STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

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

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

COMMISSION MEETING AGENDA
Hyatt Hotel
455 Hegenberger Road
Oakland, California
October 24, 1985, 10:00 a.m.

CALL TO ORDER

FLAG SALUTE

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTIONS

APPROVAL OF MINUTES

A. Approval of the minutes of the July 25, 1985 regular Commission meeting at the Bahia Hotel in San Diego.

CONSENT CALENDAR

B.1. Receiving Course Certification Report

Since the July meeting, there have been 19 new certifications and 12 decertifications. In approving the Consent Calendar, your Honorable Commission takes official note of the report.

B.2. Approving Resolution Commending Michael D'Amico for his Service on the POST Advisory Committee

In approving the Consent Calendar, the Commission adopts a resolution commending Michael D'Amico for his service on the POST Advisory Committee. Mr. D'Amico served on the Advisory Committee since 1982 and represented the California Association of Administration of Justice Educators (CAAJE).

B.3. Approving Resolution Commending Michael Gonzales for his Service on the POST Advisory Committee

In approving the Consent Calendar, the Commission adopts a resolution commending Michael Gonzales for his service on the POST Advisory Committee. Mr. Gonzales served on the Advisory Committee since 1979 and represented the California Association of Police Training Officers (CAPTO).

B.4. Approving Resolution Commending Retiring POST Law Enforcement Consultant II Eugene D. Pember

Gene Pember served as a member of the POST Commission staff since 1969. Mr. Pember worked in a variety of assignments, most recently as a Senior Law Enforcement Consultant assigned to the Compliance and Certificate Services Bureau. In approving the Consent Calendar, the Commission officially commends Mr. Pember's valuable service to the Commission during the past sixteen years.

B.5. Affirming Commission Policy Set By Actions at the July 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. In approving the Consent Calendar, the Commission affirms the policy on eligibility for application to the Command College adopted at the July 25, 1985 meeting.

B.6. Acknowledging Withdrawal of Agency in the Specialized Program

In approving the Consent Calendar, the Commission notes that the Department of Police and Safety of the Los Angeles County Housing Authority has been disbanded and was removed from the POST Specialized Program effective October 1, 1985.

B.7 Receiving Report on Driver Training Tuition Costs at the Academy of Defensive Driving

At the October 1984 Commission meeting, staff presented a request from the Academy of Defensive Driving (AODD) to increase their tuition. The Commission approved an increase not to exceed $380 ($323 POST reimbursable) for a period not to exceed one calendar year, to be reevaluated at that time. The tuition was subsequently reviewed and the Executive Director reduced it from $380 to $367, with $310 POST reimbursable per student.

The current "cap" of $367 per student appears to be realistic and appropriate.

In approving the Consent Calendar, your honorable Commission approves the continuation of the current tuition at AODD ($367, with $310 POST reimbursable per student) as a statewide "cap" on driver training tuitions.

B.8. Receiving Financial Report - First Quarter 1985/86

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

PUBLIC HEARING

C. Public Hearing on Changes to PAM Regulation 1008 Pertaining to the Basic Course Waiver Process

The existing Basic Course Waiver Examination consists only of a 3 1/2-hour paper and pencil written exam to measure the applicant's knowledge of Basic Course subjects. However, Penal Code Section 13511 requires that the test shall be constructed to verify possession of minimum knowledge and skills. This public hearing is to receive testimony on the proposal that a five-hour manipulative skills testing requirement be added to the Basic Course waiver process, and that the written examination be revised among certain other changes.

The proposed manipulative skills test will require demonstration of abilities in arrest and control techniques, defensive tactics, firearms, report writing, and felony and routine car stops, among others. The written examination is proposed to be revised by combining existing modules into one comprehensive exam that is pass/fail. The updated, three-hour exam will improve overall test validity. Current options to be retested or retrained in modular areas would no longer be available. Instead, applicants will be given one opportunity to retest for the entire exam. Persons who fail the second time would be required to complete the Basic Course.

The present Basic Course Waiver Process costs the applicant $75 for evaluation and $91 for the test. The skills element will add $200 to the testing fee.

The hearing also addresses the proposal that the existing "employed" and "under consideration for hire" prerequisites specified in Regulation 1008 and Procedure D-11 be modified to allow the Commission discretion to evaluate waiver applicants without a specific request from a prospective employer, as is now the case. The current policy can create uncertainties and hardships for applicants and administrative problems for employers. If initial applicant screening by POST is acceptable to the Commission, it is suggested it be effective upon approval of a 1986/87 Budget Change Proposal which would add one staff member as this would result in an increased staff workload. Therefore, this proposal would become effective July 1, 1986, while other proposals would become effective January 1, 1986.

Also proposed is an added provision which would authorize the Commission to waive requirements, should it become necessary. This amendment is recommended to permit the Commission flexibility, should unforeseen circumstances arise.

Also proposed are amendments which permit the Executive Director to approve those law enforcement agencies which have POST-certified basic courses to test and retrain returning former members of their departments who have had a three-year or longer break in service. Of course these returning officers would (and must) have the POST Basic Certificate. In these instances, this would be in lieu of the Basic Course Waiver Process.

Other changes proposed include adding to Procedure D-11 the guidelines recently adopted by the Commission for exempting certain persons from the three-year rule, deleting reference to a 400-hour Basic Course, deleting the 30-day minimum time period before re-examination, and adding other existing Commission policies into Procedure D-11.

Subject to input from the public hearing and if the Commission concurs, the appropriate action would be a MOTION to approve adding a skills testing component to the Basic Course Waiver Process, revising written testing procedures, deleting "employed" and "under consideration for hire" prerequisites, and making other changes to Commission Regulation 1008 and Commission Procedure D-11.

COMPLIANCE AND CERTIFICATE

D. Appeal by the City of Los Angeles Personnel Department Requesting Waiver of Portions of the Commission's Regulations Requiring Entry-Level Reading and Writing Testing (1002(a)(9))

The City of Los Angeles is requesting a limited waiver of the requirements of Commission Regulation 1002(a)(9) pertaining to testing for reading and writing ability. Though regulations require testing of each individual prior to appointment, it is the practice of the Los Angeles City Personnel Department to waive the reading and writing tests if the applicant has satisfactorily completed, with at least a "C" average, 60 semester units or 90 quarter units at an accredited college or university.

Los Angeles City Personnel Department officials claim that their studies justify the City's current testing procedures. They assert that the college experience of these waived cadets is evidence enough of ability in reading comprehension, writing vocabulary, reasoning ability, etc. They report that the waiver-qualified recruits performed better than other recruits in the LAPD academy selected by written examination. Further, they contend that elimination of the current waiver practices would impair the City's ability to maintain adequate levels of candidates.

The Commission's current Regulations do not provide for the waiver of the reading and writing tests based on education or on group averages, but rather provide that each person must be individually tested and qualified. Academic experience alone does not guarantee the attainment of basic reading and writing skills. Further, recent research by POST staff reconfirms that reading and writing test scores are by far a more accurate predictor of academy success than years of education.

The Commission has not required a statewide minimum cutoff score in the belief that reading and writing abilities will improve over a period of time on a mutually cooperative basis. POST Regulation 1002(a)(9) is essentially a procedural requirement, and reads as follows:

> "Every peace officer employed by a department shall be selected in conformance with the following requirements:

Reading and Writing Ability. Be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability."

While recognizing Los Angeles' recruitment challenges, the need for improving law enforcement is also an important issue. In the final analysis, the Commission's consideration should assess how reading and writing abilities might continue to be improved over a period of time.

The Commission really has two basic choices in this case (with perhaps some variation on each choice). If the Commission concurs, the appropriate action would be a MOTION to either:

1. Deny the appeal of the City of Los Angeles Personnel Department, which puts them under the continuing obligation, as they have been, to test all applicants.

OR:

2. Schedule a public hearing for the January 1986 Commission meeting to change Regulation 1002(a)(9) to:

   a. exempt only those people from the City of Los Angeles who have successfully completed, with at least a "C" average, 60 semester units or 90 quarter units at an accredited college or university; or

   b. exempt all applicants statewide who have successfully completed, with at least a "C" average, 60 semester units or 90 quarter units at an accredited college or university.

   c. establish regulatory authority for an exemption process and consider appeals as they may arise.

E. Petition by Los Angeles Police Department for Award of Basic Certificate

The Los Angeles Police Department, on behalf of Captain Gloria Harber, is petitioning the Commission to grant her application for Award of a Basic Certificate. Earlier, based on a finding that the requirements had not been met, a similar request was denied. Specifically, she has not met the minimum requirements of successfully completing a Basic Course of the appropriate hours of training. The staff was unable to find any authority within the Commission's Regulations which would allow the Executive Director to issue the desired certificate.

The minimum hourly basic course requirement within the history of POST was 160 hours established in 1960. Subsequent hourly requirements increased to 200 in 1964, 400 in 1978, and 520 in 1985. Captain Harber's application lists a special basic course of 144 hours completed prior to the inception of the POST program.

Options available are to:

1. Reject the appeal;

2. Establish a "grandfather" provision for such cases; or

3. Simply waive the rules and award the certificate.

This matter is before the Commission.

F. Petition by Gerald A. Skinner, Sergeant, Sierra Madre Police Department, Appealing Finding That He Has Not Met the Requirements for the Management Certificate

Gerald A. Skinner, a sergeant with the Sierra Madre Police Department, is appealing the finding that he fails to meet qualifications for Award of the Management Certificate. His current position is believed not to meet the definition of a "middle management position" in accordance with Commission Regulation 1001(p).

The Sierra Madre Police Department consists of 13 sworn officers, including a chief, 5 sergeants, and 7 police officers. In addition, 10 reserve officers are currently appointed.

Sergeant Skinner summarizes that his appeal is based upon precedent, his position's duties, responsibilities, and expectations as reflected in everyday job assignments; and the lack of specificity in the language of Commission Regulation 1001(p).

To be eligible for a Management Certificate, among other requirements, the applicant must "have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001(p), (d), and (i) of the Regulations." (Commission Procedure F-1-9)

The effect of current Regulations is to require two years of service at the second-level, full supervisory position. Sgt. Skinner's position is believed to be that of a first-level supervisor. That is, he does not supervise full-time supervisors on a permanent basis.

If the Commission concurs with this analysis, the appropriate action would be a MOTION to deny the appeal of Gerald A. Skinner.

G. Recommendation to Schedule a Public Hearing to Apply Regular Officer Background Investigations Procedures to Reserve Officers

Unlike the background investigation requirements for regular officers, agencies conducting such investigations for reserve officers are not required to conduct inquiries with prior and current employers,

references, neighbors, or educational institutions. Similarly, credit checks and DMV checks are not required. Instead, only an unstructured background investigation is required for reserves.

When the Commission originally established background investigation requirements for reserve officers, such officers were viewed as a volunteer force functioning under close supervision of regular officers. The nature of reserve forces has, in the past few years, evolved to the point where large numbers of reserve officers are paid, part-time officers, many of whom work 40 hours per week.

The liabilities associated with appointing persons, even to perform very limited functions as peace officers, have led more agencies to require the same background investigations as mandated for regular officers. There now appears to be a statewide need to require that reserve officers be subject to the Commission's Procedure C-1, which specifies the content of a thorough background investigation.

If the Commission concurs, the appropriate action would be a MOTION to schedule a public hearing at the January 1986 Commission meeting to amend Commission Regulations to require the selection of reserve officers in conformance with Commission Procedure C-1.

H. Report on Experience Requirements for Award of POST Certificate

As directed at the April Commission meeting, staff has completed a study of the matter of recognizing part-time employment as a basis for the Award of Professional Certificates.

The matter of recognizing part-time experience is essentially a matter of recognizing reserve officer experience. The analysis suggests that the quality of experience gained by reserve officers varies widely and that significant administrative problems would be caused by recognition of such experience. More complete discussion is included in the report under this tab.

If the Commission concurs with the staff analysis, the appropriate action would be a MOTION to accept this report without further action.

STANDARDS AND EVALUATION

I. Reading/Writing Test Battery--Report on Testing Scoring Alternatives

At the July 25, 1985 Commission meeting, concerns were raised about the timeliness of the scoring and the reporting of scores on the POST reading and writing tests to local agencies. Staff was directed to investigate alternative test scoring procedures and to report back to the Commission.

Data for a six-month period show that the average turnaround time is 7.4 days, which falls well within the 10-working-day turnaround time commitment that POST makes to local agencies. To improve this further, newly instituted changes (primarily using fast mail) have reduced turnaround time to 4.4 days.

Additional reduction in the turnaround time would have to involve changes in the current scoring process. One promising alternative would be on-site scanning of the answer sheets into a microcomputer which, in turn, would be linked via telephone lines to the main scoring computer in Sacramento.

If the Commission concurs, the appropriate action would be a MOTION to continue the present system with the understanding that staff will seek to pilot test a system involving local machine scanning during the 1986/87 Fiscal Year.

TRAINING PROGRAM SERVICES

J. Report and Recommendation to Approve Basic Course Curriculum Changes Relating to Mutual Aid Training

This is to report that the Basic Course performance objectives and learning goal on Mutual Aid have been rewritten from agency-specific orientation to a statewide perspective as was requested by the Commission at the July meeting. The revised performance objective includes the general knowledge of Mutual Aid which every peace officer statewide should know. In addition, agency-specific information relating to Mutual Aid may be taught in various basic academies according to local or regional needs.

If the Commission concurs, the appropriate action would be a MOTION to approve the revised recommendation that would change the learning goal and performance objective of Mutual Aid in the Basic Course curriculum effective January 1, 1986.

K. P.C. 832 Training Course Revision Report and Recommendation

All peace officers in the state are required to complete PC 832 training. For officers in the POST Program, this training is included within the POST Basic Course. Each year there are approximately 6,500 officers in local and State agencies not in the POST Program with varying types of peace officer powers and duties which take the PC 832 Course. The Legislature has given the Commission responsibility for the PC 832 Course for all peace officers, whether in the POST Program or not.

After studies by staff and an advisory committee, pilot testing of certain curricula and other review, a recommendation is being brought to the Commission for some revisions in the PC 832 Course and for the adoption of a new curriculum. Considering the variety and types of officers who require PC 832 training, and recognizing that the required training is a minimum which may be exceeded at the discretion of the various jurisdictions, we are recommending a 40-hour mandated PC 832 Arrest and Firearms Course which puts greater emphasis on laws of arrest, search and seizure than the present course. The new course curriculum still includes 16 hours of firearms training, and is buttressed by testing.

In addition, we propose that the Commission adopt a recommended but not mandated additional 16 hours of training in the techniques of arrest and communication skills. Since the mandated course is not being increased, the Commission is not requiring additional hours of local agencies, so SB 90 is not involved.

If the Commission concurs, the appropriate action would be a MOTION to approve the recommended curriculum modifications to the 40-hour PC 832 training requirement (Commission Procedure D-7), effective July 1, 1986, and also to approve a 16-hour recommended Communications and Arrest Methods Course.

L. Approval to Issue Request for Proposals (RFP) to Apply Computer-Assisted, Interactive Video Technology to the PC 832 Course

At its April 1985 meeting, the Commission authorized staff to contract for preparation of an RFP to develop a computer-assisted, interactive video instruction (CAIVI) program for training peace officers as required by Section 832 of the California Penal Code.

The RFP is now before the Commission for approval. Upon approval, the RFP will be promulgated and the most suitable vendor will be selected to prepare a CAIVI PC 832 course system. The development of the course work into a high-technology format will be a pilot to determine the potential to get more training into the time available.

The RFP will call for a vendor to evaluate and apply training and technological concepts to the delivery of this type of training, devise a system for computer/video-based delivery of the training, devise methodology for measurement of student performance, develop software to support the program, and present to POST a complete, workable system along with two sets of hardware (2 personal computers with monitors, terminals, and video disc players). The hardware will be used for initial demonstration purposes.

Self-pacing and testing are part of this pilot program. The investment for the RFP is estimated not to exceed $250,000. This program will be carefully evaluated and should benefit approximately 6,500 trainees per year when fully implemented following the pilot period. All the materials and technology will also be applicable to the Basic Course and will be maintained and updated on a regular basis.

Among other potential advantages, the program will address the following identified needs:

a) standardized training in PC 832 subjects;
b) quality training in decision making and psychomotor skills;
c) training available in remote areas; and
d) remedial as well as initial training.

The money is available within the current budget allocation. Proposed effective date for issuance of the RFP is November 1, 1985, and for contract to begin February 1, 1986 and end September 1, 1986. If the Commission approves, the matter of vendor selection and contract award will be scheduled for Commission action at the January 1986 meeting.

If the Commission concurs, the appropriate action would be a MOTION to approve issuance of the Request For Proposal For An Interactive Video Program: Peace Officer Required Training, in an amount not to exceed $250,000.

M. Request to Approve Pilot Study Using Revised Basic Course Success Criteria

Consistent with Commission direction, the Basic Course curriculum and testing procedures are constantly under revision and subject to improvement. One of the important improvements anticipated in the next 18 months or so will be the development and implementation of the test item data bank. With the development of these testing systems, the time is also right to test some potential improvements to the current system for measuring student mastery of subjects taught in the Basic Course.

The Commission's current and long-standing requirement is that each trainee demonstrate adequate mastery of each of the more than 500 performance objectives. Since differing criticality levels are associated with different objectives, differing pass points for testing have been set for each objective. These vary from 70 percent to 100 percent. This approach has proven cumbersome and misleading because tests to measure mastery are not available in every instance.

As an expected improvement, it is proposed that performance objectives be logically grouped and tests administered for entire blocks of performance objectives. Pass points will be proposed for these subject blocks rather than for individual performance objectives.

If the Commission concurs, the appropriate action would be a MOTION to approve a pilot study of the proposed success criteria revision. The pilot study should be concluded by July 1987, with a report back to the Commission.

N. Recommendation for New Performance Objective on Professional Standards and Requirements for Law Enforcement and the Production of Training Videotapes

As part of POST's ongoing effort to maintain the Basic Course curriculum, a new performance objective has been developed to meet the long-recognized need to train peace officers in the professional standards and requirements for a career in law enforcement. There are indications that a structured approach will be very beneficial to help recruit officers recognize the responsibilities, requirements and benefits of the profession.

To impart this information effectively, the preparation of modularized videotapes is proposed. These will be distributed for use as a training resource to Basic Course presenters. This can be accommodated without increasing the length of the Basic Course.

If the Commission concurs, the appropriate action would be a MOTION to approve the adoption of Basic Course Performance Objective 1.2.3 (Professional Standards and Requirements for California Law Enforcement), effective July 1, 1986, and authorize the development and distribution of a supporting videotape program for an amount not to exceed $40,000.

EXECUTIVE OFFICE

O. Recommendation to Prepare a Report on Establishing a POST Institute of Investigation

As part of the goal of improving quality of and increased participation in training, we are proposing that the Commission consider establishing an Institute of Investigation as a pilot project. The institute is simple in concept and potentially very beneficial to law enforcement. The institute would identify a series of courses which are needed and desirable for investigators who desire a higher level of training and professional development than would otherwise normally be expected.

An advisory committee of chiefs, sheriffs, and subject-matter and curricula experts would be assembled to identify ideal curricula. Core and specialty courses would be prescribed. The core courses would be in subjects common to all investigators. Specialty courses would be for high-level expertise in such areas as child abuse, white-collar crime, and homicide investigation, for example. The actual number of seminars would be determined following input by the Advisory Committee. POST would then work with presenters to develop high quality courses using the best instructional techniques available. Where justified on a cost-benefit basis, these could be certified as tuition courses, or in some cases, perhaps even contract courses.

As with the Command College, students would take the courses over a period of time. Upon completion of the classwork, the trainee could be required to make some contribution back to the specialty, which might be a new procedure, approach, article analysis of data, etc., which would be beneficial statewide.

Recognition of completion of the POST Institute of Investigation could be a rosette for the lapel, a paper certificate, or some other appropriate form of recognition.

It will take six months to one year to organize the POST Institute, and then another two or more years for monitoring and evaluating. Staff work necessary for the project would be provided from existing personnel, and demands on staff time will also be monitored and assessed as part of the pilot.

To offset costs to the agencies whose personnel are selected to participate, the Commission might wish to consider extending salary reimbursement to this level of training. A specific recommendation on this possibility can be made as more study is given. As Commissioners are aware, not all such technical courses are salary reimbursable.

The concept of this institute has been reviewed by and has the support of the Commission's Long-Range Planning Committee.

If the Commission concurs, the appropriate action would be a MOTION to approve the concept of a POST Institute of Investigation and direct staff to begin development of the pilot program.

P. Recommendation to Prepare a Report on Establishing a POST Leadership for Supervisors Institute

As a further part of the general direction of the Commission to improve quality and pertinence of training, a proposal to establish the POST Leadership for Supervisors Institute is proposed for consideration. This differs from the Institute for Investigation in that it would be a totally new course. The thrust of the proposal is to discover which training techniques can truly assist people in developing actual leadership skills. These may include classroom settings, but should have a heavy emphasis on actual practice and proven techniques which encourage development of leadership skills.

The need for leadership development has been articulated formally and informally by law enforcement for some time. While the Supervisory course itself does not meet this need, completion of the Supervisory course would be a prerequisite for the POST Leadership for Supervisors Institute.

The concept of this institute has been reviewed by and has the support of the Commission's Long-Range Planning Committee.

If the Commission concurs, the appropriate action would be a MOTION to approve the concept and direct staff to begin development of formal plans to implement the program.

Q. Contract Award--Test Item Data Bank

At the June 1984 Commission meeting, approval was granted for the submission of a Budget Change Proposal for FY 1985/86 to automate the Basic Course Test Item Bank. The Budget Change Proposal included $61,000 in contract money for software development and was approved as part of POST's FY 1985/86 budget.

In anticipation of the Budget Change Proposal being approved, a Request for Quotation for software development was issued to over 200 vendors and all submitted quotations were evaluated. Unexpectedly, only 4 quotations were received and none were found to be acceptable. In addition, POST was notified in writing by several apparently well-qualified vendors that insufficient funds existed to develop the

desired software. As a result, approval was requested and granted at the July 1985 Commission meeting for the amount of money authorized for software development to be increased to $90,000.

Upon approval by the Commission to increase the monies available for software development to $90,000, a new Request for Quotation was issued in early August. A contract review committee comprised of academy personnel and POST staff met in mid-September to review all quotations, and selected finalists to make oral presentations on October 1, 1985. Price quotes ranged from 86,500 to 90,000. Based upon its review of both the written quotations and oral presentations, the review panel has recommended that POST contract with Brain Designs, Inc. for the desired software development. The amount of the proposed contract is $90,000.

If the Commission concurs, the appropriate action would be a MOTION to authorize the Executive Director to sign a contract with Brain Designs, Inc. in the amount of $90,000 for the development of the test item banking software.

R. Recommendation for a "Law Enforcement Symposium on the Future" to be Held on January 30-31, 1986, in Conjunction with the Command College Graduation at Kellogg-West, Pomona

A law enforcement symposium on the future is being organized for January 30-31, 1986 at Kellogg-West in Pomona. This is to be held in conjunction with the graduation of the first Command College class.

This symposium on the future will feature some outstanding speakers including Attorney General Edwin Meese (accepted), futurist Hank Koehn (accepted), and several other key presenters in the Command College. In addition, letters of invitation have been sent to Governor Deukmejian, Attorney General Van de Kamp, and Gene Roddenberry, Executive Producer of "Star Trek" and who also has a law enforcement background with LAPD.

The speakers will be invited to address their perspectives on the future and law enforcement. This approach may also capture the sense of the Commission in wanting to hold a symposium for Commissioners on futures issues, and at the same time, provide opportunity for thought and reflection by law enforcement generally. Up to 300 persons, including some city managers and county executives on the invitation of their respective chiefs and sheriffs, can be accommodated. We plan to invite two or three of the very best Command College projects to be presented.

The symposium should be a showcase of leadership and forward thinking in California. It is brought to the Commission for its review. A copy of the proposed symposium agenda is included under this tab. Both the Long-Range Planning Committee and the Command College Committee have responded favorably to the proposal.

If the Commission concurs, the appropriate action would be a MOTION to approve a Law Enforcement Symposium on the Future to be held in conjunction with the Command College graduation on January 30-31, 1986.

S. Recommendation to Negotiate and Enter Into a Contract for the Services of a POST Management Fellow to Provide a Records Systems Manual for Law Enforcement

The Management Counseling Bureau has reviewed the records systems of more than 120 agencies since 1975. Experience indicates that the need for a model records system is a continuing one. POST's Management Counseling Bureau has developed a plan to publish a comprehensive manual to serve as a reference document for the evaluation and improvement of records systems.

As a reference document, the manual will contain all of the components of a basic records system. It will also include auxiliary records and components for addition to the basic system, an evaluation of automated systems, a summary of pertinent laws, and a set of directives to guide the operation of the system.

Considering existing workloads, the development of the manual would best be accomplished by a Management Fellowship program. A Management Fellow would organize and coordinate the project, and participate in writing and editing the manual. This will enable the Commission to publish the manual in a timely manner. This person would also come on board at about the same time another Fellowship project (the Field Training Officer study) will be coming to a conclusion.

If the Commission concurs, the appropriate action would be a MOTION to authorize the Executive Director to negotiate and sign a contract for the services of one Management Fellow, not to exceed six months' time and $54,000 for salary, travel and per diem.

COMMITTEE REPORTS

T. Finance Committee

Committee Chairman Wilson will report on the August 22, 1985 conference call meeting of the Commission's Finance Committee, with respect to awarding a contract for the computer Feasibility Study Report.

U. Long-Range Planning Committee

Chairman Vernon will report on the results of the meeting of the Commission's Long-Range Planning Committee held on October 7, 1985 in Los Angeles.

V. Legislative Review Committee

Commissioner Block, Chairman of the Commission's Legislative Review Committee, will report on the results of the Committee meeting of October 24, 1985 in Oakland.

W. Ad Hoc Committee on the Command College Policies

Commissioner Wasserman, Chairman of the Ad Hoc Committee on Command College Policies, will report on the results of the Committee meeting of September 26, 1985 in Sacramento.

X. Advisory Committee

Advisory Committee Chairman Joe McKeown will report on the results of the October 23, 1985 Advisory Committee meeting in Oakland.

OLD/NEW BUSINESS

Y. Information Regarding Commission Workshop Suggestion

Chairman Vernon has indicated that the proposed Law Enforcement Symposium on the Future to be held in conjunction with the graduation of Class 1 of the Command College would also very well serve as the Commission workshop which was suggested at the July 1985 meeting.

Z. Correspondence

Enclosed under this tab is a copy of a September 27, 1985 letter to Chairman Vernon from Attorney General Van de Kamp regarding the Final Report of the Attorney General's Commission on the Enforcement of Child Abuse Laws (CECAL) and their recommendations relating to POST responsibilities.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

January 22, 1986, Bahia Hotel, San Diego (on Wednesday, one time only)
April 24, 1986, Sacramento Hilton, Sacramento
July 24, 1986, San Diego Hilton, San Diego
October 23, 1986, Griswold's Inn, Claremont

STATE OF CALIFORNIA
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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
1601 ALHAMBRA BOULEVARD
SACRAMENTO, CALIFORNIA 95816-7083

COMMISSION MEETING MINUTES
July 25, 1985
Bahia Hotel
San Diego, California

The meeting was called to order at 10:05 a.m. by Chairman Vernon.

Chairman Vernon invited Michael Gonzales, outgoing representative of the California Association of Police Training Officers (CAPTO) to the Advisory Committee, to lead 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
Sherman Block	-	Commissioner
Glenn E. Dyer	-	Commissioner
Carm J. Grande	-	Commissioner
Cecil Hicks	-	Commissioner
Edward Maghakian	-	Commissioner
Raquel Montenegro	-	Commissioner
C. Alex Pantaleoni	-	Commissioner
Charles B. Ussery	-	Commissioner
Robert Wasserman	-	Commissioner
John Van de Kamp	-	Attorney General - Ex Officio Member

Also Present:

Joseph P. McKeown, Chairman, 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, Training Delivery Services, South
John Berner	-	Bureau Chief, Standards and Evaluation
Katherine Delle	-	Executive Secretary
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

POST Advisory Committee Members Present:

Ben Clark
Michael D'Amico
Ray C. Davis
Barbara J. Gardner
Michael Gonzales
Ronald Lowenberg
William F. Oliver
Carolyn Owens
Jack Pearson
Michael Sadleir
William Shinn
J. Winston Silva

Visitors Roster:

Larry Abbott	-	Orange County Sheriff's Dept.
Cathleen E. Chadwick	-	California Alliance Against Domestic Violence YWCA Battered Women's Services
Darla Farber	-	Riverside Marshal/Calif. State Marshals' Assoc.
Don Forkus	-	Chief, Brea Police Department
J. French	-	San Bernardino County Marshal's Office
Maria Ida Gaitan	-	Public
Gerald D. Hunt	-	Calif. Assn. of Criminal Justice Educators
Bob Mann	-	Los Angeles County Marshal's Office
Roger Mayberry	-	California State Marshals' Association
Ted Mertens	-	Chief, Placerville Police Department
Elly Newman	-	YWCA Battered Women's Services
R. C. Randolph	-	San Bernardino County Marshal's Office
Paula Robinson	-	San Diego County Marshal's Office
Gary Wiley	-	Redondo Beach Police Department

A. Approval of Minutes of the April 25, 1985 Meeting

MOTION - Wilson, second - Van de Kamp, carried unanimously for approval of the minutes of the April 25, 1985 regular Commission meeting at the Beverly Garland Motor Lodge in Sacramento.

B. Approval of Consent Calendar

MOTION - Dyer, second - Maghakian, carried unanimously for approval of the following Consent Calendar:

B.1. Receiving Course Certification Report

Since the January meeting, there have been 25 new certifications and 15 decertifications.

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

It was reported that the California Department of Mental Health - Food and Drug Branch, Investigations Unit, and the California Office of Emergency Services - Law Enforcement Division, have met the requirements and have been accepted into the POST Specialized Program.

B.3. Receiving Report - Study of Part-Time Employment Toward Certificate Eligibility

A progress report was presented and accepted on the staff study of the matter of recognizing part-time employment as a basis for the award of professional certificates.

B.4. Receiving the End-of-Year Financial Report for F.Y. 1984/85

This report provided financial information relative to the local assistance budget through June 30, 1985. The report was presented and accepted and is on file at POST headquarters.

After the approval of the Consent Calendar, the subject of certificates was discussed. Chairman Vernon indicated this issue was now under the purview of the Long-Range Planning Committee, which will continue to review the matter.

C. Public Hearing on Allowing Reimbursement for Repeat Attendance of Basic Course for Officers Returning to Law Enforcement Following a Break in Service of Three Years or Longer

The purpose of this public hearing was to consider amending Regulation 1015 to specifically allow for reimbursement when officers with a three-year or longer break in service are retrained pursuant to Regulation 1008. The public hearing was held in compliance with the requirements set forth in the Administrative Procedures Act to provide public input on the proposed Regulation changes.

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

James G. Marshall, City Manager, City of Ceres, supports the Commission's proposal to provide reimbursement for required Basic Course retraining. Mr. Marshall stated the regulation amendment would open the job market to smaller agencies where officers with breaks in service often relocate.

George S. Whiting, Sheriff, San Luis Obispo County, supports the Commission's proposal to provide reimbursement for required Basic Course retraining. Sheriff Whiting stated that this form of reimbursement would eliminate restrictions placed upon his training budget.

Donald L. Forkus, Chief of Police, Brea Police Department, opposes the proposal stating that the existing regulation is, in his opinion, equitable since it does allow for exception.

Following the staff report there was no further oral testimony.

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

MOTION - Block, second - Dyer, carried unanimously that Commission Regulation 1015 be amended to read as follows and become effective November 1, 1985:

1015. Reimbursements

(h) When a Regular Program trainee has attended a POST-certified basic course for which reimbursement has been provided, an employing jurisdiction may receive reimbursement for subsequent attendance of a POST-certified basic training course by the same trainee who has a three-year or longer break in service as a peace officer and must be retrained (1008(b)).

(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.

D. Reading/Writing Test Progress and Recommendations to Continue Commission Funding of POST Reading and Writing Tests and to Encourage Language Skills Testing of Pre-service Cadets

A staff report was presented on the results of the past year's study of the reading and writing test scores. These findings showed that reading and writing test scores of recruit officers were significantly higher during the past year; twenty-five percent of all agencies in the POST Regular Program now use the POST reading/writing tests; the average minimum score used by agencies significantly exceeds the minimum score recommended by POST; other agencies are using alternate reading and writing tests and are as a group showing higher scores; and that non-screened open enrollment students in community college based academies continue to show serious deficiencies in reading/writing skills based upon their test scores.

A full progress report will be presented to the Commission at its July 1986 meeting.

MOTION - Wasserman, second - Wilson, carried unanimously by roll call vote to:

1. Authorize staff to actively work with POST-certified basic academies to seek the desired objective of ensuring that all nonaffiliated students are prescreened for reading and writing ability.

