Each applicant for the stun gun sales license described in this section shall pay at the time of filing his or her application for such license a fee determined by the Department of Justice, not to exceed fifty dollars ($50) for an initial application and twenty-five dollars ($25) for an application to renew an existing license.

(j) All fees received by the department under this section are hereby appropriated without regard to fiscal years for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

Article 5. Certification of Acceptability

12485. No stun gun weapon shall be possessed, sold, or transported in this state after January 1, 1986, unless, pursuant to the provisions of this article, the Department of Justice has certified that particular type and brand of

the same.

12473. Any manufacturer, wholesaler, or other person who sells, transfers, or otherwise furnishes stun gun weapons to another who is licensed by the Department of Justice to sell stun gun weapons at retail shall maintain a file with the name of the licensed retail dealer to which the stun gun weapons were sold, the dealer's address, and the serial numbers of the weapons sold. This file shall be available to the Department of Justice, upon request, and peace officers, as defined in Section 830 and 830.1, involved in an investigation of the illegal misuse of stun gun weapons.

12474. (a) It is unlawful for any person to knowingly make a false statement in connection with any report or record required under this chapter.

(b) (1) Any person who violates this section shall be punished by imprisonment in the state prison, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding two thousand dollars ($2,000), or by both such fine and imprisonment.

(2) Any person who has been previously convicted of violating this section and who subsequently violates this section shall be punished by imprisonment in the state prison for two, three, or four years, or by a fine not exceeding ten thousand dollars ($10,000) , or by both such fine and imprisonment.

Article 3. Permits

12475. The Department of Justice may issue a permit for the possession and transportation of stun gun weapons upon proof that good cause exists for the issuance thereof to the applicant for the permit. The permit may also allow the applicant to install, maintain, and operate a protective system involving the use of stun gun weapons in any place which is accurately and completely described in the application for the permit.

12476. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a

firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the stun gun weapons are to be transported, kept, installed, or maintained.

If the stun gun weapons are to be used in connection with, or to constitute, a protective system, the application shall also contain the name of the person who is to install the protective system.

Applications and permits shall be uniform throughout the state upon forms prescribed by the Department of Justice.

1247'7. Every person, firm, or corporation to whom a permit is issued shall either carry the permit upon his or her person or keep it in the place described in the permit. The permit shall be open to inspection by my peace officer or other person designated by the authority issuing the permit.

12478. Permits issued in accordance with this article may be revoked or suspended by the issuing authority at any time when it appears that the need for the possession or transportation of the stun gun weapons or protective system involving the use thereof, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of the stun gun weapons or the permit issued or that the holder of the permit was in the possession of stun gun weapons not authorized under the provisions of this chapter.

Article 4. Licenses to Sell

12480. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail of stun gun weapons, and to permit the installation and maintenance of protective systems involving the use of stun gun weapons subject. to all of the following conditions upon breach of any of which the license shall be subject to forfeiture:

(a) Under a sales license for the sale of stun gun weapons issued by the department, the business shall be

carried on only in the building designated in the license, except that self-defense products may be sold at the place of instruction.

(b) The license or certified copy thereof shall be displayed at each sales premises in a place where it may 'easily be read.

(c) No stun gun weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of stun gun weapons shall be installed, nor shall supplies be sold for the maintenance of such a system, unless the 'licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

(d) A permanent complete sales register sh 111 be kept of self-defense stun gun weapons sales made under the authority of the license, showing all of the following:

(1) The purchaser's name, date of birth, and address; the purchaser's identification card number and date of issue; the purchaser's response to questions pertaining to his or her eligibility to purchase stun gun weapons pursuant to the requirements of subdivision (a) of Section 12465.

(2) The quantity and description, including serial numbers of articles purchased.

(3) The business name, address, and telephone number; the business retail stun gun sales license number; and the name and signature of the person making the sales.

(4) The date and time of sale.

(e) This sales register shall be open to the inspection of any peace officer or other person designated by the Attorney General.

(f) The original copy of the sales register shall be retained as part of the vendor's permanent record of sales. The duplicate copy of the sales register of each transaction shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the chief of police or sheriff who has jurisdiction over the purchaser's place of residence.

stun gun weapon is acceptable.