2. For purposes of continuing to encourage agencies/academies to use the POST reading and writing tests or POST-approved reading and writing tests to screen job applicants/academy trainees during FY 1985/86, approve the expenditure of an amount not to exceed

$102,000 for test administration and scoring services to be provided under contract by Cooperative Personnel Services and the California State Personnel Board.

3. For purposes of continuing to monitor the impact of POST's reading/writing regulation, approve the expenditure of an amount not to exceed $18,000 for contract services from Cooperative Personnel Services to administer the POST reading and writing tests to all academy trainees for a six-month period.

The issue of turnaround time (from administering an examination to producing scores) was discussed. Staff was directed to investigate alternatives to reduce turnaround time and report back with recommendations at the October 24, 1985 Commission meeting.

POST Staff was also directed to work with basic academies to encourage them to utilize the POST reading and writing abilities test.

E. Basic Course Curriculum Changes

A staff report was presented recommending changes to the Basic Course curriculum for Patrol Procedures. These recommended changes included the addition of one performance objective in Missing Persons and the deletion of the learning goal and performance objective in Mutual Aid. In addition, the deletion and addition of one performance objective in Unusual Occurrences and a change in title of Learning Goal 8.39.0 Unusual Occurrences to Hazardous Occurrences were recommended.

Discussion centered around the proposed deletion of the Mutual Aid learning goal and performance objective. Chairman Vernon observed that it is the desire of the Commission that the present curriculum for Mutual Aid not be changed at this time, but at the October 1985 meeting the Commission would consider revised language on this subject from staff.

MOTION - Wasserman, second - Hicks, carried unanimously to approve recommended changes (except those for Mutual Aid) to the Basic Course curriculum, Functional Area 8.0 (Patrol Procedures), effective October 1, 1985.

F. Public Hearing Scheduled on a Proposal to Change the Basic Course Waiver Process by Creating a Skills Testing Element; Revising the Written Test, and Assigning POST Initial Evaluation and Screening Responsibilities for Persons Applying for the Waiver Process

A report was presented by staff proposing that a five-hour manipulative skills test be added to the existing Basic Course Waiver Examination to conform with the requirement in Penal Code Section 13511 which states that tests shall be constructed to verify possession of minimum knowledge and skills.

In addition, staff also proposed that the existing "employed" and "under consideration for hire" prerequisites specified in Regulation 1008 and Procedure D-11 be modified to allow the Commission discretion to evaluate waiver applicants without a specific request from an employer.

Other changes proposed to Procedure D-11: adding the recently adopted guidelines for exempting certain persons from the three-year rule; deleting reference to a 400-hour basic course; deleting the 30-day minimum time period before re-examination; and adding other existing Commission policies into Procedure D-11.

MOTION - Wasserman, second - Dyer, carried unanimously to approve the scheduling of a public hearing for the October 1985 meeting to consider the following: to add a skills testing component to the Basic Course Waiver Process; revise written testing procedures; delete "employed" and "under consideration for hire" prerequisites; and to make other changes to Commission Regulation 1008 and Commission Procedure D-11.

G. Domestic Violence Guidelines and Related Training Standards

Staff reported that provisions of Penal Code Section 13519, and 13700 et seq. (Stats. 1984, Chapter 1609) have been complied with six months before the January 1, 1986 effective date. The following recommendations were presented to the Commission for consideration:

1. Approve the guidelines for law enforcement response to domestic violence cases and authorize printing and distribution;

2. Approve inclusion of instruction in the specific domestic violence topics in the POST Basic Course;

3. Approve in-service training for officers and supervisors as well as managers consistent with the intent of the legislation and encourage the preparation of training media and other techniques to facilitate training and information dissemination; and

4. Authorize the Executive Director to report to the Legislature on behalf of the Commission on the results of this project.

MOTION - Maghakian, second - Dyer, carried unanimously to accept the staff recommendations, with an effective date for basic course changes of January 1, 1986; all other actions to be effective immediately.

During discussion, the need for instruction from individuals with personal knowledge of cultural differences as opposed to instruction received solely from textbook material was stressed.

H. Final Salary Reimbursement Rate for FY 1984/85

The Commission has, for some years, held Peace Officer Training reimbursement funds in reserve to guard against unexpected increases in training volume. At the end of the fiscal year, unexpended funds are ordinarily disbursed as an adjustment to salary-reimbursable training retroactive to the beginning of the fiscal year. The recommended final salary reimbursement rate for FY 1984/85 has the support of the Commission's Finance Committee and was presented to the Commission for approval.

MOTION - Van de Kamp, second - Wasserman, carried unanimously by roll call vote to approve the distribution of the remaining aid to local government funds for FY 1984/85, which will approximate 71.1 percent salary reimbursement for the Basic Course, and 86.1 percent for other salary-eligible courses certified by the Commission.

I. FY 1985/86 Reimbursement Rate Baseline

Annually, the Commission establishes a beginning salary reimbursement rate for the new fiscal year after a review of projected expenditures and funds available. Because of the difficulty involved with developing accurate projections of training volumes, a conservative reimbursement level is initially established and the availability of funds is reveiwed at each quarterly Commission meeting. The recommended beginning salary reimbursement rate for FY 1985/86 has the support of the Commission's Finance Committee and was presented to the Commission for approval.

MOTION - Wilson, second - Montenegro, carried unanimously by roll call vote to establish the beginning salary reimbursement rate for FY 1985/86 at 60 percent for the Basic Course and 70 percent for other salary-eligible courses.

J. Contracts for the Services of Three Temporary Special Consultants to Work in High-Liability Training Programs

Commission approval was requested to expend an amount not to exceed $210,000 for the temporary services of up to three special consultants to work on developing and implementing specialized training in certain critical, liability-causing subject areas. These subjects include firearms, driver training, domestic violence, etc. This proposal has been reviewed by the Finance Committee and has their full concurrence.

MOTION - Pantaleoni, second - Dyer, carried unanimously by roll call vote to approve up to three contracts for the one-year services of three special consultants at a cost not to exceed $210,000 pursuant to the FY 1985/86 Budget Change Proposal on specialized training.

K. Contract for Development of Test Item Data Bank Software

Pursuant to a Budget Change Proposal authorized by the Commission, $61,000 in contract money was authorized in the FY 1985/86 budget to develop software for the automated test item bank which will function as a service to basic academies. A competitive bid process was initiated; however, no bidders were identified who could provide the requested services within the alloted budget.

Permission to initiate another competitive bid process with $90,000 in contract money was requested.

MOTION - Grande, second - Pantaleoni, carried unanimously to authorize $90,000 in contract money to solicit competitive bids to develop software for the automated test item bank.

COMMITTEE REPORTS

L. Finance Committee

Commissioner Wilson reported on the June 28, 1985 meeting of the Commission's Finance Committee which was held in South San Francisco. In addition to the recently approved FY 1985/86 budget, the Committee also reviewed and concurred with staff proposals for beginning baseline salary reimbursement for FY 1985/86 and end-of-year disbursement of unexpended FY 1984/85 reimbursement funds. Certain contracts addressed earlier in the agenda were also approved.

The Committee's main task was to review proposals for Budget Change Proposals for FY 1986/87 and to prepare recommendations to the full Commission. The Committee recommended BCPs totaling $833,843, which include seven new positions.

MOTION - Wilson, second - Pantaleoni, carried unanimously (Van de Kamp abstained) by roll call vote to accept the report of the Finance Committee and approve the finalization and submission to the Department of Finance of the following budget change proposals:

		Personnel Years (PY)	$
1.	Staff Legal Counsel	1.0	$ 58,845
2.	Computer Replacement	-	500,000
3.	Contract - Clinical Psychologist	-	10,000
4.	Item Banking - Office Technician	1.0	- 14,680
5.	Test Validation & Development Spec	1.0	37,588
6.	Training Officer	1.0	42,000
7.	Mgmt Counseling Consultant	1.0	55,000
8.	Personal Services Contract	-	45,000
9.	CED Secretary	1.0	22,230
10.	Equipment - Scanner	-	47,760
11.	Staff Services Analyst	1.0	30,100
	TOTAL	7.0	$833,843

M. Long-Range Planning Committee

Commissioner Wilson reported on the June 24, 1985 meeting of the Commission's Long-Range Planning Committee which was held in Sacramento. The Committee discussed and reviewed the following issues: Basic Course Waiver Process, PC 832 Training Course, enhancing the quality of training, and the POST Reading/Writing test. Staff will continue to explore the feasibility of new directions that hold promise of true improvements in the quality of POST programs.

MOTION - Ussery, second - Montenegro, carried unanimously to accept the report of the Long-Range Planning Committee.

N. Legislative Review Committee

Commissioner Block reported that the Committee met just prior to this session and recommended the following on current legislation:

MOTION - Wasserman, second - Maghakian, carried unanimously to adopt the following legislative positions:

AB 1911 (Stirling) - requires POST to conduct a study relating to the deaths of peace officers in violent confrontations. SUPPORT

AB 1338 (Johnston) - addresses training for public safety dispatchers. The POST Advisory Committee will study the issue of selection and training standards for public safety dispatchers and submit with recommendations to the Commission as to whether this would be an appropriate training and certification functional area for POST to become involved.

O. Ad Hoc Committee on Eligibility for Command College

Commissioner Wasserman reported that the Commission's Ad Hoc Committee met in Sacramento on May 10, 1985.

MOTION - Wasserman, second - Wilson, carried unanimously to adopt the following eligibility criteria; persons applying for admission to the Command College must:

1. Have completed the POST Management Course;

2. Occupy a law enforcement management position which demonstrably includes full-time permanent responsibility to supervise others whose duties include supervising other full-time permanent personnel. This is generally at the rank of lieutenant or higher;

3. Demonstrate the potential for an executive position; and

4. Demonstrate the ability to influence policy or impact the operation of the agency.

P. Organizational and Personnel Policies Committee

Commissioner Montenegro reported that the Commission's Organizational and Personnel Policies Committee met on July 25, 1985 in San Diego to consider the Executive Director's compensation package.

MOTION - Montenegro, second - Wilson, carried unanimously by roll call vote to add three days' vacation time to the Executive Director's present annual baseline; and to express support for the professional training and development needs of the Executive Director, with approval for the expenditure of up to $5,000 per year for this purpose.

Q. Advisory Committee

Joe McKeown, Chairman of the POST Advisory Committee reported on the meeting of July 24, 1985 in San Diego.

- A "Civilianization Committee" was appointed to work with POST staff and the CPOA Training Committee on the survey questionnaire now underway on civilianization in law enforcement in California.

- A "Privatization Committee" was appointed to consider several issues regarding the privatization study.

- The Advisory Committee recommends to the Commission for the purpose of awarding certificates that credit not be granted for experience or tenure other than that acquired as a full-time regular officer.

- When the Advisory Committee passes a motion regarding an item on the Commission agenda, the Committee's viewpoint shall be presented to the Commission by the Executive Director as part of the staff report prior to any Commission action being taken on the item.

The report was received by the Commission; however, no Commission action to approve additional projects was taken.

OLD/NEW BUSINESS

R. Advisory Committee Appointments

MOTION - Van de Kamp, second - Grande, approved unanimously to appoint the following persons to the Advisory Committee whose terms will expire in September 1988:

William Shinn - Peace Officers Research Association of Calif.
Raymond C. Davis - California Peace Officers' Association
Barbara Gardner - Women Peace Officers' Association of Calif.
Derald D. Hunt - California Association of Administration of Justice Educators
Gary Wiley - California Association of Police Training Officers

CORRESPONDENCE

S. Letter from Chief Richard Brug, Cal Poly-San Luis Obispo

A letter was received from Chief Richard Brug, Cal Poly-San Luis Obispo, requesting that Campus Chiefs who desire to apply to the Command College be exempted from the Assessment Center process. Chairman Vernon referred Chief Brug's request to the Ad Hoc Committee on the Command College and asked that they report at the October 24, 1985 Commission meeting with a recommendation as to whether to grant or deny this request.

Letter from Glen Craig, Director, Department of Justice, Division of Law Enforcement

A letter was received from Glen Craig, Director of the Department of Justice, Division of Law Enforcement, requesting that certain Department of Justice, Division of Law Enforcement personnel be granted eligibility to attend the Command College. Chairman Vernon referred Director Craig's request to the Ad Hoc Committee on the Command College and asked that they report at the October 24, 1985 Commission meeting with a recommendation as to whether to grant or deny this request. As Director Craig is Commissioner Van de Kamp's representative on this Committee, Commissioner Van de Kamp agreed to abstain from participating in this decision when the Committee meets.

T. Advisory Committee Service Recognition

Outgoing Advisory Committee members Michael D'Amico and Michael Gonzales were thanked by the Commission and recognized for their service on the Advisory Committee.

U. City of Los Angeles Reading and Writing Test Issues

The Executive Director referred to a letter from John Driscoll, Managing Director of the Los Angeles Personnel Department, requesting the Commission to allow the City of Los Angeles to waive reading and writing tests for applicants who have completed two years of college with a C average or better. Each Commissioner had previously received a copy of the letter as well as a letter from Tom Bradley, Mayor of the City of Los Angeles, which asked the Commission not to mandate a single cut-off score for reading and writing tests.

The Executive Director reported that both Mayor Bradley and Mr. Driscoll were sent letters clarifying that the Commission did not have a proposal to require a single test with a single cut-off score for reading and writing abilities at this meeting. The Executive Director also has been in contact with the League of California Cities to assure that there is no misunderstanding as to what is being considered by the Commission at this time.

As to the city's request for a waiver, this matter will be on the Commission agenda for October, along with the question of whether the reading and writing test used by Los Angeles meets the Commission's criteria for a screening test designed to measure reading and writing abilities. Staff will work on this matter with the City of Los Angeles and present a report on compliance progress to the Commission in October.

V. Evaluation of the Future

Chairman Vernon directed POST staff to present a recommendation at the October 24, 1985 Commission meeting on whether to plan a one-day seminar to discuss the future of law enforcement and what part the

Commission can play in that future. It was proposed that the seminar provide lectures by experts, followed by a brainstorming session to develop specific ideas or proposals on how to better organize the Commission and its issues.

DATES AND LOCATIONS OF FUTURE COMMISSION MEETINGS

October 24, 1985, Hyatt Hotel, Oakland Airport
January 22, 1986, Bahia Hotel, San Diego (on Wednesday, one time only)
April 24, 1986, Sacramento Hilton, Sacramento
July 24, 1986, San Diego Hilton, San Diego (Joint meeting with Advisory Committee)

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 12:25 p.m.

Katherine D. Delle

Katherine D. Delle
Executive Secretary

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Course Certification/Decertification Report		October 24, 1985
Bureau	**Reviewed By**	**Researched By**
Training Delivery Services	Darrell L. Stewart, Chief	Rachel S. Fuentes
Executive Director Approval	**Date of Approval**	**Date of Report**
Norman C. Boehm	10/4/85	October 2, 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 July 25, 1985 Commission meeting:

CERTIFIED

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
1.	Field Evidence Technician	State Center Peace Officer Academy	Technical	II	$ 80,325
2.	Traffic Accident Investigation	NCCJTES, Santa Rosa Center	Technical	II	$ 24,804
3.	Traffic Control Supervision	NCCJTES, Santa Rosa	Technical	IV	12,412
4.	Practical Methods for Solv. Police Personnel Problems	Justice Research Associates	Mgmt. Sem.	III	12,240
5.	Chemical Agent Instructor	Mira Costa College	Technical	IV	10,848
6.	Complaint Desk/ Dispatcher	Academy of Justice Riverside County	Technical	II	46,440
7.	Supervisory Sem.	NCCJTES, Los Medanos College	Supv. Trng.	IV	13,716
8.	Arrest & Firearms (P. C. 832)	Ventura Police Department	P. C. 832	IV	-0-
9.	Adv. Motorcycle Officer Training	Central Coast Co. Police Academy	Technical	III	12,300
10.	Patrol Aspects of Traffic Enforc.	NCCJTES, Santa Rosa Center	Technical	IV	12,412
11.	Arrest and Control Tactics	Koga Institute	Technical	III	55,750

CERTIFIED - Continued

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
12.	Defensive Tactics Instructor Update	FBI, San Diego	Technical	IV	4,100
13.	Internal Affairs Invest. Update	Chapman College	Technical	III	21,512
14.	Chemical Agent Instructor	FBI, Los Angeles	Technical	IV	4,200
15.	Gang Awareness	Los Angeles Police Department	Technical	IV	-0-
16.	Instructor Development Update	Los Angeles Police Department	Technical	IV	-0-
17.	Crime Prevention, Advanced: Rural	NCCJTES, Sacramento CJTC	Technical	IV	7,020
18.	LE Skills & Knowledge Modular Trng	San Bernardino Co. Sheriff's Dept.	Technical	IV	28,140
19.	Hostage Negotiation	FBI, Los Angeles	Technical	IV	8,000

DECERTIFIED

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
1.	Advanced Officer	Moorpark College	AO	II	-0-
2.	Arrest & Firearms (P.C. 832)	Feather River College	P.C. 832	IV	-0-
3.	Bomb Technician Refresher	FBI, San Francisco	Technical	IV	-0-
4.	Advanced Coroner Investigation	Modesto CJTC	Technical	IV	-0-
5.	Advanced Criminal Investigation	Modesto CJTC	Technical	IV	-0-
6.	Crisis Intervention	Modesto CJTC	Technical	IV	-0-
7.	Criminal Investigation	Modesto CJTC	Technical	II	-0-

DECERTIFIED - Continued

	Course Title	Presenter	Course Category	Reimbursement Plan	Annual Fiscal Impact
8.	Fingerprint, Basic	DOJ Training Center	Technical	IV	-0-
9.	Community Service Officer	Golden West College RCJTC	Technical	IV	-0-
10.	Supervisory Sem.	NCCJTES, Butte Center	Supv. Sem.	IV	-0-
11.	Vicarious Liability	NCCJTES, Butte	Technical	IV	-0-
12.	Jail Operation - Type I Facility	Rio Hondo RTC	Technical	IV	-0- .

TOTAL CERTIFIED 19

TOTAL DECERTIFIED 12

TOTAL MODIFICATIONS 14

715 courses certified as of 9/30/85
148 presenters certified as of 9/30/85

Resolution OF THE

Commission on Peace Officer Standards and Training

STATE OF CALIFORNIA

WHEREAS, Michael D'Amico has served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) since 1982; and

WHEREAS, Michael D'Amico has effectively represented the California Association of Administration of Justice Educators; and

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

WHEREAS, California law enforcement has benefited greatly from his advice and counsel; now, therefore, be it

RESOLVED, that the members of the Commission on Peace Officer Standards and Training (POST) do hereby commend Michael D'Amico for his outstanding service and dedication to the Commission as a member of the POST Advisory Committee.

Chairman

Executive Director

October 24, 1985

Date

Resolution OF THE

Commission on Peace Officer Standards and Training

STATE OF CALIFORNIA

WHEREAS, Michael Gonzales has served as a member of the Advisory Committee of the Commission on Peace Officer Standards and Training (POST) since 1979; and

WHEREAS, Michael Gonzales has effectively represented the California Association of Police Training Officers; and

WHEREAS, he has demonstrated leadership and diligence in his service as chairman in 1983 and 1984 of the POST Advisory Committee; and

WHEREAS, California law enforcement has benefited greatly from his advice and counsel; now, therefore, be it

RESOLVED, that the members of the Commission on Peace Officer Standards and Training (POST) do hereby commend Michael Gonzales for his outstanding service and dedication to the Commission as a member of the POST Advisory Committee.

Chairman

Executive Director

October 24, 1985

Date

Resolution OF THE

Commission on Peace Officer Standards and Training

STATE OF CALIFORNIA

WHEREAS, Eugene D. Pember has served as a staff member of the Commission on Peace Officer Standards and Training since 1969; and

WHEREAS, Prior to joining the staff of the Commission he served with distinction as a member of the Los Angeles Police Department for twenty years attaining the rank of Sergeant, supervising the research and development unit of the Los Angeles Police Academy; and

WHEREAS, He has gained the recognition and respect of law enforcement agencies and organizations throughout California and the Nation; now therefore be it

Resolved, That the members of the Commission on Peace Officer Standards and Training do hereby commend Eugene D. Pember for his outstanding service and dedication to law enforcement; and be it

FURTHER RESOLVED, That the Commission wishes Eugene D. Pember every success in his retirement and future endeavors.

Chairman

Executive Director

September 16, 1985

Date

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Affirmation of Commission Policy Statement Revision		Meeting Date October 24, 1985
Bureau Information Services	Reviewed By 8-9-85	Researched By Georgia Pinola 8-9-85
Executive Director Approval Norman C. Boehm	Date of Approval 9/26/85	Date of Report August 9, 1985

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

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

ISSUE

Affirmation of Commission policy established at the July 25, 1985 Commission Meeting.

BACKGROUND

At the June 28, 1984 Commission meeting, a policy regarding admission to the Command College was adopted. That policy was amended at the Commission's July 25, 1985 meeting.

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

RECOMMENDATION

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

C18. Command College - Applicant Requirements

Persons applying for admission to the Command College must:

1. Have completed the POST Management Course;

2. Occupy a law enforcement management position which demonstrably includes full-time permanent responsibility to supervise others whose duties include supervising other full-time permanent personnel. This is generally at the rank of lieutenant of higher;

Utilize reverse side if needed

3. Demonstrate the potential for an executive position; and

4. Demonstrate the ability to influence policy, or impact the operation of the agency.

Commission Meeting	6/28/84
Commission Meeting (revised)	7/25/85

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Deletion of Agency in the Specialized Program		October 24, 1985
Bureau: Compliance and Certificate Services	Reviewed By	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 10/4/85	Date of Report: October 3, 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

The Department of Police and Safety of the Los Angeles County Housing Authority has been disbanded effective at the close of business on September 30, 1985. The department had been in the POST Specialized Program since February 20, 1980.

The law enforcement responsibilities for its housing properties will be assumed by the Los Angeles County Sheriff's Department and the Long Beach Police Department.

RECOMMENDATION

The Commission be advised that the Department of Police and Safety of the Los Angeles County Housing Authority has been deleted from the POST Specialied Program effective October 1, 1985.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Review of Tuition Approved for Driver Training (AODD)		Meeting Date October 24, 1985
Bureau TDSB, South	Reviewed By	Researched By Darrell L. Stewart DLS
Executive Director Approval Norman C. Boehm	Date of Approval 10-8-85	Date of Report October 2, 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 Academy of Defensive Driving (AODD) continue to be certified at the current tuition level.

BACKGROUND

At the October 18, 1984 Commission meeting, staff presented a request from the Academy of Defensive Driving (AODD) to increase their tuition. Because AODD had previously been used to establish a "cap" on driver training tuitions statewide, the request was presented to the Commission. Prior to the October 1984 Commission meeting, AODD was contracting with six Basic Course presenters to provide recruit driver training, plus directly presenting a certified in-service driver training course. Contracts were in effect with Basic Course presenters at Modesto, Riverside, Bakersfield, Visalia, Orange County Sheriff's and Golden West College.

Staff recommended that the AODD budget proposal be reduced to eliminate AODD providing driver training at Modesto. With Modesto excluded, the proposed tuition increase was calculated at $380 per student.

The Commission moved "to approve a driver training tuition not to exceed $380 ($323 POST reimbursable) at the Academy of Defensive Driving (AODD) Orange County facility for a period not to exceed one calendar year to be reevaluated at that time."

Subsequently, staff conducted further review of the AODD tuition and the Executive Director reduced it from $380 to $367, with $310 POST reimbursable per student.

ANALYSIS

Since October 1984, four out of six basic course presenters have terminated their contracts with AODD to provide recruit driver training. At this time, only Orange County Sheriff's Academy and Golden West College continue to contract with AODD for recruit driver training.

Staff believes the current "cap" of $367 per student to be realistic and appropriate. This conclusion is derived from analysis of AODD budget line items compared to line item costs in all other certified driver training courses throughout the state.

RECOMMENDATION

Continue the current tuition at AODD ($367, with $310 POST reimbursable per student) as the statewide "cap" on driver training tuitions.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

AMENDMENT OF REGULATION 1015 TO PROVIDE
REIMBURSEMENT FOR REQUIRED BASIC COURSE
RETRAINING

OCTOBER 24, 1985 PUBLIC HEARING

SCRIPT

CHAIRMAN: THE HEARING ON THE PROPOSED MODIFICATION OF THE BASIC COURSE WAIVER PROCESS IS NOW CONVENED.

EXECUTIVE Director: THIS HEARING IS BEING CONDUCTED IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN THE ADMINISTRATIVE PROCEDURES ACT. THE RECORDS OF COMPLIANCE ARE ON FILE AT POST HEADQUARTERS. THE PROPOSED AMENDMENTS ARE DESCRIBED IN AGENDA ITEM C AND WERE ANNOUNCED IN POST BULLETIN 85-14 AND PUBLISHED IN THE CALIFORNIA ADMINISTRATIVE NOTICE REGISTER AS REQUIRED BY LAW. COPIES OF THESE ITEMS ARE AVAILABLE AT THE REGISTRATION TABLE.

CHAIRMAN: THE PURPOSE OF THIS PUBLIC HEARING IS TO CONSIDER THE PROPOSED CHANGES TO REGULATION 1008 AND COMMISSION PROCEDURE D-11.

EXECUTIVE DIRECTOR: NO COMMENTS REGARDING THIS PROPOSAL WERE RECEIVED.

CHAIRMAN: WE WILL NOW HEAR STAFF'S REPORT ON MODIFYING REGULATION 1008 AND COMMISSION PROCEDURE D-11 RELATING TO THE BASIC COURSE WAIVER PROCESS.

CHAIRMAN: WE WILL NOW RECEIVE, FOR THE RECORD, TESTIMONY FROM THE AUDIENCE. PERSONS TESTIFYING ON THE ISSUE BEFORE US TODAY ARE REQUESTED TO PLEASE STATE THEIR FULL NAME AND AGENCY AFFILIATION.

THOSE WHO OPPOSE THE RECOMMENDATION, PLEASE COME FORWARD.

CHAIRMAN: THOSE WHO SUPPORT THE RECOMMENDATION, PLEASE COME FORWARD.

CHAIRMAN: THERE BEING NO FURTHER TESTIMONY, THE HEARING IS ADJOURNED TO ALLOW THE COMMISSION TO ACT ON THIS ISSUE.

CHAIRMAN: HAVING CONSIDERED STAFF'S RECOMMENDATIONS AND THE WRITTEN AND ORAL TESTIMONY, THE CHAIR WILL NOW ENTERTAIN MOTIONS BY THE COMMISSION TO AMEND REGULATION 1008 AND COMMISSION PROCEDURE D-11, THE BASIC COURSE WAIVER PROCESS.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Public Hearing - Basic Course Waiver Process Changes		Meeting Date October 24, 1985
Bureau Training Program Services	Reviewed By Glen Fine	Researched By Hal Snow
Executive Director Approval Norman C. Boehm	Date of Approval 10-4-85	Date of Report September 23, 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:

Concerning Commission Procedure D-11 (Waiver of Attendance of a POST-certified Basic Course), should the Commission approve adding a skills-testing component, revise written testing procedures, delete "employed" or "under consideration for hire" prerequisites, and incorporate Commission policies into Commission Procedure D-11 and Regulation 1008?

BACKGROUND:

At the July 1985 meeting, the Commission approved for public hearing recommended changes to the Basic Course Waiver process. (See Attachment A for Bulletin 85-14, Public Hearing on the Basic Course Waiver Process.) The Basic Course Waiver Process is required in Penal Code Section 13511. POST's procedures for this process are provided in Commission Procedure D-11. Current requirements specify an evaluation of previous training completed by an individual to determine if the training is equivalent in hours and content with that of the Basic Course. If the applicant is judged to have completed equivalent training, then a three and one-half (3 1/2) hour paper and pencil examination is administered to measure the applicant's knowledge of basic course subjects. Approximately 246 of the 550 performance objectives are measured, using 336 multiple choice questions.

The law states that tests shall be constructed to verify possession of minimum knowledge and skills required by the Commission as outlined in the Basic Course. The current examination does not measure those skills specified in the Basic Course which are often critical, liability causing. It is proposed that a five-hour skills testing component be added to the process. Also proposed is a revision to the written test so that it becomes a pass/fail examination, deleting the possibility of failing and retesting on up to three of the twelve modules. In addition, it is proposed that the existing "employed" or "under consideration for hire" prerequisite be eliminated so that POST would be permitted to deal directly with BCW applicants. Other related changes are also being proposed for Commission Procedure D-11.

ANALYSIS:

Skills Testing--Recognizing this BCW deficiency in skills testing, staff has worked with subject matter experts to develop a proposed five (5)-hour skills test which measures the following proficiencies: weaponless defense and defensive tactics, person search and use of restraint devices, firearms, baton, felony and routine car stops, and report writing. Only the most critical and easily tested skills

objectives were selected so as not to have the examination costs excessively burdensome. The skills examination has been pilot tested on two occasions at Golden West College in Orange County, which is one of two proposed POST Basic Course Waiver Testing Centers (one North and one South). The Northern Basic Course Waiver Testing Center has tentatively been identified - Sacramento Criminal Justice Training Center. It is recognized that there may be potential need for a BCW Skills Testing Center in the San Francisco Bay Area, but staff, to date, has been unable to obtain a willing academy provider. Adding the skills component would increase testing costs to the applicant by $200. Existing fees include $75 for training evaluation and $91 for the written test. It is proposed that the written test continue to be admin- istered at convenient locations throughout the state. The current three and one- half hour written test is being updated and revised. It is anticipated that the examination will be shortened to three hours. Because the expected number of skills test candidates is unknown, there is some uncertainty about the actual costs for administering this testing process. Therefore, the POST Basic Course Waiver Testing Centers would monitor their actual costs compared to fees received the first year so that subsequent adjustments could be made. It is proposed that the fee for re-testing on each specific skill area be set at $50. Such fees would be payable directly to the POST Skills Testing Centers. If the Commission approves of skills testing, a schedule of testing dates would be established and offered as frequently as applicant volume dictates.

The success criteria for passing various components of the skills examination have been established with input from various academy instructors and subject matter experts. The Individual Skills Checksheets have been developed to provide the maximum objectivity possible in evaluating applicants. Applicants will be provided an orientation package in advance of taking the POST Basic Course Waiver Skills Test so as to have an opportunity to prepare.

Revisions to the Written Examination--It is proposed that the revised three-hour written examination be one intact examination without modules. Currently, applicants can fail up to three modules and retrain or retest one time only. A person who fails the examination twice would have to repeat the entire Basic Course. Elimination of current options to be retested or retrained in modular areas will improve the overall validity of the examination.

Eliminate "Employed" and "Under Consideration for Hire" Prerequisites--Regulation 1008 and Procedure D-11-3 and 4 currently require that applicants must be "employed" or "under consideration for hire" before being considered eligible for the BCW process. Deletion of these prerequisites will allow the Commission the discretion to evaluate waiver applicants without a specific request from an employer. The current policy creates a hardship for applicants who find that employers will not consider them unless POST has deemed their training to be complete and current. The policy also creates administrative problems for employers. The proposed change would, if adopted, increase workload for staff. A Budget Change Proposal to add one staff analyst has been developed and submitted to the Department of Finance.

Technical Changes--It is proposed that the recently adopted guidelines for exempting persons from the three-year rule be added to Procedure D-11-13. This is proposed because the Office of Administrative Law has ruled that these guidelines, to be enforceable, must be incorporated into the regulations and be subject to public hearing. The references in D-11-4 to 400 hours, which is no longer the minimum length of the Basic Course, should be replaced by "the current minimum required

hours for the Basic Course as specified in Commission Procedure D-1." This will ensure that the hours are consistent with hourly changes as they are made to the Basic Course. It is proposed that the 30-day time lapse before reexamination be eliminated because this has created hardships for applicants and agencies. Other technical changes involve incorporating existing Commission policies into Procedure D-11.

The following is a summary of proposed changes to Commission Regulation 1008 and Procedure D-11: (See Attachments B and C for specific language changes)

1. Add provisions for the skills testing portion, including a provision for multiple retests of any failed portion as long as the skills test is completed within 180 days. Those who do not pass the skills examination within 180 days would be required to complete the entire basic course.

2. Delete references in Procedures D-11-7, 11-8, and 11-9 to failing of, and retraining in, modules because it is proposed that the revised written test under development will not contain modules.

3. Delete in Regulation 1008 and Procedures D-11-3 and 4 references to "employed," and "under consideration for hire," which would allow the Commission discretion to evaluate waiver applicants without a specific request from an employer.

4. <u>Other Changes</u>

   a. Add to D-11-13 the recently Commission-approved guidelines for exempting persons from the three-year rule. See Attachment C for specific language.

   b. Delete references in D-11-4 to 400 hours, which is no longer the minimum length of the Basic Course and substitute language referring to "the current minimum required hours for the Basic Course as specified in Commission Procedure D-1."

   c. Delete references in D-11-8 to a 30-day time lapse before a reexamination can be taken. The 180-day maximum for reexamination will be retained to ensure closure.

   d. Add to D-11-2 the existing policy that persons who hold a POST Basic Certificate are exempt from the evaluation of training and evaluation fees.

   e. Add to D-11-2 the longstanding policy that fees are waived for already employed officers who were hired prior to their agency entering the POST Program.

   f. Not part of the public hearing, approve a revised BCW fee schedule:

      $ 75 Evaluation (same)
      91 Written Test (same)
      200 Skills Test (new)
      50 Skills Retest/Module (new)

Proposed changes 1, 2, and 4 are recommended to become effective January 1, 1986. Change #3, relating to deleting "employed" and "under consideration for hire," is recommended to become effective July 1, 1986.

Subsequent to the July Commission meeting, input has been received from some large law enforcement agencies which operate POST-certified basic academies that they desire to retest or retrain former peace officers returning to employment who have had a three-year or longer break in service. This appears to be a reasonable request that should be approved on a presenter-by-presenter basis. Therefore, it is recommended that the authority to approve such requests be added to the proposed changes to Commission Procedure D-11. (See Attachment D for proposed language.)

Because the three-year break in service rule has the potential for unanticipated issues arising, a proposed amendment to D-11 has been added to give the Commission authority to waive the testing/retraining process should it be necessary. This may have the impact of relieving POST from holding subsequent public hearings on this subject. (See Attachment D for proposed language.)

RECOMMENDATIONS:

1. As part of the public hearing, approve changes to Commission Regulation 1008 and Commission Procedure D-11 (Basic Course Waiver Process), including those under Attachments B and D, effective January 1, 1986 and Attachment C, effective July 1, 1986.

2. Not part of the public hearing, approve the revised fee schedule for the Basic Course Waiver Process.

Attachments

A. POST Bulletin 85-14, Public Hearing On The Basic Course Waiver Process.

B. Proposed revisions to Regulation 1008 and Commission Procedure D-11 with technical changes, effective January 1, 1986.

C. Proposed revisions to Regulation 1008 and Commission Procedure D-11 with technical changes, effective July 1, 1986.

D. Proposed substantive revisions to Commission Procedure D-11-12 and D-11-13.

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10-8-85

ATTACHMENT A

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

August 30, 1985

Bulletin: 85-14

Subject: PUBLIC HEARING ON THE BASIC COURSE WAIVER PROCESS

A public hearing has been scheduled, in conjunction with the October 24, 1985 Commission meeting in Oakland, for the purpose of considering a proposal to amend POST Regulation 1008 and Commission Procedure D-11 relating to the Basic Course Waiver Process.

The Basic Course Waiver Process is mandated by Penal Code Section 13511 and consists of a process whereby POST may issue a waiver of attendance of the Basic Course for individuals whose previous training is evaluated and determined to be equivalent to the Basic Course in content and hours and the individual demonstrates proficiency through testing. The existing Basic Course Waiver Examination consists of a 3 1/2 hour written examination that measures the applicant's knowledge of basic course subjects.

Penal Code Section 13511 requires that the test shall be constructed to verify possession of minimum knowledge and skills. It is proposed that a five-hour manipulative skills testing requirement be added to the process. Only the most critical and necessary skills are proposed to be tested in order to minimize testing costs. The additional examination will cost applicants an added $200.

It is proposed that the current written examination, which requires successful completion of each of twelve examination modules, be revised as an intact pass/fail written examination. Applicants who fail any part of the examination would be given one opportunity to retest for the entire written examination. Persons who fail the retest, in order to satisfy the basic training requirement, would be required to complete the Basic Course.

It is also proposed that the existing "employed" and "under consideration for hire" prerequisites specified in Regulation 1008 and Procedure D-11 be modified to allow the Commission discretion to evaluate waiver applicants without a specific request from an employer. The current employment status policy has created a hardship for applicants and administrative problems for employers.

Other changes proposed include: adding to Procedure D-11 the recently adopted guidelines for exempting certain persons from the three-year break in service rule; deleting reference to a 400-hour basic course; deleting the 30-day minimum time period before retesting; and adding other existing Commission policies into Procedure D-11.

If the proposals are approved by the Commission, the testing of nonaffiliated applicants would become effective July 1, 1986, while all other proposals would become effective January 1, 1986.

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

Commission on Peace Officer Standards and Training

NOTICE OF PUBLIC HEARING

MODIFICATION OF THE BASIC COURSE WAIVER PROCESS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 and 13506 of the Penal Code to interpret, implement, and make specific Sections 13505, 13506, 13510, and 13511 of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title 11 of the California Administrative code. A public hearing regarding adoption of the proposed amendments will be held before the full Commission on:

Date: Thursday, October 24, 1985
Time: 10 a.m.
Place: Hyatt Hotel, Oakland Airport

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

INFORMATIVE DIGEST

Existing Regulation 1008 sets forth the requirements for waiver of attendance of a POST-certified basic course and basic course requalification requirements. Commission Procedure D-11 specifies the guidelines for determining if an individual's prior law enforcement training is sufficient for a waiver of attendance of a POST-certified basic course.

Effective January 1, 1986, the proposed changes would:

- Add to Section 1008(b) the provision of, and incorporate by reference, waiver guidelines established by the Commission.
- Delete from D-11-1 "definition" of "a POST-certified basic course".
- Add to D-11-2 guidelines for determining exemption for the evaluation of training and/or the evaluation fee.
- Delete from D-11-4a reference to a 400-hour basic course and add the specification of the "current minimum required hours" for the basic course.
- Delete from D-11-4b reference to a 180-hour basic investigator course and add the specification of "the current minimum" hours.
- Delete existing D-11-7 and add new D-11-7 which describes the two components (written and skills) of the waiver examination and retesting/retraining options for failure of the tests.

- Delete from D-11-8 the minimum 30-day wait before retesting; delete subparagraph b and add new subparagraph b which provides guidelines for reexamination in the skills component of the waiver examination.

- Delete existing D-11-9, Retraining; existing sections D-11-10 through D-11-12 are renumbered D-11-9 through D-11-11.

- Add in the new D-11-9, two years to the one-year validity of the waiver so as to specify that the waiver is valid for three years.

- Add new section D-11-12, Waiver of Testing/Retraining Requirement, which specifies the conditions under which the Commission may waive the testing/retraining requirement.

- Corresponding grammatical and formatting deletions and additions are proposed for consistency with major revisions.

Effective July 1, 1986, the proposed changes would:

- Delete from existing Regulation 1008(a) the requirement that the individual be currently employed or under consideration for hire as a full-time California peace officer by an agency participating in the POST program.

- Delete from D-11-3 all references to "currently employed" and "under consideration for hire" and add specification that a request may be submitted to POST by either an individual or an employer.

- Corresponding grammatical and formatting deletions and additions are proposed for consistency with major revisions.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions that are described in this notice. Written comments relevant to the proposed actions must be received at POST no later than October 16, 1985, at 4:30 p.m. Written comments should be directed to Norman C. Boehm, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

ADOPTION OF PROPOSED REGULATIONS

After the hearing, the Commission may adopt the proposal substantially as described in this notice, if approved, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If after submission of the rulemaking file to the Office of Administrative Law a problem is found that results in the removal of any

part of this proposal, the remainder shall then constitute the Commission's proposal. 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.

TEXT OF PROPOSAL

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

ESTIMATE OF ECONOMIC IMPACT

The proposed change to add a skills testing component will be offset by an additional fee of $200 which is to be paid by applicants for Basic Course Waivers. The proposed change to delete "employed" or "under consideration for hire" prerequisites will result in additional personnel costs to POST. It is proposed that this change go into effect July 1, 1986. None of the other proposed changes have fiscal impact upon POST.

The Commission has determined that the proposed changes: (1) will have no effect on housing costs; (2) do not impose any new mandate upon local agencies or school districts; (3) involve no increased nondiscretionary costs of savings to any local agency, school district, state agency, or federal funding to the State; (4) will have no adverse economic impact on small businesses; and (5) involve no significant cost, except as described above, to private persons or entities.

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Georgia Pinola, Staff Services Analyst, at the above-listed address or by telephone at (916) 739-5400.

REGULATIONS
Revised: ~~October 18, 1985~~
January 1, 1986

1008. Waiver of Attendance of a POST-Certified Basic Course and Basic Course Requalification Requirements

(b) The Commission requires that each individual who has previously completed a POST-certified basic course, or has previously been deemed to have completed equivalent training, or has been awarded a POST certificate, but has a three-year or longer break in service as a California peace officer must be retrained or completed the basic course waiver process (PAM Section D-11), unless such retraining or examination is waived by the Commission pursuant to guidelines set forth in PAM Section D-11-12 (adopted effective January 1, 1986, herein incorporated by reference.

These provisions apply to all individuals who seek appointment or reappointment to positions for which completion of a basic course is required elsewhere in these regulations. The three-year rule described will be determined from the last date of employment as a California peace officer, or from the date of completion of a basic course, or from the date of last issuance of a basic course waiver by POST; whichever date is most recent.

Procedure D-11 was incorporated by reference into Commission Regulation 1008, on January 28, 1982. A public hearing is required prior to revision of this directive.

WAIVER OF ATTENDANCE OF A POST-CERTIFIED BASIC COURSE

Purpose

11-1. Establishes Guidelines: This Commission procedure establishes the guidelines for determining whether or not an individual's prior law enforcement training is sufficient for a waiver of attendance of a POST-certified basic course. ~~"A POST-certified Basic Course" may be the Basic Course or the Specialized Basic Investigators Course.~~ The prescribed course of training appropriate to the individual's assignment is determined by the Commission and is specified in Section 1005 of the Regulations. The requirements ~~of~~ for the ~~B~~basic ~~C~~courses ~~and Specialized Basic Investigators Course~~ are specified in POST Administrative Manual (PAM) Section D-1. A waiver of attendance of a POST-certified basic course is authorized by Section 1008 of the Regulations.

~~a.~~ A waiver of attendance of a POST-certified basic course shall be determined through an assessment process, including evaluation and examination. The assessment process assists an agency in determining whether or not an individual should be required to attend a POST-certified basic course, and does not propose to determine whether or not the individual should be hired.

Evaluation, Examination, and Reexamination Fee

11-2. Fee: A fee to cover administrative costs of evaluation, examination, and reexamination, if applicable, shall be charged by the Commission. The appropriate fee must accompany the request for evaluation, examination, and reexamination. The appropriate fee shall be determined by the Commission and shall be based on actual expenditures related to this procedure.

a. An individual who has been awarded a POST Basic Certificate is exempt from the evaluation of training and the evaluation fee. A photocopy of the certificate must accompany the application form.

b. An individual who is hired by an agency prior to the date the agency enters the POST program is exempt from the evaluation fee.

c. An individual who has completed a POST-certified Basic Course after July 1, 1980 is exempt from the evaluation of training and the evaluation fee. A photocopy of the certificate of completion from the academy must accompany the application form.

Eligibility

11-3. Eligibility For Evaluation: The individual for whom the request for evaluation of prior training is being made must be currently employed or under consideration for hire as a full-time law enforcement officer, as defined by Regulations Section 1001(1) or under consideration for appointment as a Level I Reserve Officer. The request for evaluation of prior law enforcement training may be submitted to POST only by an agency participating in the POST Program.

~~a.~~ An individual is under consideration for hire when POST receives a statement from the agency head attesting to the fact that the agency has accepted an employment application from the individual and that the individual is under consideration for hire.

Evaluation of Training

11-4. Preliminary Evaluation of Completed Training: The agency shall compare the peace officer training previously completed by the individual ~~applicant~~ with ~~against~~ the current minimum basic course training requirements appropriate to the individual's assignment as specified in PAM, Section D-1~~,~~. ~~Basic Course or Specialized Basic Investigators Course, whichever is appropriate to the individual's assignment.~~ The training that is comparable shall be documented by the agency on the Evaluation of Training Schedule, POST Form 2-260, or POST Form 2-260.1, respectively. Satisfactory training in each of the Basic Course functional areas must be documented on the form and verified by supporting documents prior to requesting an evaluation from POST. Satisfactory training must have been completed in each of the Basic Course functional areas in order for the individual to be eligible to take the Basic Course Waiver Examination (BCWE) appropriate to the individual's assignment.

~~a.~~ To qualify for an evaluation of previously completed basic course training, the individual must have successfully completed ~~400 hours of specific law enforcement training~~ the current minimum required hours for the appropriate basic course as specified in Procedure D-1. ~~of which at least 200 hours must be the successful completion of one of the following: a basic general law enforcement training course certified or approved by California POST or a similar standards agency of another state; a California reserve course; or a federal agency general enforcement basic course. Additional law enforcement training or college and/or university courses in the related subjects may be considered to complete comprise the remainder of the required 400 hours.~~ The completed training must be supported by a certificate of completion or similar documentation; transcripts are required to verify completed college and university courses.

11-4. Evaluation of Training (continued)

~~(1)~~ College or university credit in related law enforcement subjects may only be applied to those functional areas not covered through law enforcement training.

~~(2)~~ One semester unit shall be equal to a maximum of 20 training hours and one quarter unit shall be equal to a maximum of 14 training hours.

a. The Basic Course (D-1-3): The individual must have successfully completed at least 200 hours of training in one of the following: a basic general law enforcement training course certified or approved by California POST or a similar standards agency of another state; a California reserve course; or a federal agency general law enforcement basic course. Additional law enforcement training or college and/or university courses in the related subjects may be considered to complete comprise the remainder of the required minimum hours.

b. ~~To qualify for an evaluation of a previously completed~~ The Specialized Basic Investigators Course (D-1-6): ~~t~~The individual must have successfully completed ~~180~~ the current minimum hours of specific training in basic investigative subjects in a California POST-certified or approved training course, or a course certified or approved by a similar standards agency of another state, a California reserve course, or a federal agency, general or investigative enforcement basic course. ~~In addition to the 180 minimum hours of training, 40-hour arrest and firearms course satisfying the training requirements of P.C. 832 is also required. College or university courses in related subjects may also be considered in the evaluation. The completed training must be supported by a certificate of completion or similar documentation; transcripts are required to verify completed college and university courses.~~

~~(1)~~ ~~College~~ or university credit in related law enforcement subjects may only be applied to ~~those functional~~ areas not covered through law enforcement training.

~~(2)~~ ~~One semester~~ unit shall be equal to a maximum of 20 training hours and one quarter ~~unit shall~~ be equal to a maximum of 14 training hours.

c. Prior training and education must be comparable to the functional areas presented in the appropriate Basic Course to be acceptable for evaluation.

(1) The completed POST Form 2-260, or POST Form 2-260.1, with all supporting training and education documents shall be submitted to POST with an Application for Assessment of Basic Course Training, POST Form 2-267.

(2) The Application Form POST 2-267 is to be signed by the ~~applicant~~ individual and department head in Section 1, Request for Evaluation.

(3) Each evaluation request must be accompanied by the evaluation fee in the form of a certified check or money order, payable to the Commission on POST.

11-5. POST Evaluation Process: Upon receipt of the completed POST Forms 2-260, or 2-260.1, and POST 2-267, all supporting documents and the appropriate fee, POST will evaluate the individual's prior training to verify ~~the findings of the agency~~ equivalent training. Copies of peace officer academy course and reserve officer course outlines are acceptable to support the evaluation. All training must be verified by a certificate of completion or a course roster. When college courses are used to supplement training, a copy of the individual's college transcript must be submitted. POST may require additional supporting documents to complete the evaluation.

a. The agency and the individual will be notified of the results of the evaluation.

a ~~(1)~~ When the ~~evaluation determines that~~ prior training is deemed acceptable, the individual will be eligible to take the appropriate Basic Course Waiver Examination (BCWE).

b ~~(2)~~ Whe~~re~~n prior training is deficient in one or more functional areas, the individual shall have up to 180 days from date of ~~evaluation~~ notification by POST to provide additional verification of complete~~d~~ion of the additional required training without the payment of an additional evaluation fee.

Basic Course Waiver Examination

11-6. Examination Scheduling: The appropriate Basic Course Waiver Examination (BCWE) will be scheduled upon receipt of the examination fee and the properly completed application form.

a. The Application for Assessment of Basic Course Training, POST Form 2-267, signed by the ~~applicant~~ individual and the department head in Section 2, Request for Examination, is to be submitted to POST with the examination fee in the form of a certified check or money order, payable to the Commission on POST.

b. Location and Frequency of Examination: The Basic Course Waiver Examination will be administered periodically as determined by POST. The frequency will be based upon the number of ~~applicants~~ individuals eligible to take the examination. The geographic location of the ~~applicant~~ individuals will be taken into consideration in determining the most appropriate location for the examination to be administrated.

~~(1)~~ The agency and the individual will be notified of the examination date, time, and location.

~~11-7. Completion of the Basic Course Waiver Examination: Each examination is divided into twelve (12) modules covering all functional areas of the Basic Course. An individual who takes the examination must demonstrate competency within each functional area by successful completion of each of the examination modules.~~

~~a. If the individual fails three or fewer modules, the following options are available to successfully complete the failed modules:~~

~~(1) A reexamination may be taken on each failed module. (See Section 11-8 of this procedure.)~~

~~(2) Retraining of each failed module may be completed only through an institution certified to present the Basic Course. Retraining shall include appropriate testing by the presenter upon completion of the course. (See Section 11-9 of this procedure.)~~

~~b. If the individual fails four or more modules, reexamination or retraining shall not be allowed. The individual must then satisfactorily complete a POST-certified basic course in order to exercise the powers of a peace officer.~~

11-7. Completion of the Basic Course Waiver Examination: The examination consists of two components: written and skills.

a. The written examination is designed to evaluate an individual's knowledge of Basic Course content and is pass/fail. An individual must pass the written examination before being admitted to the skills examination.

b. The skills examination is designed to evaluate an individual's manipulative skills as acquired in the Basic Course. An individual must demonstrate competency in each skill area.

Reexamination

11-8. ~~The~~ A reexamination may be taken ~~not less than 30 days from the original examination date, but~~ no later than 180 days from the date of the original examination ~~date~~. ~~The reexamination shall include all previously failed modules not completed through the retraining option.~~

Reexamination (continued)

a. The written reexamination shall be allowed one time only, and only as an alternative to retraining. An individual who fails the written reexamination must, before exercising peace officer powers, satisfactorily complete a POST-certified basic course.

A written request for the written reexamination ~~on the failed module(s)~~ must be submitted to POST with the reexamination fee in the form of a certified check or money order, payable to the Commission on POST. The individual and the agency will then be notified of the reexamination date, time, and location.

~~b. The agency and the individual will then be notified of the reexamination date, time, and location.~~

b. An individual who fails one or more modules of the skills examination must, before exercising peace officer powers, either pass the reexamination for each of the previously failed modules or satisfactorily complete a POST-certified basic course. The skills reexamination shall be allowed ~~one time only~~ more than once for each module, and only as an alternative to retraining. Arrangements for skills reexamination must be made directly with the same POST Skills Testing Center in which the skills examination was originally taken. The POST-approved reexamination fee shall be submitted directly to the Skills Testing Center in the form of a certified check or money order, payable to the particular institution. The individual and the agency will then be notified of reexamination dates and time. The reexamination process must be completed within 180 days from the date of notification by POST. ~~The reexamination on the skills test shall be allowed one time only.~~ An individual who ~~fails~~ cannot pass any module of the skills reexamination within the alloted time period, must before exercising peace officer powers, then satisfactorily complete a POST-certified basic course.

~~c. An individual who fails to reexamine within 180 days from the date of the original examination, or fails any module of the reexamination must then satisfactorily complete a POST-certified basic course in order to exercise the powers of a peace officer.~~

~~Retraining~~

~~11-9.~~ Retraining is acceptable in each failed module not completed through the reexamination option. Retraining in each module shall be allowed one time only, and only ~~as~~ an alternative to reexamination.

a. Retraining of the ~~failed~~ module(s) may only be completed through an institution certified to ~~present~~ the appropriate Basic Course. An appropriate test is required to ~~be~~ given by the course presenter as evidence of satisfactory completion of ~~retraining~~ of the failed modules. The course presenters are not obligated to offer the retraining, but may if it does not conflict with ~~the~~ training of full-time basic course students. Arrangements for scheduling the retraining are the responsibility of the agency or individual. ~~A fee~~ may be charged by the presenter of the retraining course.

~~Waiver of Testing/Retraining Requirement (continued)~~

~~b. Verification of successful completion of the retraining module(s), including the required testing, submitted to POST within 180 days from the original examination date will satisfy the retraining requirement of the failed module(s).~~

~~c. An individual who fails to be retrained within 180 days from the date of the original examination, or fails the retraining course, must then satisfactorily complete a POST-certified basic course to exercise the powers of a peace officer.~~

Issuance of Waiver

11-9. ~~11-10.~~ Upon satisfactory completion of the assessment process, a Waiver of Attendance of a POST-certified Basic Course will be granted by POST. The waiver shall be valid for ~~a period of time in accordance with Section 11-11 of this procedure.~~ three years.

11-10. ~~11-11.~~ Basic Course Acceptable for Specialized Basic Investigators Course: An individual whose previous training satisfies the current minimum Basic Course training requirement is deemed by the Commission to have met the minimum training requirement of the Specialized Basic Investigators Course.

11-11. ~~11-12.~~ Specialized Basic Investigators Course Does Not Satisfy the Training Requirements of the Basic Course: An individual whose previous training only satisfies the current minimum training requirement for the Specialized Basic Investigators Course is deemed by the Commission not to have met the minimum training requirement of the Basic Course. ~~A Waiver of Attendance of a POST-certified basic course may be requested as described in this procedure.~~

Waiver of Testing/Retraining Requirement

11-12. The Executive Director may waive the testing/retraining requirement 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:

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

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

c. 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

Waiver of Testing/Retraining Requirement (continued)

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

REGULATIONS
Revised: ~~October 18, 1985~~
July 1, 1986

1008. Waiver of Attendance of a POST-Certified Basic Course and Basic Course Requalification Requirements

(a) The Commission may waive attendance of a POST-certified Basic Course required by Section 1005(a) of the Regulations for an individual who ~~is currently employed or under consideration for hire as a full-time California peace officer by an agency participating in the POST programs and who~~ has completed training equivalent to a certified basic course. This waiver shall be determined by an evaluation and examination process as specified in PAM Section D-11, Waiver of Attendance of a POST-Certified Basic Course, (adopted effective January 28, 1982, and amended January 1, 1985 and October 24, 1985), herein incorporated by reference.

Eligibility

11-3. Eligibility for Evaluation: ~~The~~ An individual ~~for whom the request for evaluation of prior training is being made must be currently employed or under consideration for hire~~ who desires to be considered for employment as a full-time law enforcement officer, as defined by Regulations Section 1001(1), or ~~under consideration for appointment as~~ a Level I Reserve Officer is eligible for evaluation. The request for evaluation of prior law enforcement training may be submitted to POST ~~only by an agency participating in the POST Program.~~ by the individual.

~~An individual~~ is under consideration for hire when POST receives a statement from the agency ~~head attesting to the~~ fact that the agency has accepted an employment application from the individual and ~~that the individual is~~ under consideration for hire.

11-4. Preliminary Evaluation of Completed Training: The agency, in the case of an employed individual (or when an individual is under consideration for hire), or the individual, shall compare the peace officer training previously completed by the individual with the current minimum basic course training requirement appropriate to the individual's assignment as specified in PAM, Section D-1. The training that is comparable shall be documented by the agency on the Evaluation of Training Schedule, POST Form 2-260, or POST Form 2-260.1, respectively. Satisfactory training in each of the Basic Course functional areas must be documented on the form and verified by supporting documents prior to requesting an evaluation from POST. Satisfactory training must have been completed in each of the Basic Course functional areas in order for the individual to be eligible to take the Basic Course Waiver Examination (BCWE) appropriate to the individual's assignment.

To qualify for an evaluation of previously completed basic course training, the individual must have successfully completed the current minimum required hours for the appropriate basic course as specified in Procedure D-1. The completed training must be supported by a certificate of completion or similar documentation; transcripts are required to verify completed college and university courses.

College or university credit in related law enforcement subjects may only be applied to those functional areas not covered through law enforcement training.

One semester unit shall be equal to a maximum of 20 training hours and one quarter unit shall be equal to a maximum of 14 training hours.

a. The Basic Course (D-1-3): The individual must have successfully completed at least 200 hours of training in one of the following: a basic general law enforcement training course certified or approved by California POST or a similar standards agency of another state; a California reserve course; or a federal agency general law enforcement

11-4. Evaluation of Training (continued)

basic course. Additional law enforcement training or college and/or university courses in the related subjects may be considered to complete comprise the remainder of the required minimum hours.

b. The Specialized Basic Investigators Course (D-1-6): The individual must have successfully completed the current minimum hours of specific training in basic investigative subjects in a California POST-certified or approved training course, or a course certified or approved by a similar standards agency of another state, a California reserve course, or a federal agency, general or investigative enforcement basic course.

c. Prior training and education must be comparable to the functional areas presented in the appropriate Basic Course to be acceptable for evaluation.

(1) The completed POST Form 2-260, or POST Form 2-260.1, with all supporting training and education documents shall be submitted to POST with an Application for Assessment of Basic Course Training, POST Form 2-267.

(2) The Application Form POST 2-267 is to be signed by the individual and department head, when the application is submitted by the employer, in Section 1, Request for Evaluation.

(3) Each evaluation request must be accompanied by the evaluation fee in the form of a certified check or money order, payable to the Commission on POST.

11-5. POST Evaluation Process: Upon receipt of the completed POST Forms 2-260, or 2-260.1, and POST 2-267, all supporting documents and the appropriate fee, POST will evaluate the individual's prior training to verify equivalent training. Copies of peace officer academy course and reserve officer course outlines are acceptable to support the evaluation. All training must be verified by a certificate of completion or a course roster. When college courses are used to supplement training, a copy of the individual's college transcript must be submitted. POST may require additional supporting documents to complete the evaluation.

The ~~agency and the~~ individual, and the agency when appropriate, will be notified of the results of the evaluation.

a. When prior training is deemed acceptable, the individual will be eligible to take the appropriate Basic Course Waiver Examination (BCWE).

11-5. POST Evaluation Process (continued):

b. When prior training is deficient in one or more functional areas, the individual shall have up to 180 days from date of evaluation to provide additional verification of completion of the additional required training without the payment of an additional evaluation fee.

Basic Course Waiver Examination

11-6. Examination Scheduling: The appropriate Basic Course Waiver Examination (BCWE) will be scheduled upon receipt of the examination fee and the properly completed application form.

a. The Application for Assessment for Basic Course Training, POST Form 2-267, signed by the individual and the department head, when appropriate, in Section 2, Request for Examination, is to be submitted to POST with the examination fee in the form of a certified check or money order, payable to the Commission on POST.

b. Location and Frequency of Examination: The Basic Course Waiver Examination will be administered periodically as determined by POST. The frequency will be based upon the number of individuals eligible to take the examination. The geographic location of the individuals will be taken into consideration in determining the most appropriate location for the examination to be administrated.

The ~~agency and the~~ individual, and the agency when appropriate, will be notified of the examination date, time, and location.

11-7. Completion of the Basic Course Waiver Examination: The examination consists of two components: written and skills.

a. The written examination is designed to evaluate an individual's knowledge of Basic Course content and is pass/fail. An individual must pass the written examination before being admitted to the skills examination.

b. The skills examination is designed to evaluate an individual's manipulative skills as acquired in the Basic Course. An individual must demonstrate competency in each skill area.

Reexamination

11-8. A reexamination may be taken no later than 180 days from the date of the original examination.

a. The written reexamination shall be allowed one time only, and only as an alternative to retraining. An individual who fails the written

11-8. Reexamination (continued)

reexamination must, before exercising peace officer powers, satisfactorily complete a POST-certified basic course.

A written request for the written reexamination must be submitted to POST with the reexamination fee in the form of a certified check or money order, payable to the Commission on POST. The individual and the agency, when appropriate, will then be notified of the reexamination date, time, and location.

b. An individual who fails one or more modules of the skills examination must, before exercising peace officer powers, either pass the reexamination for each of the previously failed modules or satisfactorily complete a POST-certified basic course. The skills reexamination shall be allowed one time only for each module, and only as an alternative to retraining. Arrangements for skills reexamination must be made directly with the same POST Skills Testing Center in which the skills examination was originally taken. The POST-approved reexamination fee shall be submitted directly to the Skills Testing Center in the form of a certified check or money order, payable to the particular institution. The individual and the agency, when appropriate, will then be notified of reexamination dates and time. The reexamination on the skills test shall be allowed one time only. An individual who fails any module of the skills reexamination, must before exercising peace officer powers, then satisfactorily complete a POST-certified basic course.

Waiver of Testing/Retraining Requirement (continued)

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

e. The individual's department has obtained prior written approval from POST for the use of an alternative job-related testing/retraining procedure, conducted by a presenter of the POST-certified Basic Course, which verifies that the individual is currently proficient.

11-13. The Commission in response to a written request or on its own motion may, upon a showing of good cause, waive the testing/retraining process for any individual, other than one described in paragraph 11-12, who has satisfied the basic training requirement and is re-employed as a peace officer after a three-year or longer break in service.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Appeal from City of Los Angeles Regarding Waiver of Reading/Writing Test Requirement		Meeting Date: October 24, 1985
Bureau: Compliance & Certificate Services	Reviewed By:	Researched By: John Berner and David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 10-7-85	Date of Report: September 30, 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

The City of Los Angeles appeals for a limited waiver of the requirements of Commission Regulation 1002(a)(9) with regard to testing for reading and writing ability.

BACKGROUND

The Commission, at its October 1981 meeting, acted to remove a moratorium on enforcement of its regulation requiring a reading test for applicants. The action was taken, to become effective January 1, 1982, because appropriate, professionally developed, job-related examinations had become readily available.

Following a public hearing at the October 1983 meeting, the Commission revised the regulation to include a writing ability requirement. Under the revised regulation, every applicant for employment as a peace officer is required to demonstrate the ability to both read and write at the levels necessary to perform the job.

The Personnel Department of the City of Los Angeles, through its Police/Fire Selection Unit, conducts testing and provides hiring lists for police officers.

It is the practice of the Los Angeles City Personnel Department to waive the written test if the applicant has satisfactorily completed, with at least a "C" average, 60 semester units or 90 quarter units at an accredited college or university.

The Commission's Regulations do not provide for the waiver of the reading and writing test based on educational achievement.

Considerable correspondence has occurred between POST and the Los Angeles City Personnel Department on this matter since 1983.

The City was advised on several occasions that it was not in compliance with the Commission's Regulation regarding reading and writing testing. A waiver was requested by the City of Los Angeles to allow continuing the practice regarding college-trained candidates.

The City was advised in February 1984 that there is no provision for waiving POST Regulation 1002(a)(9) for peace officer applicants with two or more years of college, and that the current regulation requires that every peace officer applicant be tested.

The Personnel Department was further advised that if the Police Department is unable to comply with POST Regulation 1002(a)(9), the appropriate action would be to formally request that the regulation be revised to allow for the variance desired.

In March 1984, the City Personnel Department advised POST it had not been aware that the Commission must act on the matter. This being the case, the agency wished to prepare a paper that appropriately presents the rationale for continuing the practice of allowing selected college-trained police officer candidates to substitute their education for the entry-level written test.

POST's response was a reply indicating a willingness to review the staff report from Los Angeles in anticipation of a presentation to the Commission at its July 1984 meeting. Such a report did not reach POST until mid-1985.

On July 10, 1985, Mr. John Driscoll, General Manager of the Los Angeles City Personnel Department, in a letter to each POST Commissioner, requested that POST approve the City practice of "waiving the entry written test requirement for qualified candidates whose educational achievements have been proven to satisfy the need to take a written test." A copy of the Los Angeles staff report was enclosed. The report is contained in Attachment A.

The City of Los Angeles contends that studies conducted by the City's Personnel and Police Departments more than justify the City's current testing procedures noting that: 1) waiver of the entry written test is made available only to those candidates whose academic achievements are assumed to demonstrate acceptable levels of reading comprehension, including English usage, spelling, vocabulary, and reasoning ability; 2) studies conducted in Los Angeles Police Academy classes show waiver-qualified recruits perform better than most LAPD candidates selected by written examination; and 3) elimination of the current practice of granting waivers would seriously impair the ability to maintain adequate levels of candidates as well as effectively cut access to a highly qualified group of applicants.

ANALYSIS

The Commission has established Regulation 1002(a)(9) through the public hearing process in accordance with the requirements of the Office of Administrative Law.

In the event the Commission is desirous of allowing the waiver requested by the City of Los Angeles, a public hearing will be required to amend the regulation to either exempt individuals with the suggested college experience or establish a regulatory authority to waive the regulation.

Arguments forwarded in support of the waiver request by the City of Los Angeles fall into two general categories: (a) the elimination of reading and writing testing for those persons with the equivalent of 60 college semester units with a "C" average serves to expedite the overall selection process; and (b) direct testing of the reading and writing skills of "waivers" serves no useful purpose, because the overwhelming majority of "waivers" would pass such tests, and because "waivers", on average, perform better in academy training than "non-waivers". A more detailed elaboration of these arguments, and POST's analysis of these arguments, follows:

The Waiver Process Expedites the Overall Selection Process

It is purported that the waiver process expedites the overall selection process because:

1. It eliminates one step in the overall selection process for approximately 35% of those persons who undergo the initial selection interview, thereby reducing overall processing time for this group. Great importance is placed on reducing overall processing time because applicant lapse rates have been shown to increase as processing time increases.