12486. The term "acceptable" as used in this article when referring to a stun gun weapon, means that the stun gun weapon is reasonable free from any undue hazard when used by, or upon, a human being taking into consideration such factors as the following:

(a) The reasonable safety,, availability, and effectiveness of other devices, including other stun gun weapons, capable of being used under the same circumstances and for the same purposes, including, among other things, the anticipated effective storage life for the particular product.

(b) The amount of hazard inherent in the use of the stun gun weapon when weighed against the amount of hazard inherent in the kinds of conduct the stun gun weapon is designed to control.

(c) The manner in which the stun gun weapon can be expected to be used as well as the manner in which the manufacturer or seller. thereof has recommended that it be used.

12487. Any person engaged in the manufacture, sale, or transportation of stun gun weapons may apply to the Department of Justice, hereinafter referred to as the "department" in this article, for certification that a particular type and brand of stun gun manufactured, sold, or transported by that person is acceptable.

12488. Any application submitted pursuant to Section 12487 shall contain all of the following:

(a) Full reports of any investigation conducted by any public or private agency for the purpose of determining whether the stun gun weapon is acceptable.

(b) A full statement of the composition of each component of a stun gun weapon.

(c) A full statement of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the stun gun weapon.

(d) Any samples of stun gun or stun gun weapons and its components as the department may require.

(e) Specimens of the labeling, instructions, and advertisements used or proposed to be used for the stun

gun.

12489. Within 180 days after the filing of an application as provided for in Section 12487, or an additional period as may be agreed upon by the department and the applicant, the department shall either:

(a) Issue an order certifying the stun gun weapon as acceptable.

(b) Give the applicant notice for an opportunity for a hearing before the department on the question whether the stun gun weapon is acceptable. If the applicant elects to accept the opportunity for hearing by written request within 30 days after the notice, the hearing shall commence not more than 60 days after receiving the request unless the department and the applicant otherwise agree. The hearing shall be heard on an expedited basis and the department shall issue an order granting or denying certification within 90 days after the date fixed by the department for filing final briefs.

12490. The department shall issue an order refusing to certify or recertify or terminating a previously granted a certification of any stun gun weapon as acceptable if after due notice to the applicant the department finds any of the following:

(a) That the stun gun weapon is not acceptable, for any reason, including the following:

(1) That the stun gun weapon creates a risk of unreasonable danger to the life or health of human beings which outweighs the social utility of the use of the stun gun weapon.

(2) That upon evaluation or reevaluation the stun gun weapon is found not to meet the current criteria of the rules and regulations promulgated by the department.

(3) That the effective life of the stun gun weapon is found not to meet the criteria of the department.

(4) That the stun gun weapon is found to be nonfunctioning or is otherwise found to be ineffective as provided in the rules and regulations promulgated by the department.

(b) That the application contains any

1 the department for any actual expenses incurred in
2 conducting the testing, evaluation, and inspection of any
3 stun gun weapon, or in reviewing and considering any
4 report the manufacturer has caused to be submitted to
5 the department pursuant to this chapter.
6 (g) Define acceptability of testing, evaluating and
7 inspecting procedures and standards of proficiency in the
8 rules and regulations promulgated by the department.
9 12494. Prior to certification of any stun gun, the
10 department shall request from the State Department of
11 Health Services a report on each type and brand of stun
12 gun submitted to it by the department. At the Attorney
13 General's discretion, the State Department of Health
14 Services shall prepare and transmit the report to the
15 department, and shall also submit supplemental reports
16 whenever the facts warrant that action. All the reports
17 shall be for the purpose of aiding the department in
18 determining whether the type and brand of stun gun
19 weapon are harmful, toxic, or present any health hazards
20 to human beings, and shall be based on any one or more
21 of the following:
22 (a) Investigations conducted by the facilities of the
23 State Department of Health Services.
24 (b) Investigations conducted by independent
25 laboratories.
26 (c) Any other investigations approved by the State
27 Department of Health Services.
28 The applicant shall reimburse the State Department of
29 Health Services and the Department of Justice for any
30 actual expenses incurred by those departments in
31 connection with their reports.
32 SEC. 2. No reimbursement is required by this act
33 pursuant to Section 6 of Article XIII B of the California
34 Constitution because the only costs which may be
35 incurred by a local agency or school district will be
36 incurred because this act creates a new crime or
37 infraction, changes the definition of a crime or infraction,
38 changes the penalty for a crime or infraction, or
39 eliminates a crime or infraction.

misrepresentation of a material fact.