2. The process enhances the ability to recruit persons from out-of-town, because such persons are less inclined to apply if they must travel to Los Angeles to take a written examination which they may fail.

3. The process enhances affirmative action efforts because of those who are scheduled to take the LAPD written exam, only 50% actually appear.

While the elimination of reading and writing testing no doubt reduces total processing time, the City acknowledges that the turnaround time to score the City's reading and writing tests is only 24 hours. Thus, the significance of the time savings would appear to be minimal when viewed in the context of the total time necessary to progress through the overall selection process, which includes the background investigation, psychological and medical.

With regard to the contention that the waiver process enhances out-of-town recruitment because fewer such persons are apt to apply if they face the potential that they will fail an exam, one could question the wisdom of instituting a waiver process to accommodate persons who are not willing to take a job-related written test to become a peace officer. For out-of-town applicants who must travel long distances, it would seem clearly advantageous to schedule examinations in such a fashion as to minimize the number of required trips. It would seem feasible to administer the written test on the same day as the interview for such applicants.

Finally, with regard to claimed affirmative action benefits of the waiver process, while POST fully supports affirmative action efforts, no data is presented by the City to suggest that either: (1) a disproportionate number of protected group members as opposed to majority group members fail to appear for testing, or (2) among "waivers", there is a disproportionate number of protected group members as opposed to majority group members. In the absence of such data, it is simply not possible to evaluate the merits of the presumed affirmative action benefits of the waiver process.

The above analysis of factors that facilitate the test administration/recruitment process is offered only to suggest that there has been no showing of compelling evidence that compliance with the Commission's regulation would unduly hamper the City of Los Angeles' recruitment/selection process.

Data showing low failure rates among "waivers" on both the City's and POST's reading and writing tests are reported in support of the contention that such failure rates are so low as to preclude the necessity of testing. For example, a failure rate of only 9.3% is reported for a sample of 204 "waivers" who took the City's test during the summer of 1983. When it is realized, however, that this represents only slightly less than half the failure rate for "non-waivers" during the same time period (21.3%, N = 1,630), a failure rate of 9.3% seems far from trivial.

Failure rate data reported for "waivers" on the POST tests are shown in Table 1. Failure rates are shown for both the lower and upper scores within the minimum passing score range of 37 - 42 recommended by POST. As indicated, the data are for a relatively small sample of 112.

Table 1

Failure Rates for LAPD
"Waivers" on POST Reading/Writing Tests
(N = 112)

Minimum Passing Score	Failure Rate
37	4.5%
42	11.6%

Data collected by POST, and reported in Table 2 below, present an even more alarming picture with regard to the ability to assume that persons with advanced education have minimum reading and writing skills. The data are for job applicants with A.A. and B.A. degrees who took the POST tests at various locations throughout the State during the summers of 1984 and 1985. The data for persons with A.A. degrees is particularly noteworthy, because 60 semester units with a "C" or better average is a prerequisite for an A.A. degree. Because the data are based on a sample of 250, they are more reliable than those reported for the sample of 112 LAPD "waivers". As shown in Table 2, even at a minimum passing score of 37, the failure rate for this group was 14.4%. It is also noteworthy that even for persons with a B.A. degree the failure rate at a minimum passing score of 37 was 10.8%. Without doubt, these data provide conclusive evidence that one cannot assume that persons with advanced education have minimally acceptable reading and writing skills.

Table 2

Failure Rates for Job Applicants with
Advanced Degrees on POST Reading/Writing Tests

Highest Degree Achieved	Minimum Passing Score 37	42
A.A. (N = 250)	14.4%	22.0%
B.A. (N = 158)	10.8%	15.8%

As previously mentioned, in asserting the testing process to be unnecessary for "waivers", the City further argues that few "waivers" are actually hired who would have been disqualified if required to test. Data reported in support of this position are for the same sample of 204 "waivers" tested in the summer of 1983. Of those who would have failed the City written test (N = 19), only 1 was actually hired. Eight failed the interview, and the remainder "dropped out, were disqualified or achieved interview scores too low for hiring consideration."

Because of the small number of cases (N = 19) on which the results are based, great reliance cannot be placed in these results, or the presumption that future "waivers" with reading and writing ability deficiencies would also be screened out. Furthermore, there is little reason to believe that the interview process can be counted on to screen persons with reading and writing deficiencies, given the very low correlation between interview scores and scores on the City's written test (r = .12, N = 274), as reported in the validity study conducted for the City by Friedland (1980). Perhaps most importantly, the implication of accepting the results for these 19 "waivers" at face value, is that one is willing to assume that in some unspecified way "waivers" with reading and writing skills will be routinely identified and screened out by other means. Given the tenuous nature of these data, it would appear to be unwise to make this assumption.

The final argument forwarded in support of the City's position that "waivers" should be exempted from testing is that "waivers", on average, perform better than "non-waivers" in the academy. Data presented in support of this position are of two kinds: average scores achieved by "waivers" and "non-waivers" on various measures (tests, grades, etc.) during academy training, and the relative graduation rates of "waivers" and "non-waivers". The average score data are shown in Table 3 below.

Table 3

Average Performance Levels
of LAPD "Waivers" and "Non-Waivers"

Test/Criterion	"Waivers" Score Avg./Sample Size	"Non-Waivers" Score Avg./Sample Size
POST Reading/Writing Tests	53.0/112	47.5/217
POST Proficiency Test	61.1/103	65.1/183
Academy Academic Average	83.0/104	80.86/187
Academy Writing Score	80.8/104	83.41/186

In the absence of information regarding the distribution of scores on the various tests/criterion measures, it is impossible to tell whether any of the differences reported in Table 3 are statistically significant (not due to chance). However, using the statewide standard deviations on the POST reading and writing tests and the POST Proficiency Test as estimates, it would appear that, <u>on average</u>, "waivers" did score statistically significantly

higher than "non-waivers" on the POST reading and writing tests (53.0 versus 47.5), while the differences in the POST Proficiency Test are not statistically significant. To add perspective to the reading and writing test score differences, however, it is worthy to note that the statewide average for job applicants on the POST tests is 48.8.

Results for the other two measures are uninterpretable without further information, although it is obvious that, if anything, the "non-waivers" have higher average academy writing scores.

The relative graduation rates for the two groups are reported as 88.9% for "waivers" (N = 117), and 83.7% for "non-waivers" (N = 221). A test for significance differences in proportions shows that these results are not statistically significant.

On balance, the academy data fail to show a clear-cut superiority with regard to the performance of "waivers" versus "non-waivers", and the question arises as to the relevance of such group data when the issue at hand centers around the need to assess each individual in order to verify minimum acceptable competence.

Summary and Conclusions

With regard to the City's contention that the waiver process expedites the overall selection process, no information is given which allows for an assessment of the extent to which out-of-town recruitment is enhanced by the waiver process, nor are data provided to allow for an evaluation of the postulated affirmative action benefits of the process. While the waiver process would no doubt reduce total candidate processing time, the amount of time that would be saved appears minimal when compared to the time requirements of other phases of the overall selection process (background, medical, etc.). Thus, such savings would likely have little impact on candidate lapse rate. Finally, the mere fact that 50% of candidates do not appear for testing seems an ill advised reason for granting waivers - especially when it is not known what the "drop out" rate would be for "waivers" if required to test.

Regarding the City's position that the testing of "waivers" is unnecessary, data for "waivers" on both the City's test and POST's tests clearly show that reading and writing deficiencies do exist among "waivers", and that one cannot assume that persons with 60 college units with a "C" average have minimally acceptable reading and writing skills.

Information regarding the low employment rate among "waivers" is based on a very small sample, and independent evidence regarding the interview which appears to be the predominant "screen out" for these individuals,

tends to indicate that scores on the interview are very weakly correlated with reading and writing scores. Given the small sample size and the lack of a clear-cut explanation as to where or why the "waivers" were screened out, there is little reason to be confident that "waivers" with reading and writing deficiencies would continue to be screened out in the future.

Evidence purporting to show the superiority of "waivers" in academy training is far from convincing, and sometimes lacking in sufficient information to make evaluation possible. Furthermore, the extensive reliance on average performance data for "waivers" versus "non-waivers" does not directly address the issues of minimum acceptable competence and individualized assessment that are most relevant to the analysis of the merits of the City's request.

Finally, aside from the merits of the specific data and arguments presented by the City in requesting approval for the waiver process, there are other larger issues that should be considered with regard to the City of Los Angeles' request to allow for waivers to the current reading and writing test requirement. They are:

(1) POST's current reading and writing test requirement stems from the long acknowledged fact that academic achievement (such as 2 years of college) does not guarantee the attainment of basic reading and writing skills. Further, recent research by POST staff to evaluate the advisability of establishing advanced education minimum qualifications (MQ's) served to reconfirm that while there is a correlation between level of education and academy performance, reading and writing test scores are by far a more accurate predictor of academy success. To move in the direction of granting waivers to reading and writing testing at this time would appear to fly in the face of not only these well established facts, but also Commission action in recent years to ensure that the reading and writing skills of all individual peace officer applicants are directly assessed.

(2) Given the responsibility to establish statewide standards, it would appear infeasible to grant the L.A. waiver request without granting the same waiver provision to all agencies in the POST program. And yet, data collected by POST statewide show significant failure rates on the POST tests for persons with A.A. and even B.A. degrees.

Alternatives available to the Commission are:

1. Deny the City of Los Angeles' appeal and leave the current regulation unchanged.

2. Set a Public Hearing for a future meeting in order to consider modifying the regulation to allow the City of Los Angeles' waiver practice by either:

   a. Establishing a basis for selective waiver for the City of Los Angeles or

   b. Exempting from the regulation all applicants statewide if they possess a certain educational level.

Attachment A

CIVIL SERVICE COMMISSION
File No. 41537
AGENDA
Date: 6/28/85
Page: 9
Item: 2
FINAL ACTION:
✓ RECOMMENDATION APPROVED
__ DISAPPROVED __ WITHDRA
__ DENIED __ GRANTED
__ MATTER OF RECORD
__ OTHER

Date: June 20, 1985

To: Board of Civil Service Commissioners

From: General Manager

Subject: COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) PROPOSALS RELATED TO THE POLICE OFFICER EXAMINATIONS

Recommendation:

That the Board of Civil Service Commissioners oppose actions and proposals to be considered by the State of California Commission on Peace Officer Standards and Training to mandate testing methods and procedures in the selection of Police Officers and

1. Request that POST approve the City practice of waiving the entry written test requirement in the Police Officer examination for applicants with two years of college education with a grade average of "C" or better;

2. Recommend that the Mayor and City Council formally oppose the POST proposal for a single mandated statewide entry written test for Police Officer;

3. Direct staff to work with various appropriate City offices in furthering these objectives as well as explore whether other local agencies within the state have a community of interest in these matters.

Background:

The Commission on Peace Officer Standards and Training (POST) was created by state law, within the Department of Justice (PC 13510). POST has broad powers. The applicable statute related to the Police Officer examination is: "13510.(a) For the purpose of raising the level of competence of local law enforcement officers, the Commission shall adopt, and may, from time to time amend, rules establishing minimum (emphasis added) standards relating to physical, mental, and moral fitness, which shall govern the recruitment of any city Police Officers..."

It is important that the City of Los Angeles comply with POST regulations. Failure to do so could result in loss of POST training funds approaching two million dollars used by the Los Angeles Police Department.

POST staff has recently been involved in several research projects related to standards. Two items are of immediate concern:

1. POST has established Regulation 1002(a)(7) specifying that:

"Every peace officer employed by a department shall:

Be able to read at the level necessary to perform the job of a peace officer as determined by a 'professionally developed' examination designed to test this skill. A professionally developed examination shall be job related."

The POST staff has taken the position that the City's practice of allowing certain college credits to substitute for the City written test violates this regulation.

2. In July 1985, POST is scheduled to discuss a staff proposal to require that all California peace officer candidates take a single state produced written test and meet a statewide minimum cutoff score. This issue has already been discussed at POST meetings and there has been much opposition from agencies within the State. Until now the Commission has sanctioned the test only for research purposes unless an agency voluntarily chooses to utilize the instrument for selection purposes.

Staff and the Los Angeles Police Department oppose these POST proposals. Our basic opposition stems from a belief that these measures represent an intrusion into the City's home rule perogatives, clearly set forth in the City Charter, requiring this agency to be independently responsible for its employment selection tests.

Staff recommends that the Civil Service Commission instruct staff to work with the Chief Legislative Analyst, the City Attorney, and the City Council to address the issues raised herein in an effort to retain our long-held employment selection perogatives. We also request that the Commission endorse the principle of contacting other agencies throughout the state who might share our concerns for the purpose of establishing a consortium of interest in addressing this situation through the Commission on POST.

Summary:

The Commission on Peace Officer Standards and Training (POST) has taken a position that all California peace officers must be subjected to pre-employment screening by a written test of reading and writing ability. The City is not in compliance with this requirement because the qualifying written test requirement is waived for candidates who have completed the equivalent of 60 semester units of college study with a "C" average. Personnel Department staff agreed with POST staff to review our policy, including conducting statistical analysis and consulting with the Police Department, to determine whether a request would be made for POST to take the necessary steps to allow the waiver process to comply with their regulations.

Staff has completed a review involving five academy classes with the following results.

1. When those who meet the waiver policy do take the City's entry test, they pass it at very high rates.

2. 107 of the 112 LAPD waiver recruits in the study (95.5%) passed the entry POST Reading and Writing test, using the lowest recommended passing score of 37. 99 of 112 (88.4%) passed at the highest recommended passing score of 42. POST reports 89 percent and 80 percent pass rates respectively for those cutoffs on their statewide group of candidates with two years of college. POST does not screen for a "C" average or better.

3. Recruit performance across several criteria was better for waiver qualified recruits than for those who qualified by virtue of the written test.

4. Waiver recruits perform somewhat better than do written test qualified recruits on the entry POST Reading and Writing test, which is proposed as the mandated statewide test, and on the POST Proficiency Test. The Proficiency test is a subject matter "final" for POST-required academy training.

5. The success rate (graduation) at the Police Academy is higher for waiver recruits than for those who qualified using the written test.

Based upon our review, entry written testing of candidates currently in the waiver group is unnecessary. The waiver process assists in expediting the administration of the examination and is also regarded as an affirmative action tool. It is therefore recommended that the Civil Service Commission request that POST take whatever steps are necessary to sanction the waiver process for the City of Los Angeles. We believe that the data provided herein are sufficient to demonstrate that the waiver process is equivalent to a written test and suggest that the Commission on POST approve the City's process on that basis.

A second issue involves required use of the POST entry test. The POST test was previously recommended for mandatory state-wide use. This recommendation was essentially deferred to allow time for further research. In June, 1984, the POST again gave notice that a mandatory statewide test and cut-off will be considered in July of 1985.

Staff has made a comparison of testing results of the POST test and the City test. We have concluded that both tests produce similar results when compared against various criteria. As a result, we believe there is no basis for substituting the State test for the City test. Further, we believe that a state prohibition against use of our test is a violation of federal Equal Employment Opportunity Commission guidelines which call for local validation and the consideration and use of alternative tests.

Written Test Waiver:

In 1969, the City began the process of allowing persons with appropriate college level demonstrated performance to enter the selection process at the point of the Civil Service interview. The qualifying written test requirement was waived for such candidates, and they were identified informally by the term, "waivers".

The rationale for the waiver procedure was twofold. First, since the purpose of the qualifying written test was to identify persons ready for Police Academy training it was believed an unnecessary step for persons who had already demonstrated success in college training. Secondly, the selection process was expedited.

To hire annual officer replacements of 350 to 400 recruits, we must begin the process with at least 16,000 candidates. Naturally, we seek to recruit many more persons than this minimum number to provide the LAPD with a degree of selectivity within the final hiring pool. With such high-volume numbers, any appropriate procedure that allows expedited processing pays dividends. (About 35 percent of those taking the interview are waivers.) Expedited processing is particularly important for the testing of out-of-town candidates. Typically, about one-half of those persons who travel long distances to seek LAPD careers are waivers. A person contemplating the purchase of airfare and lodging is more apt to do so if the hurdle of a written test is removed.

Since 1969, a third rationale for the waiver procedure has emerged. The waiver is an important affirmative action tool. Approximately 50 percent of those scheduled to take the Police Officer written test do not appear. As this is the first step in the examination for most persons, the substantial lapse rate becomes the examination's largest deselection factor in terms of real numbers of lost candidates. We currently lose about 7000 recruited candidates a year at this step. Given our consent decree hiring requirements for targeted groups, we believe the waiver process adds to the appearance rates at the interview of these candidates, and therefore is a vital factor in maintaining necessary candidate flow.

It is important to emphasize that the waiver group is carefully screened. Every person requesting a waiver must submit transcripts or a diploma documenting two full years of accredited college education at a "C" average or better. Many persons do not meet these standards and must therefore take the written test.

It should also be noted that a 1983-84 survey of recruits hired indicated that 25 percent possess four-year degrees.

Staff believes that these factors, as well as the statistical analysis presented below, support our belief that the waiver process has great utility and represents a valid selection procedure.

Statistical Analysis

- During a portion of the summer of 1983, persons granted waiver of the written test were required to take the City written test to allow for data collection. Their performance results must be interpreted cautiously because they were aware that they had already qualified for the interview portion of the examination. Their motivation for performing well could have therefore been less than the motivation level of regular candidates. The waivers' pass rate was 90.7 percent (185 of 204). This compares to a 78.7 percent pass rate for regular candidates during the same period (1283 of 1630).

  Of the 19 waivers who "failed" the City entry written test, eight subsequently failed the interview. The remainder dropped out, were disqualified or achieved interview scores too low for hiring consideration. One of these latter individuals retook the interview at a later date, performed better, was hired, and graduated from the Police Academy in July of last year. This tends to indicate that the fact that some waivers would have failed the written test is of little practical consequence.

- We have also reviewed the performance of LAPD recruits from five recent academy classes who were given the POST entry test for data collection purposes. Only 5 of 112 waiver recruits "failed" the POST test. Of the five, three graduated, and two resigned. The low test failure rate supports our belief that imposition of the written test would have very little practical effect in selecting recruits.

  Based upon these results, we conclude that requiring waivers to take the written test would yield no significant positive results. On the other hand, a net loss in candidate flow would probably result due to the aforementioned 50 percent lapse rate we experience for our written test.

- Performance of waivers in the academy was somewhat better across several criteria than that of those who took the written test. Analysis of three recent academy classes yielded the following comparisons between waiver recruits and written test recruits:

Criteria	Waivers Mean/Number	Written Test Mean/Number
1. POST Entry Test	53.0/112	47.5/217
2. POST Proficiency Test	61.1/103	65.1/183
*3. Academy Academic Average	83.0/104	80.86/187
*4. Academy Writing Score	80.8/104	83.41/186

These differences, while not entirely uniform in showing higher level performance by waivers, do demonstrate that the waiver procedure does not diminish academy recruit achievement.

- Although waivers performed better on some academy performance factors, there are a myriad of other factors related to Police Officer training success. Where academy performance is being evaluated the single most critical criterion is graduation. In this performance area the waiver recruit group again performs better. Waivers graduated at an 88.9 percent rate (104 of 117) and written test recruits graduated at an 83.7 percent rate (185 of 221). The graduation result is further evidence that the waiver process as an entry test compared to a multiple choice written test is at least equivalent and produces an appropriate number of recruit academy graduates from among all those hired.

The LAPD has indicated by letter that they wish the waiver procedure to continue (attached). Accordingly, we recommend that the City request that the Commission on POST take the necessary steps to sanction this procedure.

Statewide Test and Cutoff Score:

A recent study of five LAPD recruit classes** has produced results which provide evidence that the POST Reading and Writing test and the City's entry test are comparable.

The total number of recruits taking the POST entry test was 353. Of these, 40 "failed" the test using the minimum recommended cutoff. According to a POST spokesperson, this cutoff is intended to fail approximately 15 percent of those taking the test. The LAPD recruit failure rate is 11.3 percent. We would expect a smaller fail percentage for academy recruits, most of whom were already screened on the City entry test, which has a 22 percent fail rate. As an explanation, we can only speculate that, already hired, some LAPD recruits' motivation for doing well on the test was reduced. In the absence of further information, we must therefore interpret much of the results reported herein cautiously, especially in view of the fact that 34 of the 40 recruits failing the POST entry test graduated from the Police Academy.

*See Page 6 for a description of these items.
**9/83, 11/83, 12/83, 1/84, 3/84 classes.

- The correlation between the POST and City entry test scores is .75 (n=217). This correlation is statistically significant at the .01 level. The correlation indicates that the tests measure very similar abilities.

- POST uses the subject matter POST Proficiency Test, given at the conclusion of academy training, as its criterion in validating their entry test. The correlation coefficients obtained between their criterion and the two entry tests are comparable:

  City and POST Proficiency = .56 (n=183)
  POST Entry and POST Proficiency = .65 (n=274)

  Little difference is shown in the entry tests abilities to predict POST Proficiency Test scores. Both are predictive. We wish to note, also, that we believe the correlation for the City test may be understated because the waivers who took the proficiency test had no City test score. When waiver scores are dropped out of the POST computation, to allow a more equivalent comparison between the entry tests, the correlation between POST Entry and Proficiency falls to .62.

  We wish to point out, however, that we disagree with the use of the POST Proficiency Test as the criterion measure. Rather than measuring academy performance in the field, this test measures proficiency in certain POST-mandated subjects. No statistical evidence has been presented to show the validity of the POST Proficiency Test for predicting successful job performance. Conversely, previous studies have shown that LAPD Academy performance through a training program directed toward actual job requirements in the field has a very strong predictive value.

  LAPD representatives have informed us that police academies within the state are not uniformly geared towards training recruits for Proficiency Test performance. That is, some academies emphasize training specifically directed to the content of this test. As we indicated, the LAPD emphasizes actual field performance rather than the POST Proficiency Test as a measure of its academy's adequacy in training.

  Additionally, there are significant differences in scores between Blacks and Caucasians on the POST Proficiency Test. This indicates that the POST Proficiency Test may have an adverse impact against Blacks.

- The LAPD Academy has provided two measures to use in assessing the entry tests. The Academic average is based upon scores in twelve criterion examinations such as "Rules of Evidence", "Use of Force", "Patrol Procedures", plus the Report writing average weighted 25 percent. The Academy Writing Score is a three-report writing average which is also incorporated in the above Academic Average.

  Correlations between these measures, POST and City written tests are:

	City Entry Test	POST Entry Test	
		All	Waivers Excluded
Academic Average	.40 (n=187)*	.55 (n=279)*	.52 (n=178)*
Academy Writing Score	.13 (n=186)**	.11 (n-278)**	.11 (n=177)

*Significant at .01 level
**Significant at .05 level

These comparisons indicate that while the POST entry test can be viewed as a stronger predictor of Academy academic performance, both tests provide good predictions of recruits' academic performance at the Academy but little indication of report writing skill.

- When those who took the City entry test (non-waivers) are compared against the criterion of graduation, for both the City and POST entry tests, no strong predictive result is obtained. A non-significant correlation coefficient of .07 (n=232) is computed for the City test and the result of .10 for the POST entry test is significant at the .05 level. The practical meaning of these correlations is that a recruit entering the Academy with a low score on either test is just about as likely to graduate as one who enters with a high score. This is not surprising when one considers the impact of desire, motivation, presence, physical ability, and other factors not examined in the entry tests in shaping success.

These concerns make us extremely reluctant to move toward a broad-based statewide test which has not produced more significant results than our own, and especially when POST's test has not been validated for our selection purposes.

The federal Uniform Guidelines on Employee Selection Procedures require that selection procedures in general, and specifically any selection component having adverse impact, be validated by a process relating the selection procedure to job performance or job content. As previously indicated, the POST entry test's predictive validity is tied into the POST Proficiency Test, which measures subject knowledge proficiency rather than job performance levels. The job analysis upon which POST bases its test consisted of the examination and analysis of a composite patrol officer job description which purports to accurately represent all jobs within the state. Significantly, the Guidelines also caution users of selection procedures provided by other parties (eg. the City using the POST entry test), that it is the users who are responsible for local validation and Guideline compliance, including the provider's validity studies. At this time, the City has not received the necessary validity study information from the Commission on POST.

A predictive validity study of the City's entry reading and writing test was completed in 1980. A sample of 287 Police Officers were observed from their time of hire into the Academy through completion of their probationary field assignments eighteen months later. Included in the study were achievement in major selection tests and various work performance assessments.

As a result of the study, the City's entry test was approved for continued use as a screening device for selection of Police Officers for the following reasons:

1. The entry test showed higher validity coefficients for predicting academy average, supervisor ratings, achievements of academy knowledges, and report writing simulations than did any other predictor in the study.

2. The addition of other tests to the entry test did not lead to increased validity, based upon multiple regression analysis.

3. The entry test showed less relationship to ethnic status than did another test, which also showed significant validity coefficients with most major criteria.

Understandably, we see no justification for the City to encumber unnecessary new liability by changing to a selection method which would most assuredly be more vulnerable to legal challenge.

Similar concerns were expressed in a staff survey of nine California agencies familiar with the POST entry test. While responses were mixed, there was general acknowledgement of the adverse impact issue and anticipated litigation problems. Additionally, several agencies indicated concern that the POST test, which consists of only one set of questions, has already been overexposed as a statewide testing instrument, resulting in poor test security administration. Some candidates retake the test several times, which results in unreliable test results. Other candidates may request that their POST test scores with one agency be used when applying with other agencies. This could cause serious administrative and litigation problems, especially when agencies are using different "pass" cut off scores. To compound matters, one agency reported setting a pass cut off score higher than that recommended by POST because they believed the test was too easy for candidates to pass.

Of the two agencies surveyed currently using the test, recent delays in scoring by POST in Sacramento ranged from ten days to six weeks for varied candidate groups of 11 to 1,800. Another agency, which tests about 200 candidates per week, was interested in using the POST test earlier this year. However, POST advised the agency that it (POST) could not accomodate such demands on an ongoing basis. This agency's testing needs are very similar to the City's. With regard to scoring time, the City is able to score its own results for large candidate groups within 24 hours, and within minutes for expedited testing groups, which is crucial to our testing program.

The above findings lead to the conclusion that the state-wide test and recommended minimum cutoff is neither better nor worse than the City test. Under such circumstances, there is no reason to give up local control of the Police Officer written test. The state test would cause substantial test administration problems as it is scored in Sacramento. We would expect that the greater volume of scoring associated with statewide testing would seriously stretch State resources in this area and cause delays beyond the already lengthy 7 day turnaround time they cite as minimum. The City alone would add at least 8,000 persons to the scoring process annually.

Another issue is that the POST test uses T scores, which are converted scores adjusting the range of distribution of actual scores to a mean of 50 and a standard deviation of 10. This psychometric concept is sometimes difficult to explain to candidates. As a consequence the Civil Service Commission has a long-standing policy against use of such converted scores.

The POST test takes several hours to administer whereas the City test administration takes about 1 hour 15 minutes . The six-month State cost for providing the test to agencies on a free basis, which is also on a somewhat limited basis, was reported as $135,000. Mandated Statewide use would cost much more and there is certainly no guarantee that POST would continue to offer the test free of charge.

Some proponents of State mandated testing have expressed the opinion that agencies would be protected from liability in any lawsuit against the validity of the test. It should be noted that the Attorney General's Office has not supported this view. In our opinion the POST validity study is flawed in using the POST Proficiency Test as the validation criterion. As we stated earlier, we have seen no evidence that this test is either reliable or valid as a measure of police performance. Also, our study results show a statistically significant differential between the scores of Blacks and Caucasians on the POST entry test. This suggests the possibility that Statewide pass/fail statistics may show an adverse impact, depending upon cutoff score used, under the 80 percent rule.

The City entry test is supported by a criterion related validation study. This study was done solely using data associated with the Los Angeles Police Department. Such local validation is required by federal guidelines on validation and professional standards. The POST test has not been subject to such local validation work. Also, while the City's entry test does have adverse effect using the 80 percent rule (the pass rate for Blacks is less than 80 percent of the pass rate for Caucasians), the extent of the differential in performance has recently been reduced by revision of the test.

The Chief of Police has submitted a letter to POST opposing the proposal (attached).

In summary, the City test has been locally validated; it meets our examination administration needs; there is no extraordinary cost associated with its use; it has been refined to reduce adverse effect; it is predictive of related Academy performance; and it appears to produce essentially the same results as the POST entry test. Further, abandoning locally controlled testing is contrary to Charter provisions placing selection testing responsibility within the jurisdiction of the Civil Service Commission. We therefore believe that use of this agency's test should be continued.

Submitted by: Dennis J. Lynch

Approved by: Jurutha Brown

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Appeal of Gloria Harber Denial of Award of a Basic Certificate		Meeting Date: October 24, 1985
Bureau: Compliance and Certificate Services	Reviewed By:	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 10/9/85	Date of Report: October 2, 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 deny the request made by the Los Angeles Police Department for award of a Basic Certificate to Captain Gloria Harber.

BACKGROUND

On January 2, 1985, the Los Angeles Police Department submitted an application for Award of a Basic Certificate to Captain Gloria Dianne Harber over the signature of Chief Daryl F. Gates. (See attached)

In the accompanying letter, Chief Gates indicated that the applicant had been previously denied the award of the certificate because she did not meet the early minimum standard of 200 hours for basic training and was apparently overlooked in an early effort by POST to issue the Basic Certificate to officers hired prior to the establishment of formalized peace officer training.

The application indicates that Captain Harber successfully completed the Los Angeles Police Recruit Training School of 144 hours between May 20 and June 14, 1957.

On February 13, 1985, Captain Harber's application for Award of a Basic Certificate was denied because the Commission's Regulations do not provide authority to issue the desired certificate.

ANALYSIS

The request for the Award of a Basic Certificate was denied on the basis of the applicant not meeting the minimum requirements for hours of basic training. The initial POST Basic Course requirement of 160 hours was established on October 23, 1960. This requirement was maintained until January 1, 1964, when the minimum hours were increased to 200. Subsequently, 400 hours became the mandate on July 1, 1978 until July 1, 1985, when the minimum requirement was increased to 520 hours.

Staff is not aware of any efforts by POST to issue Basic Certificates to officers hired prior to the establishment of formalized peace officer training without the officer fulfilling the minimum requirements for basic training

established in 1960, three years following the initial employment of Captain Harber on May 20, 1957. On that date of employment, recruit officers of the Los Angeles Police Department were typically receiving basic training of 520 hours.

The Commission did, however, establish eligibility for the Advanced Certificate under what is considered a "Grandfather" provision. This allowed personnel who were first-level supervisors (sergeant or higher) to apply, between January 1, and July 1, 1966, if they had the required law enforcement experience, with at least five years as a sergeant or higher, and a specific number of education and training points, for the Advanced Certificate. This "Grandfather" Period was temporarily reopened from January 1 to March 31, 1970 to allow those individuals who were eligible during the specific 1966 period to again apply.

No other periods were allowed for the issuance of POST Professional Certificates of any kind under a seniority clause.

The award of the requested Basic Certificate to an individual would clearly be without precedent and without basis in Commission regulations.

RECOMMENDATION

Options available to the Commission are:

1. Reject the request for award of the certificate.

2. Establish a "grandfather" provision in order to award certificates to currently employed officers who were employed prior to the inception of the POST program.

3. Waive current rules and award the certificate to Captain Harber.

Options 2 and 3, of course, carry implications for appearance, equity, and precedence. Either approach could generate requests for broadening the scope of waiver. Either approach appears technically legal, without a regulation change or public hearing, in that current provisions of the certificate program have not been incorporated into Administrative Law.

LOS ANGELES POLICE DEPARTMENT

DARYL F. GATES
Chief of Police

TOM BRADLEY
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone:
(213)- 485-3202
Ref#: 2.2

January 2, 1985

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer
Standards and Training
P.O. Box 20145
Sacramento, California 95820-0145

Dear Mr. Boehm:

I am submitting for your review two applications for award of the POST Basic Certificate. Both of the applicants have been previously denied the award because they did not meet the early minimum standard of 200 hours for basic academy training. The applicants both completed their academy training prior to the inception of POST. They were apparently overlooked in an early effort by POST to issue the Basic Certificate to officers hired prior to the establishment of formalized peace officer training.

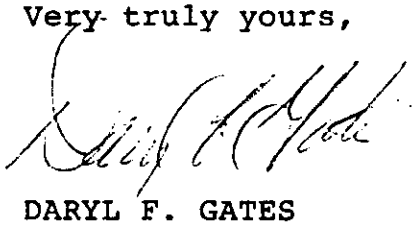
These two veteran female officers have completed extensive in-service training since beginning their careers over 27 years ago. Captain Gloria Harber has attended all POST certified training schools commensurate with her promotions to the rank of Captain, including the POST Executive Development Course. Officer Jean Braun has successfully completed an additional 165 hour Field Training Course designed to supplement her basic academy training.