(c) That the application is materially incomplete.

12491. The department shall issue an order revoking certification if, after due notice to the applicant, the department finds any of the following:

(a) That experience or additional testing show that the stun gun weapon is not acceptable as defined in Section 12486.

(b) That the application contains any misrepresentation of a material fact.

12492. The department may adopt and promulgate all regulations necessary for the fair and efficient enforcement of the provisions of this chapter.

12493. The department shall have and exercise the powers expressly granted in this chapter, together with any other powers reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this chapter.

The powers include, but are not limited to, the authority to do the following:

(a) Periodically make tests of and review the certification of each type of stun gun weapon as provided in the rules and regulations promulgated by the department pursuant to this chapter.

(b) Require the manufacturer of any stun gun weapon to submit to the department complete written laboratory reports detailing the specifications of the stun gun weapon for the purposes of testing, inspection, evaluation or reevaluation in accordance with the rules and regulations promulgated by the department.

(c) Cause any stun gun weapon to be submitted by a manufacturer to the department for certification to be submitted to any laboratory of the department's choice.

(d) Consider the reports or other materials submitted by the manufacturer or by any other laboratory, private or public, in accordance with the rules and regulations promulgated by the department.

(e) Certify or refuse to certify any stun gun weapon pursuant to this chapter.

(f) Require reimbursement by the manufacturer to

ASSEMBLY BILL No. 2513

Introduced by Assembly Member Norman Waters

March 8, 1985

An act to amend Section 13517 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2513, as introduced, N. Waters. Peace officers: standards and training.

Existing law requires the Commission on Peace Officer Standards and Training to prepare guidelines establishing standard procedures for the detection, investigation, and response to child abuse and child neglect cases.

This bill would require these guidelines to include procedures for minimizing the number of times a child is interviewed by law enforcement personnel.

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

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

1 SECTION 1. Section 13517 of the Penal Code is
2 amended to read:
3 13517. (a) The commission shall prepare guidelines
4 establishing standard procedures which may be followed
5 by police agencies in the detection, investigation, and
6 response to cases in which a minor is a victim of an act
7 of abuse or neglect prohibited by this code. The
8 guidelines shall include procedures for determining
9 whether or not a child should be taken into protective
10 custody. ***The guidelines shall also include procedures for***
11 ***minimizing the number of times a child is interviewed by***

1 ***law enforcement personnel.***
2 (b) The course of training leading to the basic
3 certificate issued by the commission shall, not later than
4 July 1, 1979, include adequate instruction in the
5 procedures described in subdivision (a).
6 (c) The commission shall prepare and implement an
7 optional course of training of specialists in the
8 investigation of cases in which a minor is a victim of an
9 act of abuse or neglect prohibited by this code.
10 (d) The commission shall consult with the State Office
11 of Child Abuse Prevention in developing the guidelines
12 and optional course of training.

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COMMISSION ON POST
BILL INDEX REPORT

****
* BILLS TRACKED BY *
*
* TYPE: INFO *
****

BILL #	AUTHOR	POSITION	TYPE	SUBJECT
AB0019	ROBINSON	NONE 12/14/84	INFO	POST RELAT
AB0214	CONNELLY	NONE	INFO	POST RELAT
AB0414	MOORE	NONE	INFO	GENERAL
AB0588	FERGESON	NONE	INFO	GENERAL
AB1338	JOHNSTON	NONE	INFO	TRNG/CERT
AB1807	HARRIS	NONE	INFO	POST RELAT
AB1810	HERGER	NONE	INFO	TRAINING
AB1911	STIRLING	NONE	INFO	TRAINING
AB1977	WATERS, NOR	NONE	INFO	TRAINING
AB2209	VICENCIA	NONE	INFO	TRAINING
AB2356	AREIAS	NONE	INFO	GENERAL
ACR034	AGNOS	NONE	INFO	GENERAL
SB0135	PRESLEY	NONE	INFO	TRAINING
SB0347	PETRIS	NONE	INFO	FUNDING
SB0836	MARKS	NONE	INFO	TRAINING
SB1236	WATSON	NONE	INFO	TRAINING
SB1402	ROBERTI	NONE	INFO	GENERAL