The equivalency of the old 200 hour minimum, in my opinion, has surely been met by their extensive experience and training. To require these officers, at this point in their careers, to attend additional academy training would be counterproductive.

Granting the Basic Certificate to Captain Harber and Officer Braun will ensure that all sworn members of the Los Angeles Police Department with more than 18 months of service possess a Basic Certificate.

Your favorable response to this request will be greatly appreciated.

Very truly yours,



DARYL F. GATES
Chief of Police

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Appeal by Gerald A. Skinner - Denial of Management Certificate		Meeting Date: October 24, 1985
Bureau: Compliance and Certificate Services	Reviewed By:	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 9-26-85	Date of Report: September 20, 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

The appeal of Sergeant Gerald R. Skinner for award of a Management Certificate.

BACKGROUND

Gerald R. Skinner is a sergeant with the Sierra Madre Police Department. His application for the award of a Management Certificate was received by POST on April 1, 1985. The application was returned to the Sierra Madre Police Department on April 9, 1985, with an explanation that the application was being denied as Sergeant Skinner did not fill a middle management position in accordance with the Commission's Regulation 1001(p) and was therefore ineligible for award of the certificate.

On July 19, 1985, Sergeant Skinner wrote to Senator Ed Davis explaining POST's denial of the award of a Management Certificate, asking why POST provides reimbursement for management training without awarding the certificate, and requesting assistance (see Attachment A).

Senator Davis' staff contacted the Executive Director by phone on July 26, 1985 and subsequently referred the matter to POST.

On August 8, 1985, a letter from the Executive Director was sent to Sergeant Skinner explaining in detail the reasons for denial of the award of a Management Certificate (see Attachment B).

On August 19, 1985, POST received a letter from Sergeant Skinner requesting a formal appeal to the Commission on this matter (see Attachment C).

Sergeant Skinner was advised on September 20, 1985 that his appeal will be heard by the Commission at its regular meeting on October 24, 1985 (see Attachment D).

Sergeant Skinner contends that:

1. In addition to developing one's skills in police management theories and techniques, a purpose of the Management Course is the "reward" of a POST Management Certificate. He contends further that reimbursement for the Management Course without award of the certificate is a waste of taxpayer money and his time.

2. Sierra Madre Police Department sergeants have in the past been awarded Management Certificates, even when the department also had a lieutenant.

3. As a sergeant, he supervises senior patrol officers who, in turn, supervise other patrol officers and civilian personnel.

4. Commission Regulation 1001(p) defines "middle management position" as "most commonly" of the rank of lieutenant or higher. Nowhere does it state that the applicant must be of the rank of lieutenant or higher.

Sergeant Skinner summarizes that his appeal is based upon precedent; his position's duties, responsibilities, and expectations as reflected in everyday job assignments; and the lack of specificity in the wording of Commission Regulation 1001(p).

Commission Procedure F-1-9 provides the requirements for the award of a Management Certificate (see Attachment E).

The requirement of Procedure F-1-9 that is contended by Sergeant Skinner is:

> "Have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001(p), (d), and (i) of the Regulations."

Sergeant Skinner is believed not to have served for a period of two years as a middle manager as required and is therefore not considered eligible for a Management Certificate.

ANALYSIS

Sergeant Skinner's application for the award of a Management Certificate was denied because his position is believed not to meet the definition of a "middle management position" in accordance with Commission Regulation 1001(p):

> "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."

Sierra Madre Police Department consists of thirteen sworn officers including a Chief, five Sergeants, and seven police officers. In addition, ten reserve officers are currently appointed.

Sergeant Skinner occupies a Sergeant position and it is believed that he does not supervise first-level supervisors as defined by Commission Regulation 1001(K):

> "First-Level Supervisory Position" is the supervisory peace officer position between the operational level and the "Middle Management Position", for which commensurate pay is authorized, and which in the

upward chain of command, is responsible principally for the direct supervsion of subordinates, or is subject to assignment of such responsibilities and most commonly is of the rank of Sergeant. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions."

It is believed that the senior patrol officers whom he supervises may qualify only as "quasi-supervisors" or lead persons. A "Quasi-Supervisory Position" is defined by Commission Regulation 1001(t):

"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 a Sergeant.

Sergeant Skinner contends that it was a waste of his time and taxpayers' money to allow him to attend and be reimbursed for the Management Course.

When requested by a department head, Commission Procedure E-1-3-c allows reimbursement for expenses related to attendence of a certified Management Course provided the trainee has successfully completed the training requirements of the Supervisory Course and the trainee is appointed or will be appointed to a middle management position within 12 months or is appointed to a first-level supervisory position. This provision is not designed to train all first-level supervisors at the management level, but to allow chief executives flexibility in meeting career development as well as required training needs.

It should be observed that Sergeants and Chiefs of Police in smaller departments have, in the past, complained that the Sergeant position in small departments frequently carries responsibilities at a higher level than such ranks in large departments. It is frequently observed that the Sergeant may be assigned as Acting Chief or asked to assist with budgeting and planning activities. In part for this reason, the Commission has previously acted to remove restrictions on reimbursement for the Management Course.

Management Certificates were, during a period of time prior to 1981, awarded to Sergeants in some departments. During that time period, effort was being made to treat each request on an individual basis including, if necessary, review of department organization charts and job descriptions. Those efforts resulted in considerable ambiguity with respect to the definition of middle manager and caused local agencies and POST to expend excessive staff time attempting to evaluate qualifications. Major conclusions reached based upon those experiences were:

1. The worth of the management certificate would be diminished if ultimately most supervisors qualified.

2. There must be a clear definition of the management position that emphasizes the essence of the position: full-time supervision of full-time supervisors.

Those conclusions resulted in the Commission's adoption of current definitions.

RECOMMENDATION:

If the Commission concurs with the staff analysis, the appropriate action would be a MOTION to deny the appeal of Gerald A. Skinner.

Attachment A

2421 Sundown Drive
Los Angeles, CA 90065

July 19, 1985

The Honorable Edward M. Davis
State Senator, 19th District
6700 Fallbrook Avenue, Suite 190
Canoga Park, CA 91307

Dear Senator Davis:

Although I am not a constituent of yours, I am writing to you with a problem I am having with the Commission on Peace Officer Standards and Training (POST). Because I was an administrative assistant in the Community Relations Section of your Office during your LAPD career, I still feel as though we are friends and that perhaps you can help me with my problem, as I have first-hand experience with your ability to resolve issues.

I have been a police officer for the City of Sierra Madre for the past eight years, a sergeant for the past five. On February 1 of this year, I completed a two-week POST Management Course, for which my City was reimbursed by the State. The purpose of this course, naturally, is to develop one's skills in police management through the presentation of effective managerial theories and techniques, and the "reward" is a POST Management Certificate.

On March 28, my Chief and I applied to POST for my Management Certificate. My education and training qualified me for the certificate, according to the POST manual. Additionally, my rank as sergeant, on this Department, is equivalent to that of lieutenant on larger departments, as my responsibilities are the same and, in fact, we have no rank between sergeant and Chief. Unfortunately, POST rejected my application because I do not hold a "middle-management" position.

With respect to my Department, nothing could be further from the truth. Yet POST will not issue the Certificate to me. My question is: Why will the State reimburse a city for the training, knowing ahead of time that the employee does not qualify for the appropriate certificate of training? This not only seems like a waste of taxpayer money, but also of my time. I certainly learned a lot in the course, but without the POST Management Certificate, my ever promoting to a position where I will be able to fully use my training (either with this Department or another) is highly doubtful.

I am sure you have enough matters directed to your attention by your own constituents, but I am nonetheless hopeful that you might be able to look into this situation for me. I am enclosing copies of the documents that were submitted to, and rejected by, POST for your information.

Thank you very much for your assistance, and I hope to hear from you soon.

Respectfully,

GERALD A. SKINNER

Encl.

Attachment B

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
O. BOX 20145
ACRAMENTO 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, 1985

Mr. Gerald A. Skinner
2421 Sundown Drive
Los Angeles, CA 90065

Dear Mr. Skinner:

Your letter of July 19, 1985, to Senator Ed Davis regarding our rejection of your application for the award of a Management Certificate has been referred to the Commission by Senator Davis' office for reply.

The Management Certificate awarded by the Commission is not a "certificate of training", nor is it a "reward" for successful completion of the POST-certified Management Course.

The Management Certificate is a professional certificate awarded only to otherwise qualified individuals who have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined in Section 1001 of the Commission's Regulations. A copy of Commission Regulation 1001(p), which defines a "middle management position", was provided to you in previous correspondence. As you know, that definition clearly indicates that the middle management position is a management peace officer position between the first-level supervisory position and the department head position. It is our understanding that the position of Sergeant in the Sierra Madre Police Department is a first-level supervisory position as defined by the Commission's Regulations. For this reason, in accordance with the Application Correction Sheet we provided to you on April 9, 1985, you are not eligible for a Management Certificate.

The Commission has determined that it is appropriate to provide reimbursement, as a result of a specific request of a department head, for the attendance of individuals appointed to a first-level supervisory position at a certified management course.

Such authorization for reimbursement is in response to the department head's belief that the supervisor can and will benefit from the training. Obviously, we do not consider the expenditure a waste of taxpayers' money or the participant's time.

In summary, we are not authorized to award a Management Certificate under the Commission's Regulations as your current position is defined as a first-level supervisory position rather than a middle management position.

The Commission is aware that in smaller departments such as yours that there are normally no ranks between Sergeant and Chief of Police, and that Sergeants may be called upon to act for the Chief in his absence. Their view has been, however, that the experience gained by a Sergeant in such departments does not equate to that gained at the second full supervisory level (middle management). If you believe otherwise or believe that existing provisions for certificates should be changed, the Commission will consider your appeal or petition for change.

In the event you wish to appeal formally to the Commission, please advise us so that such an appeal may be scheduled at a regular Commission meeting which occurs quarterly.

Sincerely,

Norman C. Boehm

NORMAN C. BOEHM
Executive Director

cc: Senator Ed Davis

ATTACHMENT C

AUG 13 12 10 AM '85

AUG 13

2421 Sundown Drive
Los Angeles, CA 90065

August 18, 1985

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer Standards and Training
P.O. Box 20145
Sacramento, CA 95820-0145

Dear Mr. Boehm:

I am in receipt of your letter dated August 8, 1985 relative to my application for a POST Management Certificate that was denied by an analyst in your office. I am enclosing a copy of your letter for your reference.

Under the circumstances, I feel that I must formally appeal the denial to the Commission, and am hereby doing so. The basis for my appeal is three-fold.

First, Sierra Madre Police Department sergeants in the past have been awarded Management Certificates, even though at the time of such issuance there was a position of lieutenant on the Department. While I realize that the past is not always a good indicator of future events, there does seem to be some inconsistency here. Surely without a lieutenant's position, today's sergeants serve more of a middle-management role in Department operations than did sergeants in years past when there <u>was</u> a lieutenant.

Second, as a sergeant, my position requires me to supervise senior patrol officers who, in turn, supervise other patrol officers and civilian personnel. In truth, I do not occupy a strictly "first-level supervisory position" as defined in Commission Regulation 1001(K). I am confident my Chief was well aware of this fact when he attested to my qualifications on the application.

Third, Commission Regulation 1001(P) defines "middle management position" as "most commonly" of the rank of lieutenant or higher. Nowhere does it state that the applicant <u>must</u> be of the rank of lieutenant or higher.

In summary, my appeal is based upon precedent; my position's duties, responsibilities and expectations as reflected in everyday job assignments; and the lack of specificity in the wording of Commission Regulation 1001(P).

It is my belief that the above factors should be considered in any review of my case, and I respectfully submit them to you and to the Commission on my behalf.

Thank you for your response to my initial letter, and for your attention to my formal appeal.

Sincerely,

Gerald A. Skinner

Encl.

ATTACHMENT D

TATE OF CALIFORNIA

GEORGE DEUKM

JOHN K. VAN DE KAMP, A

EPARTMENT OF JUSTICE

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1948 BROADWAY
P.O. BOX 20145
SACRAMENTO 95820-0145
EXECUTIVE OFFICE
(916) 739-5328
BUREAUS
Administrative Services
(916) 739-5364
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) 739-5326

September 20, 1985

Mr. Gerald A. Skinner
2421 Sundown Drive
Los Angeles, CA 90065

Dear Mr. Skinner:

In response to your request for a formal hearing to appeal the application of Commission Regulation 1001(p) with regard to denial of the award of a Management Certificate, we wish to advise you of the following.

A hearing has been scheduled at 11 a.m. before the Commission at its next regular meeting on October 24, 1985 at the Hyatt Airport Hotel, 455 Hegenberger Road, Oakland.

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

COMMISSION PROCEDURE F-1
Revised: January 1, 1980

I-9. The Regular or Specialized Management Certificate: In addition to the requirements set forth in paragraphs, 1-2, 1-3 and 1-4, the applicant for the award of the Regular or Specialized Management Certificate must:

a. Possess or be eligible to possess the Advanced Certificate; and

b. Have no less than 60 college semester units awarded by an accredited college and;

c. Satisfactorily meet the training requirement of the Management Course; and

d. Have served satisfactorily for a period of two years as a middle manager, assistant department head, or department head as defined, respectively, in Sections 1001 (o), (d), and (i) of the Regulations.

The certificate shall include the applicant's name, official title and name of employing jurisdiction or agency. When a holder of a Management Certificate transfers as an assistant department head or middle manager to another jurisdiction, a new certificate may be issued upon request, as provided for in PAM, Section F-3, displaying the name of the new jurisdiction.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Background Investigations For Reserve Officers-Requests For Public Hearing		Meeting Date: October 24, 1985
Bureau: Compliance and Certificates Services	Reviewed By:	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 9/26/85	Date of Report: September 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 act to establish Background Investigation Selection Standards for Reserve Officers to conform with the Minimum Standards of Employment for other peace officers required by Commission Regulation 1002?

BACKGROUND

Commission Procedure H-2, which provides standards for Reserve Officer Selection, was incorporated by reference into Commission Regulation 1007 on April 15, 1982.

Included were Background Investigation Selection Standards for Reserve Officers, which closely parallel the minimum standards for employment required by Commission Regulation 1002, with a few notable exceptions, i.e., good moral character as determined by a thorough background investigation as is required for reserves and regular officers by Government Code Section 1031(e). (For both regulations, refer to Attachment A.) However, H-2 for Reserve Officer Selection does not contain, as does Commission Regulation 1002, the statement:

> "The background investigation shall be conducted as prescribed in the POST Administrative Manual, Section C-1, 'The Personal History Investigation' (adopted effective April 15, 1982) herein incorporated by reference. The background investigation shall be completed on or prior to the appointment date." (For PAM Procedure C-1, refer to Attachment B.)

When the Commission established background investigation requirements for Reserve Officers in 1982, such officers were viewed as a volunteer force functioning under close supervision of Regular Officers. It was therefore the expressed desire of the Commission to impose only what the law required as selection standards.

ANALYSIS

The nature of reserve forces throughout the State has, in the past few years, evolved to the point where over half of Reserve Officers are believed to be paid, part-time officers, many of whom work 40 hours per week. The majority of Reserve Officers are believed to receive salaries for some duties, though not for all assignments. Large numbers, as Level I Reserves, carry out general law enforcement duties without immediate supervision.

Unlike the background investigation mandates for Regular Officers, agencies conducting background investigations for Reserve Officers are not required to conduct inquiries with prior and current employers, references, neighbors, or educational institutions. Similarly, credit checks and DMV checks are not required. The current requirement is simply that a "thorough background investigation" be conducted. Based on POST compliance inspections, this often results in an uneven and inadequate background check process for reserve officers.

When selection standards for Reserve Officers were initially mandated by POST in 1982, there was concern regarding the cost of conducting full background investigations of individuals who would function only at various levels as reserves. The liabilities associated with appointing persons, even to perform very limited functions as peace officers, have caused most agencies to require the same background investigations mandated for regular officers. Some departments, however, have conducted only minimal inquiries into the background of reserve officers and a few conduct no background checks at all, except as a result of POST compliance inspections. Examples may be cited of significant consequences in some departments where adequate background investigations were not conducted. There appears to be compelling need to require that all peace officers, including Reserve Officers, be subject to the Commission's Procedure C-1, which specifies the content of a thorough background investigation.

Recommendation

Schedule a public hearing at the January 1986 Commission meeting to amend Commission Regulations to require the selection of reserve peace officers in conformance with Commission Procedure C-1.

1002. Minimum Standards for Employment

(a) Every peace officer employed by a department shall be selected in conformance with the following requirements:

(1) Felony Conviction. Government Code Section 1029: Limits employment of convicted felons.

(2) Fingerprint and Record Check. Government Code Section 1030 and 1031(c): Requires fingerprinting and search of local, state, and national files to reveal any criminal records.

(3) Citizenship. Government Code Section 1031(a) and 1031.5: Specifies citizenship requirements for peace officers.

(4) Age. Government Code Section 1031(b): Requires minimum age of 18 years for peace officer employment.

(5) Moral Character. Government Code Section 1031(d) requires good moral character as determined by a thorough background investigation.

The background investigation shall be conducted as prescribed in the POST Administrative Manual, Section C-1. "The Personal History Investigation," (adopted effective April 15, 1982), herein incorporated by reference. The background investigation shall be completed on or prior to the appointment date.

(6) Education. Government Code Section 1031(e): Requires high school graduation or passage of the General Education Development Test (GED).

When the GED is used, a minimum overall score of not less that 45, and a standard score of not less than 35 on any section of the test, as established by the American Council on Education, shall be attained.

Text of Section 1002(7) operative through June 30, 1985.

(7) Physical and Mental Examinations. Government Code Section 1031(f): Requires an examination of physical, emotional, and mental conditions.

The examination shall be conducted as prescribed in the POST Administrative Manual, Section C-2, "Physical Examination," (adopted effective April 15, 1982 and amended January 1, 1985), herein incorporated by reference.

Text of Section 1002(7) operative July 1, 1985.

(7) Physical and Psychological Suitability Examinations. Government Code Section 1031(f): Requires an examination of physical, emotional, and mental conditions.

The examinations shall be conducted as prescribed in the POST Administrative Manual, Section C-2, "Physical and Psychological Suitability Examinations," (adopted effective April 15, 1982 and amended January 1, 1985 and July 1, 1985), herein incorporated by reference.

REGULATIONS
* Revised: April 25, 1985

1002. Minimum Standards for Employment (continued)

(8) Interview. Be personally interviewed prior to employment by the department head or a representative(s) to determine the person's suitability for police service, which includes, but is not limited to, the peace officer's appearance, personality, maturity, temperament, background, and ability to communicate. This regulation may be satisfied by an employee of the department participating as a member of the peace officer's oral interview panel.

(9) Reading and Writing Ability. Be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability.

(b) All requirements of Section 1002 of the Regulations shall apply to each lateral entrant, regardless of the rank to which the person is appointed, unless waived by the Commission.

1007. Reserve Officer Program

Every reserve peace officer serving in a department participating in the POST Program shall satisfy the selection and training standards adopted by the Commission. See the POST Administrative Manual, Section H-2, (adopted effective April 15, 1982 and amended effective January 1, 1985), and Sections H-1, H-3, H-4, and H-5, (adopted effective July 15, 1982), herein incorporated by reference.

1031. **Public officers or employees having powers of peace officers; minimum standards**

Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

(b) Be at least 18 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate or pass the general education development test indicating high school graduation level; provided that this subdivision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of this section made at the 1971 Regular Session of the Legislature, in any position declared by law prior to the effective date of such amendment to be peace officer positions.

* (f) Be found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. Physical condition shall be evaluated by a licensed physician and surgeon. Emotional and mental conditions shall be evaluated by a licensed physician and surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

This section shall not be construed to preclude the adoption of additional or higher standards, including age.

Attachment B

Procedure C-1 was incorporated by reference into Commission Regulation 1002(a), on April 15, 1982. A public hearing is required prior to revision of this directive.

PERSONAL HISTORY INVESTIGATION

Purpose

1-1. Personal History Investigation: This Commission procedure implements the personal history investigation requirements established in Section 1002(a) of the Commission Regulations. The purpose of the personal history investigation is to find examples of positive or negative behavior in the candidate's life indicative of characteristics which would probably favor or prevent the candidate from becoming a successful peace officer. The investigation must also examine the candidate's past work performance and impact on other people to determine whether or not those affirmative characteristics which are desirable in a peace officer are possessed by the candidate. The POST "Background Investigators Manual," or its equivalent should be followed in conducting an investigation.

Procedure

1-2. Personal History Investigation: This procedure shall be followed in the pre-employment investigation of each proposed peace officer employee and shall be completed on or prior to the appointment date.

1-3. Completion of Personal History Statement: The department head shall require the candidate to complete the POST Personal History Statement, Form 2.5, or its equivalent prior to conducting the background investigation.

1-4. Written Evaluation Required: The results of the investigation must be reduced to writing and made available to the department head for the purpose of evaluation to determine whether the candidate is suitable. The results shall be retained by the jurisdiction as a source of authenticated information on personnel for present and successive administrators.

1-5. Sources of Investigation: The investigation shall include an inquiry into the following sources of information for the purpose indicated:

a. The State Department of Motor Vehicles, Division of Drivers' Licenses --to determine the candidate's driving record.

b. High school and all higher educational institutions that the candidate attended--to determine the educational achievements, character and career potential of the applicant.

c. State bureaus of vital statistics or county records--to verify birth and age records. In the case of foreign born, appropriate federal or local records.

d. All police files in jurisdictions where the candidate has frequently visited, lived or worked--to determine if any criminal record exists.

e. Criminal records of the California Bureau of Investigation and Identification. A copy of the return shall be retained in the candidate's personnel record.

1-5. Sources of Investigation (continued)

f. The Federal Bureau of Investigation records. A copy of the return shall be retained in the candidate's personnel records.

g. All previous employers--to determine the quality of the candidate's work record.

h. Within practical limits, references supplied by the candidate, and other references supplied by them, if any--to determine whether or not the candidate has exhibited behavior which would or would not be compatible with the position sought.

i. The candidate's present neighborhood and where practicable, neighborhoods where the candidate may have previously resided--to determine whether or not the candidate has exhibited behavior which would or would not be compatible with the position sought.

j. The candidate's credit records--to determine his/her credit standing with banks, department stores and other commercial establishments that would tend to give a clear indication of the candidate's reliability.

k. When appropriate, military records, including medical, in the service of the United States, jurisdictions therein, or foreign government--to determine the quality of the candidate's service.

l. Hospitals, clinics, or physicians having medical records including the current employment physical examination records (if this examination is performed before the Personal History Investigation) of the candidate--to determine whether or not the candidate's current or past health would be a disqualifier for the position sought.

1-6. Relationship to Medical Examination: In whatever order the Personal History Investigation or the Physical Examination is performed, the background investigator and the examining physician should work cooperatively by exchanging their findings and observations which may be useful in performing their individual tasks.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Report on Experience Requirements For Award of POST Certificates		Meeting Date: October 24, 1985
Bureau: Compliance and Certificate Services	Reviewed By: Glen Fine	Researched By: David Y. Allan
Executive Director Approval: Norman C. Boehm	Date of Approval: 10-8-85	Date of Report: September 27, 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 officers other than full-time regular officers be granted credit for experience for the purpose of award of professional certificates if they otherwise become eligible.

BACKGROUND

At the April 1985 Commission meeting, staff was directed to examine the issue of experience gained by officers other than regular full-time officers and provide a preliminary report in July 1985, with a final report in October 1985.

At the April Commission meeting, the Commission denied an appeal by a Sacramento County deputy sheriff who had served as a reserve deputy (830.6 P.C.) while assigned as a provisional 3/4 time deputy for a period of four years and nine months and wished to use that experience after becoming a regular full-time deputy sheriff for the purpose of obtaining an Intermediate Certificate.

The Commission, historically, has recognized only that experience gained as a full-time officer for the purpose of the award of professional certificates to individuals employed by agencies in the regular program.

This report considers the potential recognition of varying experience gained by individuals serving in several categories of part-time paid and non-paid positions in which peace officer authority is gained through 830.1 and 830.6 of the Penal Code.

Edward R. Thomas, a Sacramento County sheriff's deputy who presented the appeal to the Commission at the April 1985 meeting, has asked that additional material regarding this matter be submitted to the Commission. It is attached.

Mr. Thomas points out that the selection process for a deputy sheriff-on call includes a written examination, an oral interview, a physical agility examination, medical examination, psychological examination, and an in-depth background investigation. In addition, the 700-plus hours of academy training must be successfully completed. He concludes that a deputy sheriff-on call has gone through the same testing process as a full-time deputy sheriff.

It should be observed, however, that if such a deputy sheriff-on call desires to become a full-time deputy sheriff, he or she must successfully complete an additional written, oral, and physical agility test as well as a new medical examination and gain a position on an eligibility list for deputy sheriff. The background investigation is updated if the individual is under consideration for hire.

Mr. Thomas also points out that in his view departments can, through the use of computers, track and calculate experience on an hourly basis. While this observation may be correct, not all department would be desirous of expending resources in furtherance of this objective.

The issue before the Commission is, of course, the matter of whether part-time experience should be accepted. Mr. Thomas' appeal was heard in April and is not scheduled for re-hearing. His submittal of information on this subject is offered for the Commission's information.

ANALYSIS

POST Regular Professional Certificates are awarded only to full-time regular officers employed by agencies in the POST Regular Program.

Full-Time Employment is defined in Commission Regulation 1001(1) 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 Worker's Compensation and retirement provisions as are other full-time peace officer employees of the department.

A Regular Officer is defined in Commission Regulation 1001(t) as follows:

> "Regular Officer" is 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.

Type of Experience

The current problem requiring evaluation was brought about by a question of equity in determining if "provisional" or part-time paid experience of a reserve deputy sheriff appointed under the authority of 830.6 P.C. was equal to a regular deputy sheriff appointed under the authority of 830.1 P.C. With the differences in potential experiences and associated training of various levels of part-time and reserve officers, equity from all points of view may be unattainable.

One may argue that the Level I reserve officer performs exactly the same function as does a regular officer. It may also be contended (and frequently is) that the Level I reserve officer does not acquire the same experience because the scope of responsibility and authority granted by the department head is different from that granted to a regular officer.

The Level II reserve officer may ride on patrol with a regular officer, while two regular officers may ride together, gaining ostensibly the same experience.

It could be contended that regular officers and the four categories of reserve officers (Designated-Level I and Non-Designated Level I, Level II, and Level III) may all be assigned in some instances exactly the same duties, thereby gaining the same experience with vastly different training while in either paid or non-paid status.

It is also possible that part-time, limited term, provisonal, and officers hired under contract may be undergoing exactly the same experiences as the above-mentioned persons.

The concept of experience is further complicated by the fact that some regular peace officer jobs are being performed not only by reserves and part-time officers but also by non-sworn employees.

Reserve officers, appointed under Penal Code Section 830.6, may legally be assigned only in accordance with what their training will allow. Training and designation levels restrict assignments, levels of supervision, and the carrying and use of weapons. Such assignments normally restrict the experience they may gain.

If prior experience as a reserve officer was to be accepted for certificate awards, POST staff would have to accept any experience without regard to the quality of experience. It would not be possible to appropriately judge the quality of experience because of restrictions in law, lack of a probationary period, and varying policies of local administrators.

Provisions of the Commission's certificate program do not provide for evaluation of the type of experience. Certificates are awarded based upon tenure as a full-time paid officer. Tenure, in this sense, has to do with the period of holding the position for which employed--a permanence to which an individual is entitled as a result of testing, training, and completion of a probationary period. That experience is acceptable without regard to the type of work being performed over the period of time in question.

Calculation of Experience

All full-time officers gain experience on the basis of a chronological year of employment, regardless of their status or assignment. If an officer, during a year, is off due to illness, injury, vacation, military leave, or any other condition that allows continued compensation, he gains one year of experience. Conversely, if, during that same year, he works a considerable amount of overtime, he does not gain credit for time beyond the one year. Further, the officer may gain the experience performing any police or non-police task.

Current Commission Procedures establishing minimum requirements for the award of professional certificates identify experience only on an annual basis. They provide for the award of a Basic Certificate following the conclusion of twelve months experience, the Intermediate Certificate with a minimum of two years experience, and the Advanced Certificate after gaining a minimum of four years

experience. The Supervisory and Management Certificates are issued following a minimum of two years service as a first-line supervisor and middle manager respectively. The Executive Certificate is issued following two years experience as the chief executive of an agency in the POST Program. All of the above professional certificates require, in addition to the specified experience, particular education, training, and in some cases, the award or eligibility for the award of a lower certificate.

To consider the "experience" of any officer on other than an annual full-time basis would appear to require major changes, which would involve computation on perhaps an hourly basis in order to fairly accommodate all officers that may be involved. There are unknown but large numbers of officers with prior reserve officer experience. A decision by the Commission to accept reserve officer experience towards award of certificates would unquestionably generate efforts of such officers to use that time in order to hasten awards of certificates. Incentive pay for certificates would help stimulate these efforts. The staff requirements and costs involved in these calculations by local governments and POST are beyond the capability of POST to estimate with any degree of accuracy.

Summary

There are large variations in how reserve and part-time officers are assigned and whether they are compensated. There is no clear separation of duties and resulting experience of various types of reserve and part-time officers throughout the state.

To alter the nature of the Professional Certificate Program to recognize experience of the multitude of officers, other than full-time officers, paid and unpaid, on an hourly basis, would add unknown costs to local government and POST. Such a new process would likely generate greater concern for equity than does the current process.

Professional Certificates have always been awarded on the basis of tenure as a full-time officer. Evaluation suggests that the certificate program, in this respect, should not be changed. The POST Advisory Committee, at its July 1985 meeting, concurred with this conclusion.

Recommendation

If the Commission concurs with the staff analysis, the appropriate action would be acceptance of this report without further action.

7622B
10-4-85

August 9, 1985

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

Dear Mr. Boehm:

This letter is in regards to the P.O.S.T. Commission meeting held on April 25, 1985, where a motion was passed setting up a committee to study possible revision of Commission Regulation 1001 (L) to allow provisional/on-call employment experience for the purpose of obtaining P.O.S.T. certificates. According to my records, the findings of this Committee are to be presented to the Commission at its October 1985 meeting and a final decision is to be made at that time.

In addition to the enclosed material being submitted for review, I would like the Committee conducting the study and the Commission to take the following into consideration before taking that final vote in October.

Before a person can become a Sacramento County Deputy Sheriff On-Call they must take and pass the following:

1. Written examination.
2. Oral interview.
3. Physical agility examination.
4. Medical examination.
5. Physiological examination.
6. Indepth background investigation.

In addition, the 700-hundred-plus hours of academy training must be successfully completed. So as you can see, a person working in this class (on-call) has gone through the same testing process and is as well trained as a regular full-time Deputy Sheriff with Sacramento County.

I have discussed with employees who work in the Training Division of the Sheriff's Department extra recordkeeping which might be required. The Sacramento County Sheriff's Department, as well as most law enforcement agencies, now utilizes computers to keep most of their records, P.O.S.T. included. I was informed it takes only a matter of minutes to get a complete computer print-out showing the exact number of hours a person has worked as an On-Call Deputy Sheriff. Therefore, there is no additional recordkeeping required.

I hope this additional information will provide the Commission with evidence that an On-Call Deputy Sheriff is a dedicated professional and deserves this time worked as credit for law enforcement experience.

Norman C. Boehm, Executive Director
California State Peace Officers'
Standards and Training

August 9, 1985

Please notify me of the date, time and place of the October Commission meeting. Thank you.

Respectfully,

Edward R. Thomas

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

cc: John K. Van De Kamp, Attorney General
David Y. Allan, Compliance & Certificate Services
Chief, Standards and Evaluations
Chief, Professional Certificates

Sacramento County
Class Specification

Adopted: 9/6/73
Revised:
Title Change:
Class Code: 7540

DEPUTY SHERIFF (ON-CALL)

Definition:

Under direction, and in a temporary On-Call appointment, engages in law enforcement services; and does other related duties.

Distinguishing Characteristics:

The class of Deputy Sheriff (On-Call) is distinguished from other Deputy Sheriff classes in that On-Call employees are hired as temporary replacements for regular Deputy Sheriffs who are absent due to vacation, sick leave, military duty, leave without pay, etc., or to occupy positions pending graduation of regular Deputy Sheriffs from the Academy. Appointments to On-Call positions usually require the employee to be immediately available, regardless of the time; therefore, only sworn eligibles will be called for employment unless there is sufficient time for obtaining a uniform, if not already available. No permanent appointments will be made from eligible lists for this class.