END OF REPORT

COMMISSION ON POST
BILL STATUS REPORT

AB0019 -- ROBINSON TRIAL COURTS: STATE FUNDING

AB 19 WOULD ENACT THE TRIAL COURT FUNDING ACT OF 1985, WHICH WOULD ESTABLISH A PROGRAM OF STATE FUNDING OF TRIAL COURTS ON A YEARLY, COUNTY-OPTION BASIS. THE BILL WOULD SPECIFY THE FILING FEES IN AN OPTION COUNTY. THE BILL WOULD ALSO PROVIDE THAT THE STATE SHALL REIMBURSE ANY CITY IN AN OPTION COUNTY FOR SPECIFIED LOSS OF REVENUE. THE BILL WOULD BECOME OPERATIVE UPON THE EFFECTIVE DATE OF A STATUTE APPROPRIATING FUNDS FOR THE PURPOSES OF THE BILL.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 FEB 12 Referred to Com. on JUD.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 12/14/84	INFO	POST RELAT

AB0214 -- CONNELLY STATE BODIES: OPEN MEETINGS

AB 214 WOULD PROVIDE THAT ANY ACTION TAKEN IN VIOLATION OF THE OPEN MEETING, NOTICE, AND SPECIFIC AGENCY REQUIREMENTS SHALL BE NULL AND VOID, EXCEPT UNDER LIMITED, SPECIFIED CONDITIONS.IT WOULD AUTHORIZE ANY INTERESTED PERSON TO COMMENCE AN ACTION BY MANDAMUS, INJUNCTION, OR DECLARATORY RELIEF TO DETERMINE IF THE ACTION BY THE STATE BODY IF NULL OR VOID, WITHIN 60 DAYS OF THE ACTION BY THE STATE BODY. THIS BILL WOULD AUTHORIZE THE AWARD OF REASONABLE ATTORNEYS' FEES IN ALL ACTION TO DETERMINE NULL AND VOID THE ACTIONS OF A STATE BODY.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

AMENDED: 03/07/85

1985 MAR 28 Read third time, passed, and to Senate.
MAR 28 In Senate. Read first time. To Com. on RLS. for assignment.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	POST RELAT

AB0414 -- MOORE PEACE OFFICERS: PUBLIC UTILITIES COMMISSION

AB 414 WOULD PROVIDE THAT CERTAIN EMPLOYEES OF THE COMPLIANCE AND ENFORCEMENT BRANCH OF THE TRANSPORTATION DIVISION OF THE PUBLIC UTILITIES COMMISSION ARE PEACE OFFICERS, AS SPECIFIED, BUT MAY NOT CARRY FIREARMS. THE BILL WOULD ALSO STATE THE INTENT OF THE LEGISLATURE IN THIS REGARD.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

AMENDED: 03/18/85

1985 MAR 28 Read second time. To third reading.

In Assem--3rd Reading File--Assembly Bills

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	GENERAL

AB0588 -- FERGESON COUNTY OFFICERS: CORONER, SHERIFF

AB 588 WOULD DELETE THE AUTHORITY OF COUNTIES HAVING A POPULATION OF 200,000 OR MORE TO COMBINE THE OFFICES OF SHERIFF AND CORONER AND IN THOSE COUNTIES WOULD PROHIBIT A PERSON WHO HOLDS OFFICE AS CORONER OR MEDICAL EXAMINER FROM, AT THE SAME TIME, SERVING AS SHERIFF OR DEPUTY SHERIFF OF THE SAME COUNTY. THIS BILL WOULD PRESCRIBE PROCEDURES, APPLICABLE TO COUNTIES IN WHICH A PERSON HOLDING OFFICE AS CORONER ALSO SERVED AS SHERIFF, TO DISQUALIFY THE PERSON, AS CORONER, FROM INVESTIGATING CERTAIN DEATHS, AND REQUIRING THE COUNTY BOARD OF SUPERVISORS TO DESIGNATE ANOTHER PERSON TO CONDUCT THE INQUIRY.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 26 In committee: Set, first hearing. Hearing canceled at the request of author.

Assembly Local Government
04/16/85 1:30 p.m. Room 127

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	GENERAL

AB1338 -- JOHNSTON CALIFORNIA HIGHWAY PATROL: DISPATCHERS.