Typical Tasks:

Engages in the protection of life and property; engages in training programs; executes and serves criminal and civil processes; participates in investigation of criminal and civil processes; participates in investigation of criminal offenses to identify, apprehend, and prosecute the responsible(s) by collection, preservation and analysis of facts and evidence; locates, interviews or interrogates victims, witnesses and suspects; confers and cooperates with other law enforcement or law enforcement oriented agencies; testifies in court before grand juries and coroner's inquest; receives, searches, books, photographs, fingerprints, and maintains custody of prisoners in County correctional and detention facilities; supervises prisoners involved in work projects and rehabilitation and correctional programs; operates photographic equipment; performs criminal identification tasks; transports individuals to state security facilities; serves as bailiff for courts; engages in telecommunication and record-keeping; plans and researches information for projects; engages in crime prevention work with youths and adults; lectures and counsels individuals and groups in development of community resources pertinent to law enforcement.

Employment Standards:

1. A current sworn member of the Sacramento County Deputy Sheriff Reserve;

OR;

2. Former members of California law enforcement agencies who have completed requirements for basic P.O.S.T. certification. Those qualified under this option must complete necessary orientation, become sworn members and remain active in the Deputy Sheriff reserve. Candidates will not be certified for appointment until these requirements have been met.

Knowledge of:

The rules of evidence and of the laws of arrest; the laws governing custody of persons; criminal law, investigation and crime prevention methods; modern police identification and records methods; standard office equipment and procedures.

Ability to:

Read and understand departmental policies, rules, instructions, laws and ordinances and general literature pertaining to law enforcement activities; analyze police problems and interpret legal codes; apply rules of criminal evidence; adopt quick, effective and reasonable courses of action, giving due regard to surrounding hazards and circumstances of each situation; develop keen powers of observation; obtain information through interview and interrogation; understand and follow written and oral directions; keep accurate records and write clear reports; learn the use and care of small firearms; establish and maintain effective working relationships as necessitated by work assignments; meet required physical standards and pass an agility test.

Adopted: 9/1/55
Revised: 4/8/82

Class Code:

DEPUTY SHERIFF - 7538
DEPUTY SHERIFF TRAINEE - 7534

Definition:

Under direction, engages in law enforcement services, and does other related duties.

Distinguishing Characteristics:

This is a single class with two salary levels. Deputy Sheriff Trainee is salary level I and Deputy Sheriff is salary level II.

Deputy Sheriff Trainee is designed to attract and utilize persons with the potential for development and interest in a law enforcement career. The Deputy Sheriff Trainee is distinguished from the Deputy Sheriff in that the Trainee is a recruiting and training level with no law enforcement authority, while Deputy Sheriff is the journey-level assigned full law enforcement authority to carry out the enforcement of laws and ordinances. Deputy Sheriff Trainees are not sworn officers nor do they carry weapons.

NOTE: The following duties are performed by most incumbents, but other related duties may be performed; not all duties listed are necessarily performed by each individual.

CLASSES

DEPUTY SHERIFF

Level: Journey. Principal factor used in allocating positions to this level is: Possession of a P.O.S.T. basic certificate, or successful completion of the Sacramento County Sheriff Department's Basic Academy.

Examples of Duties:

1) Engages in the protection of life and property.

2) Engages in training programs.

3) Executes and serves criminal and civil processes.

4) Participates in investigation of criminal offenses to identify, apprehend, and prosecute the responsible(s) by collection, preservation and analysis of facts and evidence.

5) Locates, interviews or interrogates victims, witnesses and suspects.

6) Confers and cooperates with other law enforcement or law enforcement oriented agencies.

7) Testifies in court and before grand juries and coroner's inquests.

8) Receives, processes, searches, books, photographs, fingerprints, and maintains custody of prisoners in County correctional and detention facilities.

9) Supervises prisoners involved in work projects and rehabilitation and correctional programs.

10) Operates photographic equipment.

11) Performs criminal identification tasks.

12) Engages in telecommunication and recordkeeping.

13) Plans and researches information for projects.

14) Engages in crime prevention work with youths and adults.

15) Lectures and counsels individuals and groups in development of community resources pertinent to law enforcement.

16) Transports individuals to state security facilities.

17) Serves as bailiff for courts.

Knowledge of:

Federal, state and county codes and ordinances relating to law enforcement; modern approved principles and procedures of law enforcement work; department rules and regulations; County and city streets and principal locations; court and evidence procedures; court decisions affecting law enforcement practices; and radio procedures.

Ability to:

Read and understand departmental policies, rules, instructions, laws and ordinances and general literature pertaining to law enforcement activities; analyze and interpret legal codes, police problems and criminal evidence; adopt quick, effective and reasonable courses of action, giving due regard to surrounding hazards and circumstances of each situation; develop keen powers of observation; obtain information through interview and interrogation; understand and follow written and oral directions; keep accurate records and prepare clear, concise and understandable reports; make arithmetical computations rapidly and accurately; learn the use and care of small firearms; establish and maintain effective working relationships as necessitated by work assignments; climb barriers, jump obstacles, and perform strenuous physical activities; control resisting subjects with a minimum of force necessary to effect an arrest.

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT

BASIC RECRUIT ACADEMY 85-SBRA-3

INDEX

	INSTRUCTORS	HOURS
1.0 PROFESSIONAL ORIENTATION: P.O.S.T. Required - 10 hours		
1.1 Ethics	E. Buda	4
1.2 Academy Orientation	Staff	10
1.3 Administration of Justice Components	R. Cole	2
1.4 Related Law Enforcement Agencies	R. Cole	2
1.5 California Court System	R. Smith	2
1.6 California Corrections System	J. Foster	2
1.7 Department Orientation	C. Bridges	4
1.8 Peace Officer Bill of Rights	R. Gaultney	5
	TOTAL	31
2.0 POLICE COMMUNITY RELATIONS: P.O.S.T. Required - 15 hours		
2.1 Community Relations	G. McKee	8
2.2 Crime Prevention	G. McKee	4
2.3 Stress Factors/Spousal Training	J. Wallace	4
	TOTAL	16
3.0 LAW: P.O.S.T. Required - 50 hours		
3.1 Basic Criminal Law	J. Campoy	20
3.2 Narcotics - Dangerous Drugs	L. Jarvis	8
3.3 A.B.C. Law	E. Sheehan	2
3.4 Juvenile Law and Procedures	P. Flood	8
3.5 Probable Cause	R. Gaultney	4
3.6 Crimes Against Children	P. Flood	8
	TOTAL	50
4.0 LAWS OF EVIDENCE: P.O.S.T. Required - 20 hours		
4.1 Rules of Evidence	R. Gaultney	8
4.2 Laws of Arrest, Search & Seizure	R. Gaultney	10
4.3 Miranda, Interviews & Interrogation	R. Gaultney	6
	TOTAL	24
5.0 COMMUNICATIONS: P.O.S.T. Required - 30 hours		
5.1 Report Writing	D. Round P. Butler C. Orr J. Schlenker	60
5.2 Telecommunications	W. Iames	8
	TOTAL	68

	INSTRUCTORS	HOURS
6.0 VEHICLE OPERATIONS: P.O.S.T. Required - 25 hours		
6.1 Driver Training Theory	M. Bailey	4
6.2 Driver Training Performance	M. Bailey	21
	TOTAL	25
7.0 FORCE AND WEAPONRY: P.O.S.T. Required - 50 hours		
7.1 Legal Aspects of Force	J. Campoy	5
7.2 Firearms Training	G. Philo	
	R. VanQuill	64
7.3 Chemical Agents/Crowd Control	M. Davidson	8
	TOTAL	77
8.0 PATROL PROCEDURES: P.O.S.T. Required - 115 hours		
8.1 Patrol Techniques	R. Smith	8
8.2 Person Search Techniques	F. Pendleton	
	T. Allen	38
8.3 Missing Persons	R. Smith	2
8.4 Civil Procedures	S. Hill	4
8.5 Crimes in Progress	W. Myers	5
8.6 Vehicle Pullover Techniques	A. Fidler	
	J. Sandison	8
8.7 Officer Survival	W. O'Connor	5
8.8 Crisis Management	L. Waters	
	E. Evans	
	K. Royal	
	T. Carter	24
8.9 Mentally Ill	P. Hauptman	2
8.10 Fire Conditions	R. McBride	4
8.11 Bombings and Bomb Threats	R. Howell	2
8.12 News Media Relations	R. Dickson	3
8.13 Unusual Occurrences	R. Cole	2
8.14 Telephone Crimes	K. Sutter	2
8.15 Handling the Mentally Retarded	J. Miller	2
8.16 Helicopter Patrol	M. Smith	2
8.17 Secret Service	W. Granger	2
8.18 Canine Patrol	J. Sandison	2
	TOTAL	117
9.0 TRAFFIC: P.O.S.T. Required - 30 hours		
9.1 Introduction to the Vehicle Code	J. Merical	4
9.2 Vehicle Code Violations	J. Merical	4
9.3 Accident Investigation	K. Fowler	5
9.4 Psychology of Violator Contacts	J. Valle	3
9.5 Issuing Citations and Warnings	J. Valle	2
9.6 Alcohol Violations	J. Merical	8
9.7 Removing Persons From A Vehicle	F. Pendleton	
	T. Allen	5
9.8 Implied Consent Law	McClellan	2
	TOTAL	33

	INSTRUCTORS	HOURS
10.0 CRIMINAL INVESTIGATION: P.O.S.T. Required - 50 hours		
10.1 Preliminary Investigation	F. Davidson	5
10.2 Crime Scene Search	F. Davidson B. Kidwell	5
10.3 Local Detective Function	D. Arnal	1
10.4 Information Gathering	D. Arnal	1
10.5 Courtroom Demeanor	J. Campoy	4
10.6 Auto Theft Investigation	J. Irwin	2
10.7 Burglary Investigation	D. Arnal	1
10.8 Grand Theft Investigation	D. Arnal	1
10.9 Robbery Investigation	D. Arnal	1
10.10 Assault Investigation	D. Arnal	1
10.11 Sex Crimes	D. Round	8
10.12 Homicide - Suicide Investigation	R. Bell	6
10.13 Kidnapping Investigation	J. Fox	2
10.14 Vice and Organized Crime	J. Fox	2
10.15 Forgery/Fraud Investigation	D. Evans	2
10.16 Arson Investigation	H. Armstrong	4
10.17 S.E.D.	B. Long	4
	TOTAL	50
11.0 CUSTODY: P.O.S.T. Required - 5 hours		
11.1 Jail Procedures	T. Clippinger	4
11.2 Prisoner Transportation	F. Pendleton	2
	TOTAL	6
12.0 PHYSICAL FITNESS & DEFENSE TECHNIQUES: P.O.S.T. Required - 85 hours		
12.1 Physical Fitness	F. Pendleton T. Allen	56
12.2 Arrest, Control & Baton Techniques	F. Pendleton T. Allen	67
	TOTAL	123
13.0 FIRST-AID/C.P.R.: P.O.S.T. Required - 15 hours		
13.1 Emergency Medical Aid	D. Philo	24
	TOTAL	24
14.0 RECRUIT PERFORMANCE: P.O.S.T. Required - 20 hours		
14.1 Academic Examinations	T. Allen	18
14.2 Performance Evaluations:	Staff	40
Crisis Management P.E. (5 hours)		
Traffic Accident P.E. (5 hours)		
Auto Theft P.E. (2 hours)		
Crime Scene P.E. (4 hours)		
Mentally Ill P.E. (2 hours)		
Patrol Operations P.E. (22 hours)		

	INSTRUCTORS	HO
14.3 Marching	Staff	13
14.4 Peace Officer Standards and Training Commission Final Exam	P.O.S.T. Staff	4
14.5 Staff Time/Counseling	Staff	15
	TOTAL	84

15.0 GRADUATION

15.1 Preparation	Staff	8
15.2 Ceremony	Staff	4
	TOTAL	12

*** TOTAL HOURS (18 weeks) 736

Norman C. Boehm, Executive Director
California State Peace Officers'
Standards and Training

August 9, 1985

AMERICAN HERITAGE DICTIONARY

Experience

Active participation in events or activities, leading to the accumulation of knowledge or skill.

The knowledge or skill so derived.

Skilled through frequent use of practice.

Professional

Engaged in a specific activity as a source of livelihood.

Performed by persons receiving pay.

Having great skill or experience in a particular field or activity.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Review of Turnaround Time for Reading & Writing Tests		October 24, 1985
Bureau: Standards & Evaluation	Reviewed By	Researched By: John G. Berner
Executive Director Approval: Norman C. Boehm	Date of Approval: 9/24/85	Date of Report: September 11, 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 changes be effected to improve the turnaround time for the POST Reading and Writing Tests?

BACKGROUND:

At the July 25, 1985 Commission meeting, concerns were raised about the timeliness of the scoring and the reporting of scores on the POST Reading and Writing Tests to local agencies. Staff was directed to investigate alternative test scoring procedures and to report back to the Commission at the October 24, 1985 Commission meeting.

Currently, agencies wishing to use the POST Reading and Writing tests are mailed an appropriate number of test booklets and answer sheets. The local agency administers the tests, and then returns the test booklets and completed answer sheets to the California State Personnel Board for processing. The answer sheets are scanned onto magnetic tape via a sophisticated high speed scanning machine and the tape is read and processed at the State's Teale Data Center, where a computer listing is generated of each candidate's scores. This listing is then mailed to the local agency.

ANALYSIS:

Effectiveness of Current Process

POST has been monitoring the turnaround time associated with the reading and writing testing program for some time. Data for the 6 month period from February - July 1985, which covers 90 administrations of the tests, show that an average of 4.4 days was taken to process and mail the test score results to the local agencies. Assuming on average, an additional 3 days for local agency receipt of the test score results via first class mail, the average total turnaround time of 7.4 days (4.4 for processing plus 3 for mailing) falls well within the 10 working day turnaround time commitment that POST makes to local agencies.

ANALYSIS: (continued)

It should also be noted that two changes were recently instituted to improve upon the current turnaround time. The first involved a change in existing procedures. Prior to the change, the computer listing was analyzed by State Personnel Board staff, and the local agency was contacted by telephone to discuss pass point setting, before mailout of the computer listing to the local agency. Now, the computer listing is mailed immediately, with follow-up to discuss pass point setting upon receipt of the listing by the local agency. Based on existing data, on average, this change will reduce turnaround time by approximately 1 day without affecting workload or services provided.

The second newly instituted change consists of mailing the test score results via Federal Express, which guarantees delivery within 24 hours, rather than first class mail.

Together, these two changes are projected to reduce the average turnaround time (time from receipt of answer sheets, to receipt by local agencies of test score listing) from 7.4 days to 4.4 days, a savings of 3 days.

Finally, it should be noted that POST staff have received very few inquiries or expressions of concern with respect to turnaround time from the field. In fact, initial reaction to POST's recent bulletin announcing the continued no cost availability of the POST Reading and Writing tests for FY 85/86 has resulted in an approximately 35-40 percent increase in the number of test orders received.

Alternatives to the Current Test Scoring Process

Further improvements in turnaround time would have to involve changes in the current scoring process. There are basically two alternatives to the current test scoring process. The first would involve hand scoring of the tests by the local agency. Disadvantages to this approach would include: (1) the possibility of breaches in test security; and (2) one of the major tests in the POST testing battery, a Cloze test of reading ability, is both difficult and time consuming to hand score.

The Cloze test consists of a reading passage with every seventh word missing. The test taker fills in the missing words. The difficulty in scoring the Cloze test stems from the fact that there are multiple "correct" answers for each blank because of the provision for acceptable synonyms. Thus, a simple scoring templet cannot be used to score the test, but rather each answer must be compared against a list of acceptable synonyms to determine whether the answer is correct or incorrect. POST's experience in hand scoring the Cloze test, which dates back to the time when we lacked our current automated scoring system, showed that manual scoring was not only very time consuming, but also resulted in many scoring errors. In fact, the error rate

ANALYSIS: (continued)

was found to be so high that each test had to be hand scored twice. Thus, it is highly unlikely that hand scoring of the POST tests will result in the "immediate" turnaround time that is often associated with hand scoring - especially among those very large agencies that have expressed the greatest interest in this approach.

The second fundamental alternative to the current scoring and reporting system would involve on-site machine scanning of the answer sheets into a microcomputer. The data could then be either processed locally on the microcomputer, or batched to Sacramento for processing, with the results batched back to the local agency. Of the two processing alternatives, POST favors the second because it assures that all test data will be received by POST, thus allowing us to maintain complete data files, and it allows POST to maintain strict security of the scoring keys. With either approach, the start-up costs associated with such an approach would be approximately $10,000 per location, consisting of approximately $5,000 for a scanning machine and $5,000 for the microcomputer and required printer and modem. In addition, there would be ongoing costs for staffing, communications, and equipment maintenance, as well as some initial software development costs to permit central processing.

Much of the equipment needed to operationalize this alternative will be purchased by each of the 34 Basic Academies that wish to access the POST Basic Course Test Item Bank. The academies have been aware for some time of the equipment that will be needed to access the test item bank, and many already have much of the equipment. By merely purchasing a more sophisticated scanning machine than is required for the item bank, at an additional cost of approximately $2,500, it would be possible for each academy to serve as a local test scoring center for the POST Reading and Writing tests. Initial implementation of the Automated Test Item Bank is scheduled to occur July 1, 1986.

Given that those few agencies that have expressed a desire for immediate turnaround time on the POST Reading and Writing tests are primarily large agencies that have their own academies, and given that if they purchase the equipment needed to access the item bank they could also, for an additional amount of $2,500, use the equipment to score the POST Reading and Writing tests, it would appear that this alternative is worthy of further consideration. However, even with this approach there would not be the kind of immediate test scoring turnaround that is associated with hand scoring, and unless POST was willing to delegate responsibility for ongoing security of test booklets to local agencies, this approach would not lend itself to the practice favored by some agencies of testing candidates on a continuous basis (as opposed to establishing one or

ANALYSIS: (continued)

several test dates a year to conduct all testing). Furthermore, issues remain as to the feasibility of having local agency personnel prepare the Reading and Writing test answer sheets for scoring, actual communications costs to operate the system, etc. In light of these considerations, and in the knowledge that the current scoring system is working well, the most prudent course would appear to be to continue the present system but explore a pilot test of on-site machine scanning during FY 86/87.

RECOMMENDATION:

Continue the present system with the understanding that staff will seek to pilot test during the 86/87 FY a system involving local machine scanning.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Basic Course Curriculum Change - Mutual Aid		October 24, 1985
Bureau	**Reviewed By**	**Researched By**
Training Program Services	Hal Snow HS	Bob Spurlock RS
Executive Director Approval	**Date of Approval**	**Date of Report**
Norman C. Boehm	9-30-85	August 14, 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

Commission approval of a technical change to the Basic Course curriculum relative to Mutual Aid.

BACKGROUND

At the July 1985 meeting, the Commission considered curriculum changes to the Basic Course and directed that staff evaluate the performance objective on Mutual Aid and report back at the October meeting.

ANALYSIS

Currently, the existing Basic Course performance objective and learning goal on Mutual Aid is written in agency-specific language that requires the student to understand his/her agency's policy and procedures. These kinds of PO's lack the test of statewide applicability required for basic training. Commission policy is to delete or revise "agency-specific" performance objectives, which is occurring as each subject area is reviewed by academy instructors.

Staff, with the assistance of the Curriculum Committee, has revised the learning goal and performance objective into a format that gives the performance objective statewide applicability and testability. The revised performance objective has been broadened to include an understanding of the officer's responsibility in responding to a mutual aid situation, California's mutual aid system, etc. See Attachment A for proposed revised language.

RECOMMENDATION

Effective January 1, 1986, approve the Basic Course Curriculum change of Mutual Aid in Functional Area #8.

7899B/27

8.38.0 MUTUAL AID

Learning Goal: ~~The student will understand the agency's mutual aid policy~~.

8.38.1 ~~The student will identify their his/her agency's policy(ies) on the following issues of mutual aid and jurisdiction:~~

~~A. Using official vehicles outside the agency's primary jurisdiction~~

~~B. Responding to calls for assistance outside the agency's primary jurisdiction~~

~~C. Assisting outside agencies in arrests within agency area~~

~~D. Organization and local zone of the Office of Emergency Services (OES) Mutual Aid System~~

~~E. Chain of command of calling for mutual aid assistance under OES Guidelines~~

8.38.0 Mutual Aid

Learning Goal: The student will understand the field officer's responsibilities in responding to incidents of mutual aid.

PERFORMANCE OBJECTIVE(S)

70% 8.38.01 The student will identify those issues to be considered when responding to a mutual aid request. This will minimally include:

A. The distinction between mutual aid and outside agency assistance

B. The chain-of-command method of communication

C. Discretionary use of arrest and control during the incident

D. Reporting, booking, and custody procedures during the incident

E. Knowledge that restraint and limitations to independent action may be imposed by the local command

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title		Meeting Date
Arrest and Firearms (PC 832) Course Curriculum Revision		October 24, 1985
Bureau	Reviewed By	Researched By
Training Program Services	Hal Snow	Bob Spurlock
Executive Director Approval	Date of Approval	Date of Report
Norman C. Boehm	10-8-85	August 16, 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 a revised curriculum for the Arrest and Firearms (P.C. 832) Course?

BACKGROUND

Penal Code Section 832 was enacted in 1971 because of the California Legislature's concern that California's peace officers who exercise the State's arrest powers and carry firearms received little or no training in these subjects except for those peace officers employed by agencies voluntarily participating in the POST Program. Penal Code Section 832, in its original form, mandated that all peace officers as defined in P.C. 830 shall complete a course of training in the: (1) powers of arrest, and (2) firearms for those peace officers who were required to carry firearms. The law mandated POST to prescribe the curriculum. POST subsequently established a 26-hour minimum requirement for the arrest training and 14 hours for the firearms, for a total of 40 hours. Approximately 65 training institutions are now certified to present the Arrest and Firearms Course, with approximately 6,500 graduates annually. Since 1972, the Legislature has established numerous peace officer categories which are subject to the requirements of P.C. 832. The minimum hours have remained at 40 since the law was enacted in 1971, while the Basic Course has increased from 200 to 520 hours.

In 1981, Senate Concurrent Resolution 52 directed POST to "study basic training standards for peace officers described in Penal Code Section 832 and to adopt a plan of action to develop more appropriate training standards." POST subsequently initiated and completed this study in 1982 which resulted in the publication "Study of Training Required by Penal Code Section 832." The study, after extensive research, recommended a greatly expanded curriculum based on performance objectives from the Basic Course. The Commission received the report and referred the issue of expanding the course to the Legislature.

In 1983, SB 208 was passed into law, which changed the language of Penal Code Section 832 by deleting reference to the type of training and substituted "every person described in this chapter as a peace officer, shall receive a course of training prescribed by the Commission on Peace Officer Standards and Training." The intent of this change was to remove previous limitations restricting the required curriculum to arrest and firearms.

At the January 1984 meeting, the Commission directed staff to conduct an analysis of P.C. 832 training and prepare a report for subsequent consideration. Staff, in consultation with a P.C. 832 Advisory Committee (see Attachment A), developed a 100-hour proposed curriculum assuming the course would be presented using performance objective-based training. At the June 1984 meeting, a report was made to the Commission regarding the results of the staff work. The Commission directed staff to conduct pilot testing of the curriculum in order to more accurately determine the hours required to conduct the course.

In developing required training under Penal Code Section 832, it is necessary to know the kinds of peace officers and trainees who attend the course. During Fiscal Year 1983-84, a total of 6,610 students completed the P.C. 832 Course including the following:

California Youth Authority	246
Department of Corrections	1,935
Probation (Officers, Local Corrections, and Juvenile Hall Counselors)	1,600
Others (not identifiable in POST roster system)	2,093
POST reimbursable	736
Total	6,610

Any decision to increase the P.C. 832 training requirements must consider the impact of SB 90 or Revenue and Taxation Code Section 2231-- State Mandated Local Program. Informal legal advice from the Attorney General has indicated that such an increase is a state mandate upon local government and thus obligates the state to pay for any new or increased cost as the result of law or regulation change occurring after the effective date of Revenue and Taxation Code 2231 which is January 1973. Thus, the existing 40-hour P.C. 832 requirement is not subject to SB 90 because it was enacted prior to January 1973. However, if additional hours were incorporated as a part of the mandated course, the increase would be subject to SB 90.

The 1,600 probation employed peace officers would be subject to SB 90 but are reimbursable by the Board of Corrections, STC. It is roughly estimated that 700 locally employed miscellaneous peace officers could be subject to SB 90 requirements and currently receive no state subvention for training costs. The Commission should be aware that the Department of Finance has the legal authority to veto any regulations of a state agency which incurs additional general fund cost to the state.

ANALYSIS

The results of pilot testing (Attachment B) and input from the P.C. 832 Advisory Committee have indicated that the P.C. 832 course curriculum should continue to focus on the task of making an arrest and the carrying of firearms. The task or authority to make an arrest appears to be universal among all peace officer groups.

However, the existing P.C. 832 curriclum inadequately addresses all aspects of arrest and firearms, and this should be expanded to include other critical skills and knowledge to effect an arrest--identification of common crime elements, overview of criminal investigation, elements of report writing, and expanded curriculum in the use of force. It is being suggested that the required training should continue to be modularized into two courses--Arrest and Firearms. There continue to be significant numbers of peace officers who do not carry firearms and thus have no need for the Firearms Course.

The P.C. 832 Advisory Committee recommended, in light of the pilot testing results, to expand the P.C. 832 Course to 56 hours or a 16 hour (40%) increase over the existing 40 hours. In light of the previously described SB 90 issue, various alternatives available to the Commission were considered, including:

1. Refrain from taking any action to increase training requirement.

   Advantages

   - No SB 90 impact

   Disadvantages

   - Is not responsive to the need to increase the training requirement

2. Increase the P.C. 832 Course Curriculum and declare that there is no SB 90 impact.

   Advantages

   - Temporarily, if not permanently, resolves the SB 90 issue
   - Challenge to the increase in training is not likely
   - Increased training is very much needed
   - Would permit the Commission to consider other alternatives if proposed increase is subsequently challenged
   - Proposed increase would be responsive to legislative intent

   Disadvantages

   - Could stimulate a challenge to the Commission's declaration that there is no SB 90 impact
   - There is difficulty in establishing an appropriate rationale for a SB 90 disclaimer

3. Refer the matter to the Legislature to either pay for the SB 90 costs or modify P.C. 832 to make it a pre-employment training requirement.

Advantages

- o Could resolve the SB 90 issue permanently

Disadvantages

- o Would delay implementation
- o Could be controversial legislation

4. Adopt revised curriculum, but do not increase minimum hours.

Advantages

- o Avoids SB 90 issue
- o Many presenters would voluntarily increase courses above minimum

Disadvantages

- o Presenters may have difficulty presenting additional curriculum in the minimum time and do justice to it
- o Could possibly be viewed as being non-responsive to a training need

Upon analysis of these alternatives, it is recommended:

1. The P.C. 832 curriculum should be revised into two parts. A required Arrest (24 hours) and Firearms (16 hours) Course would be Part I. Part II would be a recommended Communications and Arrest Methods Course (16 hours).

2. The curriculum should continue to be expressed in topical outline format to provide flexibility to training presenters in meeting the diversity of the peace officer population. Presenters that have predominently patrol officer attendees should be encouraged to use performance objectives from the Basic Course relevant to P.C. 832 course curriculum.

The existing and proposed curriculum (Attachment C) includes the following changes:

1. Delete from the existing P.C. 832 Course: Methods of Arrest.

2. Add to the proposed Arrest Course (Part I): (1) Additional Law, (2) Search and Seizure, and (3) Investigation.

3. Add to the existing Firearms Course: (1) Additional Range Training and (2) Range Qualification. The Firearms Course would continue to be required only for those peace officers that carry firearms, as specified by Penal Code Section 832.

The proposed 16-hour recommended Communications and Arrest Methods Course (Part II) would include (1) Community Relations, (2) Communications and Report Writing, (3) Arrest and Control, and (4) Interviewing.

In considering the alternatives, the recommended approach of having required and recommended training courses is the best because it: (1) Provides appropriate levels of initial training for 832 P.C. officers, (2) eliminates the SB 90 concerns, (3) articulates additional curriculum believed needed by specified peace officers, and (4) is a reasonable approach which should be supported by peace officer groups in and out of the POST program.

The proposed revised curriculum and new curriculum is described in Attachment C. As described, the proposed change would entail modification of POST Administrative Manual Procedure D-7.

If the Commission implements the proposed changes, subsequent revisions of reserve officer curriculum, now described in Procedure H-5, will become necessary. Staff will, contingent upon approval of this report, plan to present revised reserve officer curriculum at a subsequent Commission meeting.

Because certified course presenters would require sufficient lead time to implement curriculum changes and staff's plans to monitor the progress of the revised training standard, particularly the impact of the Computer-Assisted Instruction program being recommended on this agenda, it is being recommended that the effective date be July 1, 1986.

RECOMMENDATION

Effective July 1, 1986, approve curriculum modifications to the P.C. 832 training requirement (Commission Procedure D-7) which specify a revised 40-hour Arrest and Firearms Course and a 16-hour recommended Communication and Arrest Methods Course.

Attachment A

POST SPECIAL SEMINAR
P.C. 832 Curriculum Review Project
POST External Advisory Committee

COMMITTEE MEMBERS

Neal Allbee
Administration of Justice
Sierra Community College
5000 Rocklin Road
Rocklin, CA 95677
(916) 624-3333

Avery Blankenship, Director
Butte College
3536 Butte Campus Drive
Oroville, CA 95965
(916) 895-2401

Robert L. Ashley, Chief
Airport Security Police
San Jose Municipal Airport
1661 Airport Boulevard
San Jose, CA 95110
(408) 277-4705

Mickey Bennett, Sergeant
Long Beach Police Academy
7380 East Carson
Long Beach, CA 90808
(213) 420-3311

James Benson
San Bernardino County
Sheriff's Department
P. O. Box 569
San Bernardino, CA 92403
(714) 887-6453

Bernard J. Clark, Sheriff
Riverside County
P. O. Box 512
Riverside, Ca 92502
(714) 787-2402

Susan B. Cohen
California Probation, Parole
and Corrections Association
1722 J Street, Suite 18
Sacramento, CA 95814
(916) 442-4721

Don Farmer
Chief Probation Officer
Monterey County Probation Department
1422 Naividad Road
Salinas, CA 93906
(408) 758-1081

Leroy Ford
Corrections and Probation Consultant
Board of Corrections
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073

John Henry
Senior Special Investigator
State Controller's Office
545 Downtown Plaza, Suite 220
Sacramento, CA 95814
(916) 324-4196

William Hopper
Administration of Justice
Chabot College
25555 Hesperian Boulevard
Hayward, Ca 94545
(415) 786-6861

E. Ralph Jennings
Director of Maintenance
and Police Services
Grant Union High School District
1333 Grand Avenue
Sacramento, CA 95838
(916) 925-2761

7265B
8/12/85

Ron Kilpatrick
Administration of Justice
College of the Redwoods
Eureka, Ca 95501
(707) 443-8411

Jim Kushner
Academy of Justice
Riverside City College
1500 Castellano Road
Riverside, CA 92509
(714) 787-2678

Si Mariano
Youth Authority Training Center
9860 Twin Cities Road
Galt, CA 95632
(209) 745-9101

Don Novey
c/o Jeff Thompson
California Correctional
Officers Association
510 Bercut Drive, Suite U
Sacramento, CA 95814
(916) 447-8565

Officer Larry Ryan
Personnel and Training
San Francisco Police Department
2055 Silver Avenue
San Francisco, CA 94124
(415) 641-8827

William Spencer
Department of Corrections
9850 Twin Cities Road
Galt, CA 95632
(209) 745-4681

Bob Spurlock
Senior Consultant
Commission on Peace Officer
Standards and Training
P. O. Box 20145
Sacramento, CA 95820-0145

Richard J. Thomas, Captain
City of Los Angeles Fire Department
10435 S. Sepulveda
Los Angeles, CA 90045
(213) 485-6280

Robert Weaver, Coordinator
Rio Hondo College
3600 Workman Mill Road
Whittier, CA 90608
(213) 692-0921

Dave Yancy
Santa Clara Valley Criminal
Justice Training Center
2075 Camden Avenue
San Jose, CA 95124
(408) 371-9920

The P.C. 832 Course pilot testing was conducted at five regional training centers between October 1984 and March 1985. A total of 136 students participated in pilot testing. To correct for variations in student abilities upon entering the training, all 136 students were pretested with the POST reading and writing examination and post-tested with a 50-item test based upon the P.C. 832 Curriculum and taken from the POST Proficiency Examination. Of the 136 students, 76 completed a longer 100-hour P.C. 832 Course while 60 students completed the existing 40-hour course. Students who completed the longer course had significantly better post-test scores. It could not be determined from this testing whether the results were due to the increased hours or performance-based instruction.

Throughout the P.C. 832 study, staff has consulted with an advisory committee composed of training experts and employers of peace officers. (See Attachment A for a list of P.C. 832 Advisory Committee members.)