AB 1338 WOULD REQUIRE THE DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL AND THE EMERGENCY MEDICAL SERVICES AUTHORITY TO JOINTLY DEVELOP AND IMPLEMENT MINIMUM STATEWIDE STANDARDS TO TRAIN, CERTIFY, AND RECERTIFY HIGHWAY PATROL DISPATCHERS IN A SELECTIVE MEDICAL DISPATCH SYSTEM. THE BILL WOULD REQUIRE DEVELOPMENT, AND COMMENCEMENT OF IMPLEMENTATION, OF INITIAL STANDARDS BY JAN 1, 1987, AND WOULD REQUIRE THE DEPARTMENT TO SUBMIT A PROGRESS REPORT TO THE LEGISLATURE BY JAN 1, 1988.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 21 Referred to Com. on TRANS.

Assembly Public Safety
04/08/85 1:30 p.m. Room 447

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRNG/CERT

AB1807 -- HARRIS MAINTENANCE OF THE CODES

AB 1807 WOULD RESTATE EXISTING PROVISIONS OF LAW TO EFFECTUATE THE RECOMMENDATIONS MADE BY THE LEGISLATIVE COUNSEL TO THE LEGISLATURE FOR CONSIDERATION DURING 1985 AND WOULD NOT MAKE ANY SUBSTANTIVE CHANGE IN THE LAW.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

Assembly Judiciary
04/09/85 9 a.m. Room 126

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	POST RELAT

AB1810 -- HERGER HUMANE OFFICERS: HUMANE SOCIETIES

AB 1810 WOULD REVISE THE PROVISIONS UNDER EXISTING LAW WHICH PROVIDES FOR THE ESTABLISHMENT AND REGULATION OF HUMANE SOCIETIES, AND FOR THE APPOINTMENT AND REGULATION OF HUMANE OFFICERS, AS SPECIFIED, TO REQUIRE (1) HUMANE SOCIETIES TO PROVIDE PROOF OF PROPER INCORPORATION TO A JUDGE WHEN THEY SEEK CONFIRMATION OF A HUMANE OFFICER APPOINTED; (2) ALL APPOINTMENTS OF HUMANE OFFICERS TO AUTOMATICALLY EXPIRE IF THE SOCIETY DISBANDS OR LEGALLY DISSOLVES; (3) ALL HUMANE OFFICERS, EXCEPT THOSE WHO

HAVE BEEN HUMANE OFFICERS FOR 20 YEARS OR MORE, TO PROVIDE, WITHIN ONE YEAR OF APPOINTMENT OR REAPPOINTMENT, EVIDENCE SATISFACTORY TO THE SOCIETY THAT THEY HAVE SUCCESSFULLY COMPLETED COURSES OF TRAINING, EITHER PROVIDED OR APPROVED BY THE SOCIETY, IN ANIMAL CARE, STATE HUMANE LAWS, AND THE CARRYING AND USE OF FIREARMS, AS SPECIFIED; AND (4) EACH HUMANE SOCIETY TO HAVE ON FILE IN ITS OFFICES PROOF OF FINANCIAL RESPONSIBILITY, AS INDICATED BY MEANS OF AN INSURANCE POLICY OR A SURETY BOND IN THE SUM OF $1,000,000, FOR THE BENEFIT OF ANY PERSON INJURED BY AN ACT OF A HUMANE OFFICER ACTING ON BEHALF OF THAT SOCIETY AND WITHIN THE SCOPE OF HIS OR HER AUTHORITY.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 12 From printer. May be heard in committee April 11.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

AB1911 -- STIRLING COMMUNITY CRIME RESISTANCE

AB 1911 WOULD DELETE THE PROVISION REPEALING THE STATUTES UNDER EXISTING LAW WHICH ESTABLISHES, IN THE OFFICE OF CRIMINAL JUSTICE PLANNING, THE CALIFORNIA CRIME RESISTANCE TASK FORCE, COMPOSED AS SPECIFIED, WHICH REVIEWS AND EVALUATES, AS SPECIFIED APPLICATIONS FOR THE FUNDING OF COMMUNITY CRIME RESISTANCE PROGRAMS. FUNDING FOR THESE PROGRAM IS ALLOCATED TO COMMUNITIES BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIMINAL JUSTICE PLANNING. THESE PROVISIONS WILL BE REPEALED ON JAN 1, 1986. THIS BILL WOULD MAKE VARIOUS CHANGES IN THE PROGRAM, INCLUDING SPECIFYING THAT THE FUNDED PROGRAMS MUST BE PROPOSED, INCLUDING SPECIFYING THAT THE FUNDED PROGRAMS MUST BE PROPOSED BY GOVERNMENT AGENCIES; PROVIDING FOR REVIEW AND EVLUATIONS OF APPLICATIONS FOR FUNDING BY THE OFFICE OF CRIMINAL JUSTICE PLANNING RATHER THAN BY THE TASK FORCE; INCREASING THE MAXIMUM AMOUNT OF FUND THAT MAY BE GRANTED IN A SINGLE AWARD IN A YEAR FROM $125,000 TO $250,000; AND RECASTING THE SCOPE OF THE PROGRAMS THAT MY BE SO FUNDED.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 26 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

AB1977 -- WATERS, NORMAN CHILD SEXUAL ABUSE

AB 1977 WOULD REQUIRE THE OFFICE OF CRIMINAL JUSTICE PLANNING TO ALLOCATE FUNDS TO CITY AND COUNTY LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF ESTABLISHING AN 8-HOUR PROGRAM OF INSTRUCTION ON CHILD SEXUAL ABUSE FOR PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, AS SPECIFIED. THE BILL WOULD APPROPRIATE AN UNSPECIFIED AMOUNT FROM THE VICTIM-WITNESS ASSISTANCE FUND TO THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE PURPOSES OF THE ACT.

VOTE: 2/3 APPROPRIATION: YES FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 26 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

AB2209 -- VICENCIA ANIMAL CONTROL OFFICERS: PEACE OFFICERS

AB 2209 WOULD DESIGNATE ANIMAL CONTROL OFFICERS AS PEACE OFFICERS WHILE ENFORCING THE STATE OR LOCAL LAWS PERTAINING TO THE CONTROL OF, OR PREVENTION OF CRUELTY TO, ALL DUMB ANIMALS. ANIMAL CONTROL OFFICERS COULD ACT AS PEACE OFFICERS UNDER OTHER LIMITED CIRCUMSTANCES AS WELL. THE BILL WOULD GENERALLY PROVIDE THAT NO PERSON EMPLOYED AS AN ANIMAL CONTROL OFFICER SHALL HAVE THE POWERS OF A PEACE OFFICER UNTIL HE OR SHE SATISFACTORILY COMPLETES A SPECIFIED COURSE OF TRAINING IN THE CARRYING AND USE OF FIREARMS. THE BILL WOULD ALSO SPECIFY THAT AN ANIMAL CONTROL OFFICER WHEN ACTING AS A PEACE OFFICER SHALL HAVE THE POWER TO SERVE WARRANTS.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 MAR 28 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

AB2356 -- AREIAS ADMINISTRATIVE REGULATIONS

AB 2356 WOULD PROVIDE THAT THE PROVISIONS UNDER EXISTING LAW WHICH SETS FORTH LEGISLATIVE DECLARATIONS AND FINDINGS CONCERNING ADMINSITRATIVE

REGULATIONS, ESTALBISHES THE OFFICE OF ADMINISTRATIVE LAW WHICH IS CHARGED WITH THE ORDERLY REVIEW OF ADMINSTRATIVE REGULATIONS, AND INCLUDES PROVISIONS FOR THE ADOPTION, AMENDMENT, OR REPEAL OF THOSE REGULATIONS, SHALL REMAIN IN EFFECT ONLY UNTIL JULY 1, 1987, WOULD REPEAL THE PROVISIONS AS OF JAN 1, 1988, AND WOULD REQUIRE THE LEGISLATIVE ANALYST, ON OR BEFORE JAN 1, 1987, TO PREPARE AND DELIVER TO THE LEGISLATURE A REPORT ANALYZING THE EFFECTIVENESS OF THE LAW.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 28 Referred to Com. on G.E. & C.C.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	GENERAL

ACR034 -- AGNOS MISSING CHILDREN

ACR 34 REQUESTS THE OFFICE OF CRIMINAL JUSTICE PLANNING, IN CONJUNCTION WITH THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, TO CONDUCT A SPECIFIED STUDY RELATING TO MISSING CHILDREN AND THE RESPONSE OF LAW ENFORCEMENT TO REPORTS OF MISSING CHILDREN.