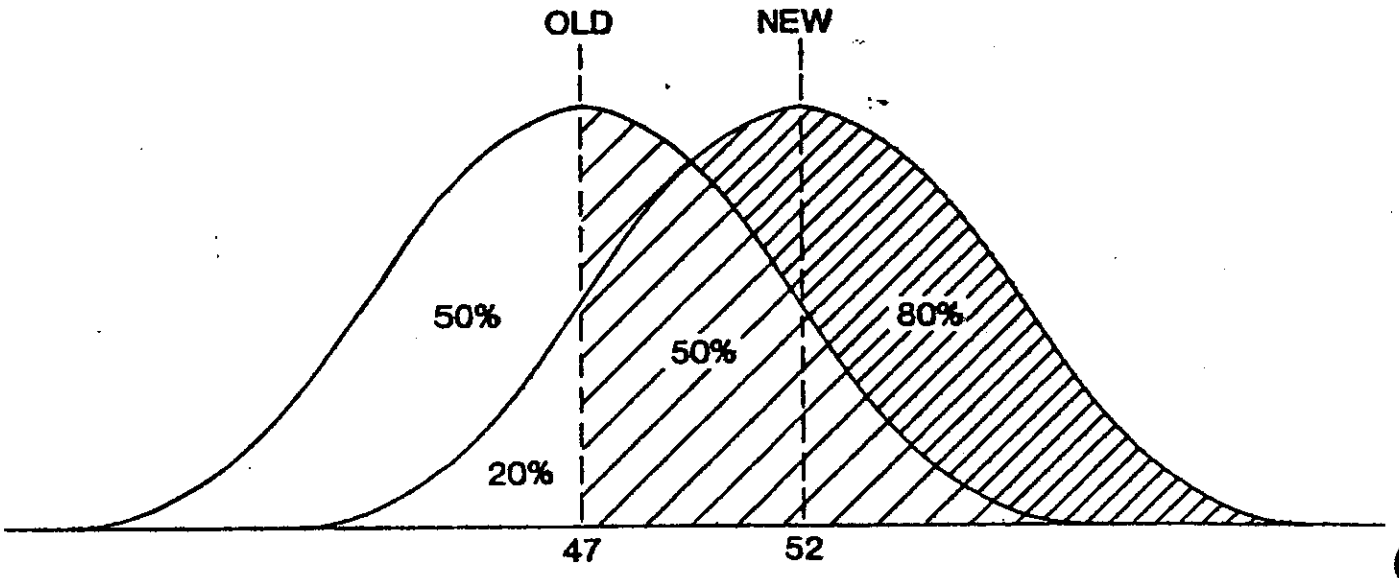
Upon analysis of the pilot testing, staff and the P.C. 832 Advisory Committee believe that performance objectives from the Basic Course are too specific to the training needs of the patrol officer rather than the broader needs of peace officers subject to the P.C. 832 training requirement. (See Attachment B for a more detailed analysis of pilot testing.)

PC 832 COURSE PILOT TESTING RESULTS

A total of 136 students participated in the pilot testing and were divided into two control groups. Control Group #1 consisted of 76 students who attended the 100-hour pilot course. Control Group #2 consisted of 60 students who attended the 40-hour Laws of Arrest, Search and Seizure, and Firearms course.

Control Group #1	Total	M	F	W	B	H	O	R/M	THI
A. Chabot College, Hayward, CA	28	20	8	22	2	2	0	48.7	93
B. San Francisco Police Academy	29	21	8	14	2	9	4	44.7	82
C. Riverside Academy of Justice	19	16	3	10	2	5	2	42.8	93
Totals	76	57	19	46	6	16	6	45.4	(Mean)
Control Group #2									
A. Sacramento Regional Trng. Ctr.	23	15	8	21			2	49.0	39
B. Butte Regional Trng. Ctr.	37	21	16	33			4	50.7	39
Totals	60	36	24	54			6	49.8	(Mean)

M - Male
F - Female
W - White
B - Black
H - Hispanic
O - Other
R/M - Reading Test Mean
THI - Total Hours of Instruction



Fifty percent of control group #2 scored above 47 while eighty percent of control group #1 (pilot course) scored above 47.

Content and Minimum Hours

7-2. Standards for Approved Course Content and Minimum Hours: Approved courses shall meet the following minimum content and hours when specified. Copies of curricula content for individual courses are available upon request from POST.

	Minimum Hours
Penal Code Section 832 Arrest and Firearms (a)(b)	(40)

Arrest (26 hours):

A. Introduction
   1. Orientation
   2. Ethics
B. Discretionary Decision Making
C. Arrest, Search and Seizure
   1. Laws of Arrest, Search and Seizure
   2. Methods of Arrest
D. Examination

Firearms (14 hours):
A. Moral Aspects, Legal Aspects and Policy
B. Range
C. Safety Aspects (First Aid)
D. Examination

When the Arrest and Firearms Courses are presented together, only one examination is necessary.

Penal Code Section 832
Arrest and Firearms (a)(b) Part I
(Required)

Arrest (24 hours)

A. Professional Orientation
B. Law
C. Laws of Evidence
D. Investigation
E. Examination

Firearms (16 hours): (c)

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

Communications and Arrest Methods
Part II (16 Hours): (d) (Recommended)

A. Community Relations
B. Communications
C. Arrest and Control
D. Examination

(a) Certified Course
(b) Satisfied by the Basic Course
(c) Required for peace officers that carry firearms
(d) Recommended for peace officers that are subject to making arrests

PENAL CODE SECTION 832 TRAINING

I <u>Arrest Course</u> 24 hours
(Required)

A. Professional Orientation (4 hours)

1. Professionalism
2. Ethics/Unethical Behavior
3. Administration of Justice Components
4. California Court System
5. Discretionary Decision Making

B. Law (12 hours)

1. Introduction to Law
2. Crime Elements
3. Intent
4. Parties to a Crime
5. Defenses
6. Probable Cause
7. Obstruction of Justice
8. Constitutional Rights Law
9. Laws of Arrest
10. Effects of Force
11. Reasonable Force
12. Deadly Force
13. Illegal Force Against Prisoners

C. Laws of Evidence (4 hours)

1. Concepts of Evidence
2. Rules of Evidence
3. Search Concept
4. Seizure Concept

D. Investigation (3 hours)

1. Preliminary Investigation
2. Crime Scene Notes
3. Identification, Collection, and Preservation of Evidence
4. Chain of Custody

EXAMINATION (1 hour)

II <u>Firearms Course</u> 16 hours
(required for peace officers) carrying firearms)

A. Firearms Safety

B. Care and Cleaning

C. Firearms Shooting Principles

D. Firearms Range (Target)

E. Firearms Range (Combat)

F. Firearms Range (Qualification)

Total Hours 40

III Communications and Arrest Methods 16 hours
(recommended for those peace officers that make arrests)

A. Community Relations (2 hours)

1. Community Service Concept
2. Community Attitudes and Influences

B. Communications (5 hours)

1. Interpersonal Communications
2. Note Taking
3. Introduction to Report Writing
4. Interviewing Techniques

C. Arrest and Control (8 hours)

1. Weaponless Defense/Control Techniques
2. Person Search Techniques
3. Restraint Devices
4. Prisoner Transportation

EXAMINATION (1 hour)

Total 16 hours

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Request for Proposal on P.C. 832 Course--Computer-Assisted, Interactive Video Program		Meeting Date October 24, 1985
Bureau Training Program Services	Reviewed By Hal Snow HS	Researched By George Niesl GN
Executive Director Approval Norman C. Boehm	Date of Approval 10/9/85	Date of Report September 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 the attached Request for Proposal (RFP) be approved to develop a computer-assisted, interactive video instruction program for P.C. 832 Course.

BACKGROUND

At its April 1985 meeting, the Commission authorized staff to contract for preparation of an RFP to develop a computer-assisted, interactive video instruction (CAIVI) program for training peace officers as required by Section 832 of the California Penal Code.

The contract was let in July and the RFP prepared at a cost of $9,750. It has been reviewed and appropriately modified with input from staff, and is now presented for Commission consideration. See attached REQUEST FOR PROPOSAL for AN INTERACTIVE PROGRAM: PEACE OFFICER REQUIRED TRAINING.

ANALYSIS

For a description of the current and proposed systems for delivery of P.C. 832 training, see the attached RFP, beginning on page 7. Following are summaries of certain key issues in the RFP which are important to the development of the CAIVI Program for Peace Officer Required Training:

1. Performance Objective Oriented

   Section IV of the RFP requires the proposed training program to use pertinent performance objectives and related test items that have already been developed and proved in the POST Basic Course. This will provide solid, consistent standards in the training mandated by 832 P.C. for many peace officer classifications. The RFP can be adjusted to the present or proposed P.C. 832 Course curriculum, depending upon the direction taken by the Commission under a separate agenda item relating to P.C. 832 Curriculum Changes.

2. Specifies Minimum Technical Requirements for Certain Areas

   Extensive research was conducted to determine: (1) What is being done elsewhere to develop CAIVI programs for training in subjects similar to those requiring the most interaction between trainee and environment in 832 P.C. training; and (2) What is minimally needed, equipment-wise, to accomplish such highly interactive training with computer assistance.

Based upon research findings, minimum technical requirements for the proposed CAIVI system are detailed in Section VI of the RFP. This will ensure that the recommended equipment configuration is capable of providing a high level of interactivity for the trainee to learn and demonstrate proficiency in many of those areas now requiring a low trainee-to-trainer ratio and demonstration of skills in simulated environments.

3. Provides for Computer-Managed Instruction

The RFP describes the proposed system as having the means to record the results of a trainee's performance by individual performance objectives and by groupings of closely related objectives into domains. Among other things, this capability will be especially useful for initial or remedial training where the instructor may not be present at all times.

4. Addresses the Need for Accessible Training

Minimum equipment specifications for the proposed CAIVI system are delineated in Section VI of the RFP. The mandated use of IBM or IBM-compatible microcomputers that are MS-DOS operated, for example, assures that the system can be used as a stationary or portable unit in even the most remote areas of the state.

5. Requires Review and Approval at Specific Development Points

Project milestones are listed for the CAIVI Program in Section IV of the RFP. Ample opportunities are provided for review and approval by POST, representatives of the Basic Course Consortium and training subject matter experts at critical points in the development of the program.

6. Establishes Cost Based on Current, Quantifiable Measures

Maximum cost to be paid on a fixed price contract to the successful bidder would be $250,000. This estimate is based on costs for similar projects paid recently by the Department of Defense and others in the private sector. It would cover development of the software CAIVI program and purchase of four hardware units--two with the equipment configuration needed to fully operate the software program, and two with additional authoring and graphics development capabilities for use in testing and modifying the program and for future CAIVI development.

Commission approval of this recommendation will enable the contract period to begin on February 1, 1986, for project completion by September 1, 1986.

RECOMMENDATION

Approve issuance of the attached REQUEST FOR PROPOSAL for AN INTERACTIVE VIDEO PROGRAM: PEACE OFFICER REQUIRED TRAINING in an amount not to exceed $250,000.

REQUEST FOR PROPOSAL

FOR

A COMPUTERIZED INTERACTIVE VIDEO SYSTEM

TO PROVIDE

PEACE OFFICER REQUIRED TRAINING

Contract No. 85-001-54

State of California

Commission on Peace Officer Standards and Training

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SECTION I

INTRODUCTION AND OVERVIEW OF REQUIREMENTS

A. Purpose of the Request for Proposal

The purpose of this request for proposal (RFP) is to solicit proposals from qualified individuals and organizations for the development of a computer-assisted, interactive video instruction (CAIVI) program. The CAIVI program will be used by geographically-dispersed peace officer training centers to instruct peace officers in subjects mandated by the State as prerequisite to exercising peace officer powers. Responses to the RFP will be evaluated based on the total proposal. If a contract is awarded, it will be awarded to a single vendor.

B. Scope of the Request for Proposal

The RFP contains instructions for preparing a proposal. The instructions must be followed in order for the proposal to be eligible for consideration. It also describes the procurement process and the vendor's responsibilities before and after installation.

C. Availability

Any equipment or software proposed for meeting the requirements of the RFP must be installed in the offices of the Commission on Peace Officer Standards and Training (POST) and at other locations determined by POST, and be fully operational on or before the ready-for-use date specified in paragraph F, below.

D. Location

The proposed system will utilize stand-alone equipment configurations located at the POST office, 1601 Alhambra Boulevard, Sacramento, California, and at three other specific locations in California, as determined by POST.

E. Delivery of Proposals

Proposals must be delivered or mailed to Jean Fowler, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, California 95816-7083. Proposals must be received prior to the time and date shown for submission of proposals in paragraph F, below.

F. Key Action Dates

The times and dates by which various activities must be completed are listed below. Any needed changes will be accomplished by addendum.

	Action	Time	Date
1.	Release of RFP		October 25, 1985
2.	Vendor's Conference	9.00 a.m.	November 19, 1985
3.	Submission of Proposals	5.00 p.m.	December 5, 1985
4.	Evaluation Committee Meeting	9:00 a.m.	December 10, 1985
5.	Oral Presentations	9:00 a.m.	December 17, 1985
6.	Notification of Intent to Award		December 18, 1985
7.	Last Day to Protest Selection	5.00 p.m.	December 31, 1985
8.	Contract Negotiated, Prepared		January 2, 1986
9.	Request for Contract Approval by the POST Commission		January 22, 1986
10.	Installation (ready-for-use-date)		September 1, 1986

SECTION II

RULES GOVERNING COMPETITION

A. Proposal Requirements and Conditions

1. General

This RFP, the evaluation process, and the award of any contract will be made in conformance with current competitive bidding procedures as they relate to the procurement of goods and services by public bodies in the State of California. A vendor's proposal is an irrevocable offer for 30 days following the scheduled date for contract award specified in Section I. A vendor may extend the offer in writing in the event of a delay caused by a protest of the intended award.

2. Errors in the RFP

This RFP contains an explanation of the State's needs and the prescribed format and content of the proposal. It also references supplemental sources of information, including a model personal services contract, which are to be examined by the vendor before preparing a proposal. If a vendor discovers any ambiguity, conflict, discrepancy, omission, or other error, the vendor must immediately notify the State of such error in writing and request clarification or modification of the RFP. Any such clarifications or modifications will be accomplished by an addendum. Insofar as practicable, the State will furnish such addenda to other interested parties, but the State will not be held responsible therefor.

3. Examination of the Work

The vendor should carefully examine the entire RFP, any addenda thereto, and any related materials or information referenced therein.

4. Questions Regarding the RFP

Vendors with questions regarding the RFP can call George Niesl (916-739-5382), or in his absence, Harold Snow (916-739-5385). A vendor's conference will be held in the Commission's main conference room, 1601 Alhambra Blvd., Sacramento, California, at 9:00 a.m., November 19, 1985. Correspondence relating to the proposal (but not the proposal itself) should be delivered to George Niesl, or mailed to him at 1601 Alhambra Boulevard, Sacramento, California 95816-7083.

5. Other Sources of Information

In addition to the information contained in the RFP, vendors will find it useful to examine Performance Objectives for the POST Basic Course (1985) and "832 PC Course Outline, Modules and Related Performance Objectives" (1985). Vendors interested in submitting a proposal can obtain these documents from the departmental official identified in Section II, paragraph A.4.

6. Reasons for Not Submitting a Proposal

The State is interested to know a vendor's reasons for not submitting a proposal, including unreasonable requirements, unusual terms or conditions, the amount of the contract or any other factor affecting a vendor's decision not to submit a proposal. Reasons for not submitting a proposal may be provided orally or in writing. The State will examine the stated reasons for not submitting a proposal and may amend the RFP if it is in the State's best interest to do so. Vendors are encouraged to notify the State as soon as possible of factors that are negatively affecting their decision to submit a proposal.

7. Addenda

The State may modify the RFP prior to the date fixed for the submission of a proposal by issuance of an addendum to all parties who are participating in the process at the time the addendum is issued.

8. Confidentiality of Proposals

Final proposals are public upon opening. However, the contents of all proposals, correspondence, or other writings which disclose any aspect of a vendor's proposal will be held in confidence until notice of intent to award.

9. Submission of Proposals

a. Preparation

Proposals should provide a concise description of how the requirements of the RFP will be satisfied. Expensive bindings, colored dispays, and promotional materials are not necessary.

b. Vendor's Costs

Costs for developing a proposal are the responsibility of the vendor and are not chargeable to the State.

c. Complete Proposals

Proposals must be complete in all respects and conform with the requirements set forth in the RFP.

d. False or Misleading Statements

If, in the opinion of the State, the proposal contains false or misleading statements it will be rejected.

e. Signature

A cover letter, which will be considered an integral part of the proposal, must be signed by an individual who is authorized to bind the submitting firm contractually.

f. Delivery of Proposals

Mail or deliver proposal to the departmental official listed in Section I, paragraph E. If mailed, use certified or registered mail with return receipt requested.

Proposals must be received in the number of copies and format required by the RFP, and they must be received on or before the time and date provided for in Section I, paragraph F. One copy must be clearly marked "master copy." If discrepancies are found between two or more copies of the proposal, the master copy will be used to resolve discrepancies. If one copy of the proposal is not clearly marked "master copy," the State will, at its discretion, reject the proposal or select one copy to use as the master copy.

g. Withdrawal or Modification of Proposals

Vendors may withdraw their proposals at anytime by so notifying the State in writing, except as provided for in Section II paragraph A.1. Vendors may modify their proposals by so notifying the State in writing prior to the time and date shown for submission of proposals in Section I, paragraph F.

h. Rejection of All Quotations

The State may reject any or all proposals.

B. Evaluation of Proposal and Award of Contract

1. Evaluation and Selection Process

a. General

Proposals will be evaluated according to the procedures contained in the RFP evaluation section.

b. Vendor Presentations and Evaluation Questions

During the evaluation and selection process, the State may request the vendor to make an oral presentation or to answer specific questions, orally or in writing. Oral presentations have been scheduled for the date shown in Section I, paragraph F.

2. Award of Contract

Award of contract will be based on an evaluation of the factors enumerated in Section IX, paragraph D.

C. Contractual Information

1. Contract Form

The vendor must agree to enter into a contract substantially in accordance with the State's EDP personal services contract. Vendors interested in submitting a proposal can obtain a copy of the model contract from the departmental official identified in Section II, paragraph A.4.

2. Protests

Before a protest is submitted, a vendor must make timely use of the procedures described in this Section for resolving any disagreements between the State and the vendor. Protests must be mailed or delivered to Chief of Procurement, State Office of Procurement, 1823 14th Street, P.O. Box 1612, Sacramento, California 95807.

Protests must be received as promptly as possible but no later than the time and date specified in Section I, paragraph F.

3. Disposition of Proposals

All materials submitted in response to this RFP will become the property of the State of California. The master copy shall be retained for official files and will become a public record after the date and time specified in Section I, paragraph F, for submission of proposals.

SECTION III

CURRENT SYSTEM

A. Organizational Objectives

The primary objective of POST is to raise the level of competence of local law enforcement officers by establishing minimum training standards for peace officers who are responsible for the general enforcement of criminal laws in the State of California. Additionally, POST is responsible for prescribing a course of training to be satisfactorily completed by every peace officer prior to the exercise of peace officer powers. The prescribed training, mandated in Section 832 of the California Penal Code, is required of all persons designated as peace officers in the referenced chapter. Local peace officers with general law enforcement responsibilities, however, may satisfactorily complete the training as part of their Basic Course training.

Those persons not attending the Basic Course must complete the peace officer required training by attendance at a POST-certified course of at least 40 hours. Usually called "832 PC" or "Arrest and Firearms" training, the course is offered throughout California at 64 locations, 53 of which are on community college campuses.

B. Training Objectives

The peace officer required training described in Penal Code Section 832 is met by Basic Course graduates through attaining mastery in specific performance objectives mandated by POST. For those not attending the Basic Course, the PC 832 training may be accomplished through completion of a minimum 40-hour course that covers the same subjects but does not require strict adherence to pertinent performance objectives as included in the Basic Course.

Where Basic Course training objectives are used to meet the peace officer required training mandate, the training ojectives can be divided into two groups based on how trainees demonstrate mastery. Mastery in one of the groups is demonstrated by traditional academic tests which require the students to list, identify, and recall the material which the instructor has presented. These training objectives will be referred to as "knowledge" objectives. It is assumed that knowledge objectives can be grouped in relatively homogeneous knowledge domains, and that mastery can be evaluated using multiple-choice tests.

The other group of training objectives requires the trainee to demonstrate mastery by physically interacting with some aspect of the environment. They will be referred to as "manipulative" objectives. These objectives usually involve a job-related skill (e.g., shooting) or the simulation of a job activity (e.g., a felony vehicle stop).

C. Test Development and Success Criteria

Currently, certified presenters of the 832 P.C. peace officer required training course write the test items and construct the tests to evaluate student mastery of knowledge objectives. Because of limited resources available to such presenters, psychometrically sound classroom tests are not being used. Certified presenters are also responsible for developing the skill tests and job simulations for the manipulative objectives.

POST has mandated criteria for evaluating trainee mastery of the training objectives. These criteria are described in Performance Objectives for the POST Basic Course (1985). The soundness of these criteria is questionable.

An RFP to develop a computer-based test item bank and, possibly, recommend other procedures for defining mastery of the POST Basic Course performance objectives was issued on August 8, 1985. Vendors have responded to the RFP and a date of June 30, 1986 has been tentatively set for installation of the system.

D. Trainee Definition

Although PC 832 training is required of a large group of peace officers employed in diverse settings, three main categories of trainees can be defined. The first group consists of the local peace officers responsible for general law enforcement in the State. This group meets the PC 832 training mandate through satisfactory completion of specific performance objectives as part of the Basic Course. Since some mastery of the performance objectives is mandated, there is often a need to provide remedial training in addition to initial training to some persons in this qroup.

The second group of trainees requiring 832 P.C. training is the most diverse in terms of peace officer classifications. This group has limited peace officer powers defined in the Penal Code and many types may receive their only mandated training through completion of the peace officer required training course at one of 64 locations in the State.

Finally, the third group of trainees consists of local law enforcement reserve officers at the level having the most limitations on the exercise of their peace officer powers. This group , called Level III Reserve Officers , also receives its required training at one of the 64 certified presentation locations in California. Many of the persons in this group receive additional training as they move to Level II or I Reserve Officer positions. Regarding reserve officer training, POST has a special Penal Code mandate to provide convenient training to remote areas of the state.

E. Problem Definition

Annually, more than 6,500 persons graduate from a POST-certified 832 PC training course. In most cases, this is the only training the individual receives in the exercise of important peace officer powers: arrest, search and seizure, use of force and weaponry. The training is provided variously throughout the state, reflecting the amount of experience of the instructors, the course length in hours, the resources available at the training locations. Because of this lack of uniformity in delivery of 832 PC training, the learning experience of trainees is not totally standardized and it has not been possible to assess trainee mastery of the required knowledge and skills.

Another factor contributes to the difficulty of assessing 832 PC training results. As noted in B and C, above, the use of performance objectives is not mandated and sound test items are not always used. A solution to this problem awaits the development of a test item bank and new criteria for evaluating trainee mastery of performance objectives.

Aside from the variability in delivery and evaluation of all 832 PC training, there is the special challenge of providing and evaluating training in those areas involving the acquisition of psychomotor skills. Ideally, such skills are best taught where real or approximately real simulated environments are available for the trainee to react with, under the close supervision and evaluation of a trainer. Equipment, scenario and instructional costs for such an arrangement can be so high as to preclude the attainment of ideal training. As a result, the trainee often completes 832 PC training without adequate exposure to and evaluation under real-life situations requiring the need to make quick, correct decisions. The implications are obvious.

Another major consideration in providing a solution to 832 PC training delivery problems, is the actual delivery of training to remote locations in the State. Even given the number of certified course presenters (64), there are still regions where trainees must travel considerable distances to a training site. Lack of access to 832 PC training effectively prevents many qualified individuals in remote areas from becoming peace officers.

Also contributing to the problem is the relatively sparse population in many parts of the State where certified course presenters exist. Often, 832 PC training is offered infrequently, depending on the number of trainees available. Community colleges must meet minimum class size requirements (i.e., number of trainees) to justify the costs for presentation.

Separate from the problem of delivery and evaluation of the 832 PC Training Course, is the need to provide remedial training to Basic Course trainees in those performance objectives covered by the 832 PC mandate. In addition to the number of annual graduates of the minimum 40-hour course, there are more than 6,000 annual graduates of the POST Basic Course who must attain some mastery in 832 PC-required skills and knowledge. Mastery attainment often requires more self-paced, remedial training than is available and those trainees failing to attain mastery must be dismissed from the course. Because of the high cost of Basic Course training, there is a pressing need to provide cost-effective remedial training to save and make good as much of the training investment as possible.

SECTION IV

PROPOSED SYSTEM

A. General

The proposed solution to the current system needs for accessible, consistent and standardized instruction as well as a highly interactive and individualized training program, is to develop a modularized laser videodisc-based instructional system. The microcomputer-controlled system must deliver training information and provide feedback so that trainees can acquire competency in all performance objectives included in the 832 PC course.

B. Subject Matter Expertise

The system proposed should reflect the professional input from groups that are intimately acquainted with the Basic Course or PC 832 Course and competent to provide advice to the developer on how the instructional materials should be designed to meet the needs that exist in the field. To this effect, POST is prepared to underwrite the travel and per diem costs of convening Subject Matter Experts (SMEs) a sufficient number of times as outlined in the Project Milestones and Deliverables chart on pages 14-15.

C. Tests

Performance-oriented testing methodology must be designed to effectively determine the ability of individual trainees to meet knowledge and skills objectives within domains included in the Peace Officer Required Training course.

1. Knowledge Objectives

Items used to test achievement of knowledge objectives may be those developed for the POST Basic Course Test Item Bank. A sufficient number of equivalent items must be included to provide for computer-graded testing with feedback and retesting for each objective.

2. Skills Objectives

Tests used to measure performance of "manipulative" objectives may be variations of existing tests used in "real world" environments, or other tests using simulators or simulations to measure a trainee's ability to perform psychomotor skills.

D. Computer-Managed Instruction

The system must store and report the results of each trainee's navigation through the course, and performance by objective and domain. It must be able to allow trainees to log off the computerized program at a specific

point and to later access the program at some point for continued training. Security measures must be written into the computer program to prevent trainees or others from gaining access to the program without approval.

E. Interactivity

The proposed system must offer a highly reactive environment with realistic contexts for the trainee to interact with. Instant access to remedial feedback and retry options can assist the trainees' navigation towards mastery. Diagnostic-like coaching will enhance and assess the trainees' ability to make correct and timely decisions in a real-world environment.

F. Interactive System Model

The interactive system model must allow the trainee random and rapid access to a full range of audio/visual/data information. Overlay capabilities are essential to facilitate update of changeable (volatile) information, and there must be quick access to graphic, still frame, voice and motion segments - separate or in combination.

A level III interactive system (i.e., composed of three main components -- a videodisc player, a color monitor, and an external microcomputer) must be used to provide the level of interaction required. To utilize the full potential of the level III system, system software must provide ample branching options and appropriate controls for graphics and videodisc information. The system must be operable as a stand-alone unit even in the most remote areas of the state.

G. Training Delivery

To accomplish Peace Officer Required Training by an interactive video system in California, the main delivery mode must be through modularized laser videodisc-based systems that can be installed and operated in any part of the state. The hardware configuration and component characteristics of the system are specified in Section VI, Technical Requirements. A major consideration in using the standards specified is to maximize possible use of existing hardware and thus reduce costs for installation of the system throughout the state.

POST will consider solutions that offer other options for achieving statewide delivery of the Peace Officer Required Training program, provided costs compare favorably to those using the main delivery mode. For example, proposals using networking strategies to reduce terminal equipment costs in an integrated system, or that offer possibilities for quantity purchases at discount of an interactive video configuration other than specified in Section VI, will be given consideration.

H. Budget

For fiscal year 1985-1986, the following monies have been allocated for development of the POST Peace Officer Required Training program.

1. System and Courseware Development $210,000

2. Equipment $ 40,000

(Note: POST will assume the costs for assembling subject matter experts, and will determine the frequency of meetings and number of SME's.)

I. Solution Objectives

1. Instructional Design

To design an instructional system that will enable trainees to attain self- or group-paced mastery of performance objectives for Peace Officer Required Training.

2. Video and Graphics

To provide instructional enhancement through inclusion of motion and still frame video, graphics, and audio.

3. Software Design

To provide a highly interactive training environment through controlled integration of the instructional design and video/graphics capabilities.

4. Interactive Model

To provide a highly interactive learning environment for trainees to acquire knowledge and skills applicable to the "real world" working environment.

5. Tests

To administer tests, and retests after remedial training, that will evaluate the trainee's mastery of performance objectives.

6. Student Achievement Reports

To produce reports for each trainee to assess progress in completing the course and mastering objectives.

7. Management Information

To produce diagnostic reports on each trainee's progress in achieving domain mastery and in relation to performance objectives.

8. Changeable Information

To provide a convenient, low cost way to change curriculum and tests in courseware as laws or enforcement procedures change.

9. Security

To provide an adequate level of security for test information and student records (cf., California Education Code, Section 76243).

J. Project Deliverables and Milestones

Milestones	By: Date
1. POST and contractor meet to review contract performance plan.	1/27/86
2. Contractor submits final contract performance plan.	1/30/86
3. POST reviews and approves contract performance plan.	2/3/86
4. Analysis with subject matter experts (SME's) of PC 832 Peace Officer Required Training.	
A. Task connectedness related to the content domains provided by POST.	
B. Task performance measures reviewed.	
C. Peace Officer Required Training performance objectives formulated.	
5. Task-analysis report submitted to POST.	
6. Preliminary agreement on test items and testing strategy (with SME's).	
7. Submission of Instructional Design Plan: an outline and course maps to include lesson title, purpose, connectedness, branching strategy, the lesson, the intended use of delivery system features, dramatic features, production requirements, target audience, and administrative requirements.	
8. POST review and approval of Design Plan mentioned in Milestone 7.	
9. Contractor delivers draft of the videodisc production storyboard and script for all lessons approved in Milestone 8. The script may include instructions to trainees and must include data required by POST to supplement/support the interactive courseware with adjunctive material.	

10. POST reviews on a timely basis all interactive courseware submitted by contractor.

11. Contractor completes premaster production of training materials. Artwork and graphic devices are generated with computer assistance.

12. POST reviews/approves training materials with SME's.

13. Contractor records video production and animation sequences on a different tape roll for each disc side.

14. POST and SME's review, screen, and outline modifications for video production.

15. System Detail Specifications delivered: any computer programming required to operate the courseware will be accomplished with a system comparable to Production Management System. (PMS)

16. POST review and approval of system plan.

17. Validation, testing, and debugging of software. Report of results submitted.

18. Validation of courseware sample on target population, and review and approval by POST.

19. Final revision.

20. Acceptance of revision.

21. POST completes adjunctive materials.

22. Installation of system hardware at selected sites.

23. System test at pilot sites.

24. Evaluations at final convening of SME's.

25. Peace Officer Required Training program delivered to POST. 9/1/86

K. Confidentiality and Security

At community college-based presentation sites, the confidentiality of trainee records is protected by statute. The system must, therefore, provide adequate security (using passwords or other means) to ensure that access to a trainee's record is available to authorized personnel at the training location and to no one else (cf., California Education Code, Section 75243).

The security of the test information is another concern which must be addressed in designing the system. The system must restrict access to individuals authorized by the POST-certified course presenter to use the system. This will require, at a minimum, password protection of the information and a security agreement with each course presenter that prescribes the exact manner in which electronic media and printed copy containing test information will be handled.

L. Optional: Update and Out-of-State Use of Program

The State assumes a proprietary interest in keeping the proposed system current and providing copies of updated videodiscs and software to POST-certified course presenters. To that end, the State invites vendors to propose, as an option aside from their response to this RFP to develop the interactive video training system, a cost-effective way to update copies of the POST Peace Officer Required Training program for distribution to California course presenters. Estimated frequency of such updates is once annually.

The State is also interested in exploring the possibility of allowing the proposed Peace Officer Required Training program to be marketed, all or in part, in locations outside of California. Again as an option, vendors who might wish to conduct the out-of-state marketing and distribution of the POST Peace Officer Required Training program in a profit-sharing arrangement, are invited to respond. Consistent with requirements of the State of California and copyright laws, POST would maintain distribution rights for the final software package.

SECTION V

ADMINISTRATIVE REQUIREMENTS

A. Introduction

In addition to meeting the technical requirements of the RFP, vendors must adhere to all administrative requirements such as the action dates provided in Section I, the rules governing competition in Section II, and the confidentiality requirement set forth in this section.

B. Confidentiality

To ensure the security and confidentiality of the State's automated information systems, each vendor must sign a confidentiality statement. Vendors interested in submitting a proposal can obtain a copy of the confidentiality statement from the departmental official identified in Section II, paragraph A.4.

C. Installation

1. Facility Readiness

The State must receive timely notice of any site preparation needed to meet the requirements of the vendor's proposal. Upon completion, the vendor must certify, in writing, that the modifications have been completed and satisfy the vendor's requirements.

2. Equipment Readiness

Any equipment included in the vendor's proposal must be installed and certified for acceptance testing by the dates specified in Section I, paragraph F.

3. Equipment Interfaces

If a proposal involves interfacing different pieces of equipment, including existing equipment, the vendor must agree to accept responsibility for arranging such interfaces so that they function properly.