VOTE: APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 28 Referred to Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	GENERAL

SB0135 -- PRESLEY FAMILY VIOLENCE CENTERS

SB 135 WOULD ESTABLISH A FAMILY VIOLENCE PREVENTION PROGRAM IN THE OFFICE OF CRIMINAL JUSTICE PLANNING AND REQUIRE THE EXECUTIVE DIRECTOR OF THAT OFFICE TO ALLOCATE FUNDS TO LOCAL FAMILY VIOLENCE PREVENTION CENTERS, AS SPECIFIED. THE BILL WOULD APPROPRIATE $200,000 TO THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE PURPOSES OF THE ACT. URGENCY STATUTE.

VOTE: 2/3 APPROPRIATION: YES FISCAL: YES STATE-MANDATED LOCAL PGM: NO

AMENDED: 02/15/85 03/18/85

1985 MAR 26 To Com. on PUB. S.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

SB0347 -- PETRIS CRIMES: FINES

SB 347 WOULD REQUIRE COURTS TO ORDER DEFENDANTS CONVICTED OF CERTAIN OFFENSES TO PAY AN ADDITIONAL FINE OF ONE DOLLAR. IT WOULD REQUIRE ALL FINES COLLECTED TO BE TRANSFERRED TO THE LOCAL LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE OFFENSE TOOK PLACE, TO BE USED FOR LOCAL CRIME PREVENTION PROGRAMS.

VOTE: MAJ APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

AMENDED: 03/21/85

1985 MAR 21 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	FUNDING

SB0836 -- MARKS COMMUNITY COLLEGES

SB 836 WOULD INCREASE THE EXPENDITURE LIMIT TO $20,000 THAT A DESIGNATED OFFICER OR EMPLOYEE OF A COMMUNITY COLLEGE DISTRICT MAY USE TO MAKE PURCHASES. THIS BILL WOULD DIRECT THE GOVERNING BOARD OF EACH COMMUNITY COLLEGE DISTRICT TO DETERMINE 2 CENSUS WEEKS FOR EACH PRIMARY TERM OF THE ACADEMIC YEAR, AND 2 CENSUS DAYS FOR REGULARLY SCHEDULED COURSES NOT SCHEDULED COTERMINOUS WITH A PRIMARY TERM. THIS BILL WOULD ALSO REQUIRE EACH GOVERNING BOARD TO DETERMINE A DROP DATE NO LATER THAN THE DAY PRIOR TO THE BEGINNING OF EACH CENSUS WEEK OR TO EACH CENSUS DAY. THIS BILL WOULD IMPOSE A STATE-MANDATED LOCAL PROGRAM BY REQUIRING THE GOVERNING BOARDS OF COMMUNITY COLLEGE DISTRICTS TO DETERMINE CENSUS WEEKS AND DROP DAYS FOR EACH ACADEMIC TERM.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 25 Set for hearing April 10.

Senate Education

04/10/85 8:30 a.m. Room 4203

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

SB1236 -- WATSON PEACE OFFICERS

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: NO

1985 MAR 21 To Com. on JUD.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	TRAINING

SB1402 -- ROBERTI ANIMALS: CRUELTY TO: HUMANE OFFICERS: SCIENTIFIC RESEARCH.

VOTE: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 MAR 21 To Com. on RLS.

NOT ON DAILY FILE

POSITION	TYPE	SUBJECT
NONE 00/00/00	INFO	GENERAL

END OF REPORT

POST Advisory Committee Meeting

Beverly Garland Motor Lodge - Donner Room
1780 Tribute Road
Sacramento, California
April 24, 1985, 10 a.m.

AGENDA

Call to Order and Roll Call	-	Chair
Approval of Minutes of Previous Meeting	-	Chair
Announcements	-	Chair
Commission Liaison Committee Remarks	-	Commissioners
Educational Requirements for Police Officers	-	Silva
Civilianization Study	-	Staff
Domestic Violence Project	-	Staff
POST Facility Status	-	Staff
Commission Meeting Agenda Review	-	Staff
Committee Member Reports	-	Members
Open Discussion	-	Members
Adjournment	-	Chair

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, *Governor*
JOHN K. VAN DE KAMP, *Attorney General*

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

POST ADVISORY COMMITTEE MEETING
January 23, 1985
The San Diego Hilton
San Diego, California

MINUTES

CALL TO ORDER

The meeting was called to order at 10 a.m. by Chairman Joe McKeown.

ROLL CALL OF ADVISORY COMMITTEE MEMBERS

Roll was called.

Present were: Joe McKeown, Chairman
Michael Sadleir, Vice-Chairman
Don Brown
Ben Clark
Michael D'Amico
Ray Davis
Barbara Gardner
Michael Gonzales
Ron Lowenberg
William Oliver
Jack Pearson
William Shinn
Mimi Silbert

Absent were: Carolyn Owens (excused)
J. Winston Silva (excused)

Commission Advisory Liaison Committee members, Commissioners Alex Pantaleoni and Glenn Dyer, were also present, along with Commissioner Cecil Hicks.

POST Staff: Norman Boehm, Executive Director
Don Beauchamp, Assistant to the Executive Director
Rachel Fuentes, Secretary

Gary Wiley, President of CAPTO, Redondo Beach Police Department, was also in attendance as a guest.

APPROVAL OF MINUTES

MOTION - Clark, second D'Amico - carried unanimously for approval of the minutes of the October 17, 1984, Advisory Committee meeting at Holiday Inn - Holidome in Sacramento.

EDUCATIONAL REQUIREMENTS FOR POLICE OFFICERS

This subject was postponed due to Win Silva's illness and will be presented at the next Advisory Committee meeting in April.

CIVILIANIZATION IN LAW ENFORCEMENT

Chief Ray Davis distributed to the committee members a booklet on Civilianization at the Santa Ana Police Department and also presented some videos tapes to the committee on civilianization in law enforcement. After viewing the tapes, Chief Davis gave a brief presentation on the background of civilianization in law enforcement and how this program is working in his department. He stated that this program is a tremendous success and going very well. Basically, Santa Ana's goal is to reach a civilianization of approximately 50 percent within five years. This concept is based upon the fact that there is a reduced need for sworn officers and a recognition of the large amount of activity performed by the police officers which can be handled just as well or better by civilian personnel. Civilians can be used in many areas, including:

> Accident Investigation, Report Taking, Investigation, Crime Prevention, Emergency Service Dispatching, Team Area Representatives, Police Business Office Representatives, Crime Scene Investigations and other related activities.

There was a general discussion on this topic by the Committee.

Mr. Boehm commented that the Commission has asked the staff to survey the use of civilians and that this study is currently underway. Joe McKeown stated he will ask the Commission that the Advisory Committee be involved with this project and that the committee be given a progress report.

COMMISSION MEETING AGENDA REVIEW

Executive Director Norman Boehm reviewed and discussed in detail the Commission Meeting Agenda for the next day's meeting.

COMMITTEE MEMBER REPORTS

Don Brown reported that the California Organization of Police and Sheriffs (COPS) has postponed their planned stress seminar cruise due to a scheduling problem. He also mentioned that his organization is now working on legislation that would include lung cancer as a disease recognized as presumtive in the law enforcement profession. This would provide police with the same benefit now enjoyed by fire personnel who regularly work with hazardous materials.

Mike Sadleir reported that he recently attended a Western States Training Seminar in Lake Tahoe on behalf of California Specialized Law Enforcement groups. This training program should be very helpful in identifying the various training needs of specialized law enforcement organizations.

Bill Shinn, representing Peace Officers Research Association of California (PORAC), reported that his organization met recently to discuss better ways to utilize the POST Advisory Committee. This meeting resulted in two key recommendations which were 1) POST should require the same basic training standards for both general law enforcement officers and "limited function" officers, and 2) the POST Commission should make better use of its Advisory Committee expertise. It was also mentioned that PORAC will be working in the future to develop more specific issues to present to the Advisory Committee for their consideration.

Joe McKeown reported that the California Academy Directors' Association (CADA) has been busy implementing required changes in the academy programs. These requirements include both statutory (i.e., fingerprinting of open enrollment students) and POST induced mandates. CADA had a busy 1984 and is looking forward to an even busier 1985.

ADJOURNMENT

The Executive Director thanked Chief Davis for his time and effort in making the presentation to the Advisory Committee. It was also announced that the first meeting in Sacramento, after POST moves into the new building, will be held at the new facility.

There being no further business to come before the Commitee, the meeting was adjourned at 1300 hours.

Rachel Fuentes
Secretary

Jenkins
INDEX CORPORATION
LOS ANGELES

JI - 11925