4. Maintenance

The vendor must agree to promptly fix any hardware or software "bugs" found during the first year of operation at no cost to the State.

5. Enhancements and Modifications

The vendor must be available to make enhancements or modifications to the system at a reasonable cost to the State.

SECTION VI

TECHNICAL REQUIREMENTS

A. General Requirements

The proposals must provide a satisfactory design plan for each of the critical topics listed under the Design Model, below. The solutions included should substantially follow the outline of the proposed system described in Section IV. Specific mixes of hardware and software will be the responsibility of the vendor. The other technical requirements listed below reflect the type of capabilities that POST considers necessary for the delivery of the Peace Officer Required Training Program.

However, this does not preclude a vendor from proposing a satisfactory solution to the problem based on a different mix of hardware and software than is contemplated in the RFP. For example, the State is willing to consider existing software, or modifications thereof, if such software adequately addresses the needs identified in the RFP. Any substantial deviations from this Section or Section IV should be discussed with the State before preparing a quotation to avoid investing time in a quotation that the State may find unacceptable. Substantial deviations from the system proposed in Section IV must be approved by the State, in writing, prior to the time and date shown in Section I, paragraph F, for submission of quotations.

B. Specific Requirements

1. Design model

The system must be able to effectively connect each interactive videodisc lesson with objectives included within course topics, partially listed below:

- Ethical/unethical behavior
- Discretionary decision making
- Police-community relations
- Laws of arrest
- Probable cause
- Use of force
- Firearms
- Search and seizure
- Control techniques
- Laws of evidence

(Please refer to Section II, paragraph A.5, for more complete information on the 832 PC course.)

Each lesson will be expected to draw from the advanced instructional capabilities of the system. For example, the design requirements will be higher whenever discretionary and manipulative tasks are taught, since these lessons must include an effective use of customized input devices, simulations, game-like interactions, critical-incidence navigation, and diagnostic coaching. On the other hand, some lessons will not require this customized development and can be successfully addressed with an adequate set of lesson-templates.

2. Production

The system must include motion-video segments, still frames with and without separate audio tracks, and computer-generated graphics. These training aids should be embedded in the video-disc by complying with the minimum technical requirements listed below in paragraph VI B.4.

The production-management approach should address, in the most cost-effective way, the extensive single-frame nature of this project. Proposals which approximate the production hours/cost ratio achieved by the PMS system developed for the Army Communicative Technology Office (ACTO) will better be able to meet the goals with the allocated funds.

3. Software

The system must allow the trainee to interact with still/motion video and audio segments, text pages, graphic images, and overlays, all of which are combined into course lessons.

The system must also assess and record: the trainee's answers to questions, the trainee's interpretation of the lesson after seeing it, the trainee's acquisition of knowledge, the trainee's use of acquired knowledge in real-time sequences and procedures, and the trainee's application of this knowledge in real-world situations.

4. Hardware

The hardware/software system must be configured as a stand-alone level III system, i.e., composed of three major components: a videodisc player, a color monitor, and an external microcomputer with input devices.

a. Videodisc player

The videodisc player must have the following minimum performance characteristics:

- It must be an instructional/educational model with approximately 1 to 7 K bytes of storage capacity.
- It must have an internal microprocessor for interactive programming.
- It must accommodate a 12-inch videodisc formatted for playback at a constant angular velocity (CAV).
- It must be capable of stillframe, stillframe audio, slow motion, fast play, and programmable audio (two channels), with a maximum search time of three (3) seconds, and random access to any one of 54,000 frames.
- It can have an optional remote-control unit to program and control the players.

- It must have the capacity to download programs located in audio channel 2.
- Its spindle motor speed must be 1,800 RPM.
- It must read with a pick-up method that utilizes a reflective laser beam generated by semiconductor diode technology.
- Its RF output must be switchable between one of two channels.
- Its composite sync must output through a 75 ohm loop, with switchable termination.
- Its TTL sync output must pull up at 2 K ohms.
- The following environment is highly recommended: front-loading format, 35 lbs maximum weight, and 75 watt maximum consumption.

b. Computer controller

External control must be from a microcomputer-based system with the following minimum characteristics:

- It must be a 16-bit IBM-compatible microprocessor.
- It must have 512 K of RAM and from 32 K to 40 K ROM memory, in order to enable the use of GSS-compatible graphics devices.
- It must have the capability of two 360 K floppy disk drives. A hard disk and cache disk are optional.
- It must support an RS-232 interface, centronics parallel interface.
- It must be addressable with a customized input device, mouse, touch screen, light pen, or keypad.
- Its input/output interfaces must support good integration of graphics to video (overlay).
- The computer generated video is capable of 80-column color display in 16 simultaneous colors.

c. Monitor

The display device must be a standard color TV monitor with the following minimum capabilities:

- It must be able to display NTSC video from the player and RGB video from the computer, switching, or overlaying both sources of video.

- Its standard diagonal measure must be 12 inches.

- The audio inputs must be switchable between the computer and the videodisc.

5. Original source materials

The following format specifications are required in order to ensure a high-quality premastering process:

- All post-production must be recorded on one-inch type C or B composite NTSC videotape with 525 lines at 60 Hz. If necessary, this can be substituted by 3/4 inch professional NTSC videotape at 60 Hz, or by 16 mm motion picture film shot at 30 frames/second.

- All graphic artwork must be on 35 mm slide film shot to TV aspect ratio.

- Electronically generated graphics and animated sequences.

- Video signals must conform to RS 170 A standards.

- Luminance must not exceed 110 IRE.

- Chromaticity must not exceed 100% modulation.

- Time-base error must be kept to a maximum of 20 NS.

- Control track must be uninterrupted.

- All video motion and stillframe sequences must play without field dominance-related flicker or interpolation-related video flicker.

- All audio channels must be consistent within 2 dB, in phase with short term peaks not exceeding +3 dB above the reference level of 0VU, and have peak levels not exceeding +8 dB above the one Khz reference tone.

SECTION VII

COST

A. Introduction

Because of the novel technical problems posed by this RFP, the technical adequacy of the proposed solutions will be given greater weight than cost. Nonetheless, the State will weigh the anticipated benefits associated with each solution against its estimated net cost.

B. Fixed Price Contract

The work to be performed will be authorized on a fixed price basis.

PROPOSAL

A. Introduction

This section prescribes the format and other requirements for submitting an acceptable proposal.

B. Cover Letter

A cover letter must be prepared and signed in accordance with Section II, paragraph A.9.e.

C. Minimum Requirements

The proposal must meet the following minimum requirements in order to be evaluated by the evaluation committee (cf., Section IX, paragraph C).

1. The proposal must supply all of the information required by this section in the prescribed format.

2. The proposal must provide a solution which substantially conforms with the system proposed in Section IV.

3. The proposal must provide minimally acceptable solutions to the technical requirements outlined in Section VI.

4. The key personnel assigned to perform the work must be qualified to do so.

D. Format

The proposal must be prepared in the following format.

1. Conceptualization

   Provide an overview of the problems and proposed solutions.

2. Instructional Design

   Describe in detail how instructional design will be accomplished and include the following information.

   a. Input from and review by SME's.

   b. Development of storyboard scripts.

   c. Review by POST.

   d. Resource requirements.

e. Feedback/remedial training provisions.

f. Scheduling and control.

g. Testing for mastery.

3. Course Presenter Needs

Describe specifically how the proposed system will address the following needs of certified course presenters using the Peace Officer Required Training program:

a. Trainee records.

b. Testing to evaluate trainee mastery.

c. Diagnostic reports on trainee progress.

d. Confidentiality.

e. Security.

4. Technical Approach

Describe in detail the technical approach that will be used and include the following information.

a. Explain how all requirements of the Request for Proposal will be addressed.

b. Briefly describe the hardware components of the proposed system. Indicate how each hardware and software interface will be made. Estimate the cost, by component, of the equipment needed to use the system.

c. Show by charts and narrative how the instructional design, video production, and software design/production will be integrated.

5. Personnel

Identify the specialized skills needed to do the proposed work and the individuals who will do it. Include the curriculum vitae or resume of key personnel in an appendix.

6. Experience

Briefly describe prior experience in the following areas.

a. Developing similar systems.

b. Interactive instructional design.

c. Video/graphics production.

d. Custom software development.

e. Use of the software products selected for systems development.

7. Technical Assistance

Describe the terms and conditions under which technical assistance will be provided to course presenters who request help in selecting equipment, interfacing equipment, or using the system. At a minimum, provide the current hourly rate for on-site and telephonic consultations.

8. Work Plan

Present a work plan and timetable for implementing the proposed training program and delivering the products enumerated in D 9, below. Identify important tasks and events in the systems and software development cycle. Indicate the approximate dollar value of the work proposed by time interval or task.

9. Deliverables

Enumerate all proposed products including programs, documentation, training, and equipment.

10. Cost

Cost estimates must be developed in accordance with Section VII and submitted in a separate envelope clearly marked with the vendor's name and labeled "COST INFORMATION."

E. Submission

Seven copies of the proposal and one copy of the cost estimate (in a separate, sealed envelope) must be submitted to the departmental official specified in Section I, paragraph E, by the submission time and date shown in Section I, paragraph F.

SECTION IX

EVALUATION

A. Receipt of Proposal

A record will be made of the time and date on which each proposal is received.

B. Evaluation Committee

POST will select an evaluation committee. The committee will meet on the date specified in Section I, paragraph F, for the evaluation committee meeting.

C. Minimum Requirements

On the day of the evaluation committee meeting, the committee's first task will be to reject those proposals which do not satisfy the following criteria.

1. Does the proposal supply all of the required information in the format prescribed in Section VIII? If the proposal is incomplete or ambiguous, the committee may reject the proposal or ask the vendor to supply the missing information in a timely manner. If the proposal substantially deviates from the required format, it will be rejected.

2. Does the proposal provide a solution which substantially conforms with the system proposed in Section IV? If not, the committee will reject the proposal.

3. Does the proposal provide minimally acceptable solutions to the technical requirements outlined in Section VI? If not, the committee will reject the proposal.

4. Are the key personnel who will perform the work minimally qualified to do so? If not, the committee will reject the proposal.

5. The committee will evaluate the remaining proposals according to the procedure described below.

D. Evaluation Factors and Weights

The committee's second task will be to evaluate the remaining proposals by assigning one to five points to each of the evaluation factors described below.

1. Conceptualization

The vendor shows a clear understanding of the range of problems the system must address and develops acceptable solutions at a conceptual level. 5%

2. Instructional Design

The proposal describes in complete detail the essential steps to be taken in the instructional design process. 20%

3. Course Presenter Needs

The proposal clearly sets forth the needs of the course presenters and proposes acceptable solutions. 10%

4. Technical Approach

The proposal describes a sound technical approach for implementing the proposed system and takes maximum advantage of the hardware and software options which are available. 30%

5. Personnel

The proposal identifies personnel with the appropriate skills to perform the work proposed. 10%

6. Experience

The vendor documents prior interactive video training experience which demonstrate an ability to properly analyze and develop complex systems. 10%

7. Technical Assistance

The vendor is willing and able to provide timely technical assistance at a reasonable cost to training presenters who request help in selecting and using the hardware, software, and peripheral equipment recommended by the vendor for delivering Peace Officer Required Training by CAIVI. 5%

8. Work Plan

The proposal develops a thorough, workable implementation plan that assures the on-time delivery and testing of all proposed products. 10%

E. Tentative Score

A tentative score will be computed for each proposal by multiplying the points assigned to each factor by the factor's percentage weight and summing across factors.

F. Oral Presentation

Based on tentative scores, the evaluation committee will invite not more than four vendors to make an oral presentation on the date shown for oral presentations in Section I, paragraph F. The committee may affirm or modify the points assigned to a proposal based on the vendor's oral presentation.

G. Cost Adjusted Score

1. Budget

Proposals which exceed the amounts budgeted in Section IV, paragraph G, will be rejected.

2. Weight

The total points assigned to a proposal by the evaluation committee following the oral presentation will be adjusted according to the following formula.

$$\text{Adjusted TP} = TP - (.25*TP*(C-LC)/LC)$$

where: TP = total points assigned by the committee
C = the cost of the proposal
LC = the cost of the proposal with the lowest cost

The proposal with the highest adjusted total point value will be selected.

H. Award of Contract

Assuming that the proposal selected according to the process described above meets all other administrative requirements, that vendor may be awarded the contract except that the State reserves the right to reject any or all proposals at any time.

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Basic Course: Pilot Test of New Completion Standard		Meeting Date: October 24, 1985
Bureau: Training Program Services	Reviewed By: Hal Snow	Researched By: Bob Spurlock
Executive Director Approval: Norman C. Boehm	Date of Approval: 10-4-85	Date of Report: August 19, 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 approve pilot testing of a new minimum POST Basic Course completion standard?

BACKGROUND

The Basic Course curriculum is designed and delivered under the concept of performanced-based or criterion-referenced instruction that includes over 550 performance objectives (PO's) and 200 learning goals distributed within 12 broad functional areas (Patrol Procedures, Criminal Investigation, Law, etc.). This concept was implemented in July 1980 after five years of study and development including two years of piloting. To our knowledge, California was the first state to pioneer in this demanding system of basic training.

Critical to an understanding of the POST basic course performanced-based instruction is the definition of a performance objective and our minimum course completion standard.

The four following elements of a PO include identification of:

1. The learner,
2. Desired behavior or knowledge which the learner must demonstrate,
3. The conditions under which the learner will demonstrate the behavior or knowledge, and
4. The degree of mastery of the subject the learner will possess at the completion of the instruction (success criteria).

During the developmental stage of PO's for the Basic Course, each PO was weighted on criticality of the task or subject and given a factor measured in percent (success criteria). PO's are classified as 70%, 80%, 90%, and 100% (must pass). These criticality factors were determined by subject matter experts, and this system has continued to be used to evaluate newly developed PO's and in revising

and updating existing PO's. Basic Course presenters are required to measure the success of each student on each PO in the Basic Course through testing and tracking.

In addition to the success criteria (percentages) on individual PO's, the present POST Basic Course system contains a POST completion standard which is the minimum acceptable level of student performance. The present POST Basic Course minimum completion standard is defined as student performance that meets or exceeds 70% of the 70% PO's within each of 12 Functional Areas, 80% of the 80% PO's ..., and 90% of the 90% PO's .... The PO's classified as 100% are "must pass," which are considered most critical and thus not subject to the above completion standard.

Experience has shown that the current method of defining minimum student mastery or successful completion of the Basic Course is confusing and psychometrically unsound. Staff, working with the Basic Academy Directors, has developed a proposed new success criteria and course completion standard that appears to overcome the problems of the existing system. The proposed system involves distinguishing between knowledge and skill PO's, grouping like kinds of knowledge PO's into Knowledge Domains for purposes of testing, establishing a passing score for each domain, and designating all skill PO's as must pass. It is proposed that the Commission approve a two-year pilot testing project of the revised system beginning July 1, 1986.

ANALYSIS

Even though the existing success criteria system has been marginally workable, it has been found to be unnecessarily confusing and psychometrically unsound. The confusion stems from associating a percentage with each PO but applying the percentage, not to the PO, but to the aggregate of the PO's with the same percentage criteria in the same functional area. In several functional areas, it is mathematically impossible to match percentages with the number of PO's, thus requiring academies to choose between too few or an excessive number of test items. Academies are forced to test by functional areas or segments thereof, even though the subject matter may be vastly dissimilar. Often this creates an illogical sequence of instruction. The current system provides no direction as to the number of appropriate test items for each PO, even though PO's vary considerably in the breadth of knowledge and skills required. Although the original methodology for assigning success criteria percentages was thought to be technically sound, the methodology for assigning success criteria percentages for subsequently added PO's is considered questionable. The existing success criteria also permits students to complete the Basic Course without demonstrating competency on important PO's because only a percentage of PO's must be passed within any given functional areas. These deficiencies have long been recognized, but lack of a viable alternative and sufficient reliable testing items have heretofore deterred suggestions for revision.

Any change in the success criteria system must be given very serious consideration because of: (1) the fact academies have invested large sums of resources into developing computerized tracking systems patterned after POST's completion standard and (2) the potential impact on student success or failure in the Basic Course. Therefore, it is recommended that a proposed revised success criteria system be pilot tested prior to formal Commission approval of a new system.

This proposed pilot testing of a revised success criteria system would be accomplished by dividing the PO's into two categories--knowledge and skills. Mastery of the "knowledge" PO's would be demonstrated by traditional academic

testing. The "skill" PO's would require the student to physically demonstrate mastery. All manipulative PO's would have to become "must pass" PO's. Of the existing 100 plus manipulative PO's, 50 plus are already classified as must pass. Must pass PO's would be evaluated separately, and mastery would continue to be determined by the presenter.

For most knowledge PO's, there are virtually an infinite number of questions which could be used to evaluate mastery. For example, one of the law PO's requires a student to decide whether a homicide is excusable or justifiable based on a description of the homicide. There are as many potential test items for this PO as there are ways a person may kill another person. It is unrealistic to expect students to answer every conceivable question that could be asked on the subject. What might be more realistic is to define mastery as being able to correctly answer 70% of all the questions which could be asked about each PO. However, to be reasonably sure that an academy graduate could answer 70% of all the questions that could be asked about each of the over 400 knowledge PO's would require asking 16,000 questions, or more, which represents over 260 hours of testing and thus is not feasible.

Another possible solution is to group the knowledge PO's together in larger units called "knowledge domains". For example, instead of constructing a test covering only excusable and justifiable homicide, the test could cover all homicides. If the 400 plus knowledge PO's could be grouped into approximately 33 knowledge domains, a student would only have to be asked 1,600 questions to establish mastery which would require only 27 hours of testing. (Roughly 5% of the 520 hour Basic Course) Ideally, a knowledge domain should represent a cohesive body of instruction that is presented and tested in sequence.

The following are advantages and disadvantages of this concept:

Advantages:

1. Reduces possibility of academy liability (eliminates disfunctional averaging of student performance)

2. Concept is easier to understand

3. Facilitates testing

4. Workload reduction for academy staff

5. Establishes greater testing consistency statewide among academies

6. The proposed testing system may be more defensible

7. Insures adequate knowledge in each knowledge domain

8. More cost effective

9. Provides more immediate feedback to student and can fail students earlier in training compared to present system which requires students to pass broader functional areas that require several weeks to complete in some cases. By comparison, learning domains are much more narrow and can be completed within a shorter period of time.

10. Facilitates curriculum because proposed learning domains closely parallel the method POST has been dividing the Basic Course up for purposes of updating the curriculum.

Disadvantages:

1. Fiscal impact

   The proposed success criteria system, if it were to be approved for implementation after pilot testing, would have some fiscal impact on academies. The proposed system could be implemented without on-line access to the POST Test Item Pool Bank, but, optimally, academies should avail themselves of this service. For those academies that do not now have the necessary data processing peripherals (over one-half presently have such equipment), this equipment totalling $8,000 would be secured at the academy's expense. For the academies that have their own independent computer and student tracking system, there would be some undetermined expense to convert the software to the revised success criteria systems. Negligible costs may also be incurred by academies to resequence some Basic Course instruction.

2. May increase student attrition (failures) but success criteria percentage would be set at an acceptable rate as the result of pilot testing.

The Basic Course Consortium of academy directors approve of this proposed pilot project. The exact number of learning domains will be determined after pilot testing; however, it appears 33 would be needed (see Attachment A). The current organization of the Basic Course into the 12 functional areas would remain intact. There would be no impact on the Basic Course Unit Guides.

Pilot testing of this proposed success criteria could begin by July 1, 1986 and last one year. The one year will provide time to study, refine, and test the concept components. The reason this matter is being brought now for Commission action is to: (1) begin the planning process for piloting by identifying the pilot academies and evaluation processes, and (2) provide direction in developing the software for the test item pool bank.

If the Commission concurs, it is proposed that pilot testing of the Success Criteria system be implemented in selected academies beginning July 1986, and that the results be reported to the Commission by July, 1987. If results of the pilot indicate that the proposed system should be adopted in lieu of the present system, it is probable a one or two-year transition period would be recommended to provide academies an opportunity to convert to the proposed system.

RECOMMENDATION

Approve pilot testing of the revised Basic Course Success Criteria System beginning July 1, 1986, and report back to the Commission after sufficient experience is gained.

7890B/001

Attachment A

BASIC COURSE KNOWLEDGE DOMAINS

KD #	
1	History, Professionalism, Career Orientation, Ethics, and Personal Decision Making
2	Organization and Functions of the Criminal Justice System
3	Community Service
4	Stress
5	Introduction to Criminal Law
6	Crimes Against Property
7	Crimes Against Persons
8	General Criminal Statutes
9	Child Abuse
10	Sexual Assault
11	Juvenile Law and Procedures
12	Substance Abuse/Drugs
13	Substance Abuse/Alcohol
14	Constitutional Rights
15	Laws of Arrest
16	Search and Seizure Concepts
17	Laws of Evidence
18	Report Writing/Note Taking/Courtroom Demeanor
19	Vehicle Operations
20	Legal Aspects of Deadly Force, Weapons, Ammunition Identification, Chemical Agents
21	Patrol Concepts/Techniques/Handling Animals
22	Vehicle Pullovers, Violator Contact/Arrest
23	Crimes-In-Progress, Officer Safety
24	Handling Disputes/Crowd Control
25	Domestic Violence
26	Hazardous-Occurrences
27	Handling the Sick/Injured, Missing, Dead Persons
28	Introduction to Traffic
29	Traffic Accidents
30	Investigation
31	Custody
32	Physical Fitness
33	Person Searches/Restraint Devices/Prisoner Transportation/ Weaponless Defense/Use of Baton

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title: Basic Course: New Performance Objective (Professional Standards & Requirements) & Supporting Video		Meeting Date: October 24, 1985
Bureau: Training Program Services	Reviewed By: Harold Snow HS	Researched By: George Niesl
Executive Director Approval: Norman C. Boehm	Date of Approval: 10-7-85	Date of Report: September 20, 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

1. Should a performance objective on Professional Standards and Requirements for California Law Enforcement be added to the Basic Course, and

2. Should the Commission authorize the production and distribution of a supporting videotape.

BACKGROUND

Basic Course trainers and staff have recognized for many years the need for new peace officers to be better trained to identify the professional standards and requirements of a law enforcement career. Examples of this proposed training would include statutory authority for various peace officers, statutory selection and training requirements, POST's requirements and services, explanation of three-year break-in-service rule, POST certificates and the 18-month requirement for the Basic Certificate, continuing educational responsibilities and opportunities, factors leading to successfully completing the Basic Course, etc. Such training would provide a solid basis for trainees to begin their professional careers. There are indications that this important information does not consistently reach peace officers. As a result, these individuals do not realize the full responsibility, requirements, and benefits of the profession. To correct this, a new performance objective is proposed to be added to the Basic Course curriculum requiring each trainee to identify the professional standards and requirements affecting a career in California law enforcement. This proposed addition has been endorsed by the Basic Academy Directors.

ANALYSIS

The new training would require the trainee to understand California Penal Code authority and other statutory requirements for California peace officers. Trainees would be introduced to POST's professional standards and requirements and the Commission on POST's continuing role of involvement throughout the peace officer's career in California law enforcement. The peace officer trainee would be expected to understand selected POST regulations for selection and training, and the mission and major activities of POST. Specific details about professional certificates and

their requirements would be included. The significance of successfully completing the POST Basic Course and the factors leading to such completion would be emphasized appropriately. Other factors associated with entry into and benefit from the law enforcement profession would also be highlighted (see attached Performance Objective 1.2.3 and Unit Outline & Presentation).

To assist in conducting this important instruction, staff proposes development of one or more videotapes to be distributed at no cost to Basic Course presenters for use as a supplement to instruction. The videotape program would accomplish standardized delivery to each trainee. The videotapes on Professional Standards and Requirements for California Law Enforcement would be developed by a yet-to-be-identified public agency producer of media programs under interagency contract with POST. It is anticipated the videotape programs would not accumulatively exceed 30 minutes and cost less than $40,000 to produce and distribute one copy to each Basic Academy. To provide adequate development time for the program, an effective date of July 1, 1986, is proposed for the new performance objective.

RECOMMENDATION

Approve the adoption of Basic Course Performance Objective 1.2.3 (Professional Standards and Requirements for California Law Enforcement), effective July 1, 1986, and authorize the development and distribution of a supporting videotape program for an amount not to exceed $40,000.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Proposed Performance Objective on
Professional Standards and Requirements
for California Law Enforcement

1.2.0 LAW ENFORCEMENT PROFESSION

Learning Goal: The student will understand the principles professional aspects of law enforcement.
(1-1-84)

PERFORMANCE OBJECTIVE(S)

70%	1.2.1	The student will identify the basic principles of a "profession." (7-1-84)	Existing
70%	1.2.2	The student will compare the present status of law enforcement with the basic principles of a profession as identified in Performance Objective 1.2.1. (7-1-84)	Existing
70%	1.2.3	The student will identify the professional standards and requirements affecting a career in California law enforcement.	Proposed

Learning Goal 8.41.0: The student will understand the professional aspects of law enforcement.

Unit Outline & Presentation	Objectives & Instructional Cues
III. PROFESSIONAL STANDARDS AND REQUIREMENTS	
A. Penal Code	1.2.3 The student will identify the professional standards and requirements affecting a career i law enforcement.
1. Differentiating authority between various classifications.	
2. Authority derived as the result of employment in a specified agency and appointment to peace officer classification.	
3. On and off-duty authority.	Video Tape - Professional Standards and Requirements.
B. Statutory Selection and Training Requirements for California Peace Officers	
1. Peace Officer Training Required (Penal Code Section 832).	Pamphlet - New Peace Officer Orientation, Commission on Peace Office Standards and Training.
2. Basic Course Required (Penal Code Section 832.3).	
3. Minimum standards for Peace Officers (Government Code Sections 1029-1031.5)	
4. Specific Training Requirements (Penal Code Sections 13514-13518, 12403.5)	
5. POST Rules of Minimum Standards (Penal Code Section 13510)	
C. POST's Regulations for Selection and Training of Peace Officers	
1. Training Requirements - Basic, Advanced Officer, Supervisory, and Management.	
2. Differences between Regular and Specialized Certification Programs.	
3. Selection requirements	
D. Mission and Major Activities of POST	
1. Primary Mission - Upgrade law enforcement	
2. Establish training and selection standards.	

Learning Goal 8.41.0: The student will understand the professional aspects of law enforcement.

Unit Outline & Presentation	Objectives & Instructional Cues
3. Certify training courses and ensure training quality.	
4. Conduct research and provide publications.	
5. Provide management counseling.	
6. Ensure compliance to standards.	
7. Develop leadership in law enforcement.	
8. Provide a professional certification program.	
E. Major Professional Certificates Provided by POST.	
1. Regular and Specialized Basic, Intermediate, Advanced.	
2. Regular and Specialized Supervisory, Management, Executive.	
3. Reserve Officer Certificates.	
4. General requirements.	
5. Mandate to obtain POST Basic Certificate (Penal Code Section 832.4).	
F. Significance in Successfully Completing a POST Basic Course.	
1. POST's Basic Course requirements (Regular Basic, District Attorney Investigators, Marshals, and Specialized Investigators).	
2. POST and the academy's successful completion standard.	
3. Satisfaction of other training mandates - Penal Code Section 832, Reserve Officer.	
4. POST's three-year requalification requirement.	
G. Factors Leading to Successful Completion of a POST Basic Course.	

Learning Goal 8.41.0: The student will understand the professional aspects of law enforcement.

Unit Outline & Presentation	Objectives & Instructional Cues
1. Academic performance.	
2. Physical performance.	
3. Conduct.	
4. Note-taking.	
5. Attendance.	
6. Appearance	
H. Elements of Continuing Professional Training and Development.	
1. Field training.	
2. POST computerized record of individual officer appointment, promotions, certification and training.	
3. Catalog of POST-certified Courses.	
4. Advanced Officer training requirements.	
5. Self-development.	
6. Professional associations.	
7. Key publications.	

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title ITEM BANKING SYSTEM - Contract Approval For Software Development		Meeting Date 10/24/85
Bureau Standards & Evaluation	Reviewed By	Researched By John Berner
Executive Director Approval Norman C. Boehm	Date of Approval 10-7-85	Date of Report October 4, 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:

Award of contract for software development for Basic Course Test Item Bank.

BACKGROUND:

The purpose of the Basic Course Test Item Bank is to assure that psychometrically sound test items are used by all basic academies to assess student mastery of the Basic Course Performance Objectives. The item bank is currently under development. Initial developmental efforts have focused on the generation of test items to go into the bank, and various activities designed to assess the best means to automate the item bank.

At the June 1984 Commission meeting, approval was granted for the submission of a Budget Change Proposal for FY 85/86 to automate the item bank. The Budget Change Proposal included $61,000 in contract money for software development. The Budget Change Proposal was subsequently approved as part of POST's 85/86 Budget.

In anticipation of the Budget Change Proposal being approved, a Request for Quotation for software development was issued to over 200 vendors on May 24th, and an evaluation committee consisting of POST staff and academy personnel convened on July 17th to evaluate all submitted quotations. Unexpectedly, only 4 quotations were received and none were found to be acceptable. In addition, POST was notified in writing by several apparently well qualified vendors that insufficient funds existed to develop the desired software. As a result, approval was requested and granted at the July 1985 Commission meeting for the amount of money authorized for software development to be increased to $90,000.

ANALYSIS:

Development of the computer software is essential if the item bank is to be automated. The advantages of automating the system include: the automated generation of custom made tests of specific performance objectives; automated printing of camera-ready test booklets; automated test scoring; and automated updating of the statistical properties of all test items within the test bank.

When the system is operational, academies will have dial-up access to a large pool of test items. Given a unit of instruction, the computer will select an appropriate subset of test items for evaluating student mastery of that unit. The academy will be able to print the test booklets on its own printer, administer and grade the test, and update student records. The system will track and report student performance on each of the 500 plus POST performance objectives as well as local training objectives.

ANALYSIS: (Continued)

Upon approval from the Commission to increase the monies available for software development to $90,000, a new Request for Quotation was issued in early August. Nine quotations were received. A contract review committee comprised of academy personnel and POST staff met in mid-September to systematically review and evaluate all quotations. The committee selected four finalists to make oral presentations on October 1st. Based upon its review of both the written quotations and oral presentations, the review committee has recommended that POST contract with Brain Designs, Inc. for the desired software development. The amount of the proposed contract is $90,000.

RECOMMENDATION:

Authorize the Executive Director to sign a contract with Brain Designs, Inc. in the amount of $90,000 for the development of the test item banking software.

COMMAND COLLEGE GRADUATION

January 30 - 31, 1986

	Thursday 30	Friday 31
0830 - 0900	Welcome Chairman Vernon	Opening Mr. Boehm
0900 - 1000	Overview of Program	Keynote Speaker
1000 - 1015	Break	Break
1015 - 1115	Keynote Speaker	Project Presentation
1115 - 1200	Project Presentation	Keynote Speaker
1200 - 1300	Lunch	Lunch
1300 - 1400	Keynote Speaker	Keynote Speaker
1400 - 1500	Keynote Speaker	Project Presentation
1500 - 1515	Break	Break
1515 - 1615	Keynote Speaker	Keynote Speaker
1615 - 1700	Project Presentation	Graduation Ceremony Student Speaker Awards
1800 - 1900	Formal Evening Dinner	

Tentative Keynote Speakers

Dick Byrne
George Deukmejian
Hank Koehn (accepted)
Edwin Meese (accepted)
Gene Rodenberry
John Van de Kamp
James Q. Wilson
Nominated Faculty Members

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Contract for Special Consultant/Management Fellow		Meeting Date October 24, 1985
Bureau Management Counseling Serv.	Reviewed By	Researched By Michael C. DiMiceli
Executive Director Approval Norman C. Boehm	Date of Approval October 1, 1985	Date of Report September 25, 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 approval be given to contract for the service of one temporary consultant, for a period not to exceed six months, to conduct research and program coordination for the development of a Law Enforcement Records System Manual?

Background

Management Counseling Services Bureau staff have conducted record system surveys in over 120 police and sheriff's departments since 1975. As a result of these contacts, the need for a comprehensive Law Enforcement Records System Manual has become apparent.

The manual will provide a detailed reference document that contains:

1) All the components of a basic law enforcement records system required to provide functional support to police operations;

2) A description of auxiliary records that can be added to the basic system, as required by the complexity of various agencies;

3) An evaluation of automated records systems;

4) A summary of California law pertaining to law enforcement records; and,

5) A set of model directives to support the operation of the records system.

The California Law Enforcement Association of Records Supervisors (CLEARS) supports the proposed manual as necessary and desired. The CLEARS Executive Board has committed its support and assistance to the development of the manual.

The work requirements of the temporary consultant include:

A. Research - To conduct and direct research on California law relating to law enforcement records and records systems. The consultant must also research records systems currently used by California law enforcement agencies to identify manual practices and other advanced systems.

B. Project Coordination - To coordinate the assistance provided by professional associations and individuals with expertise in records systems and procedures.

C. Development - To organize the manual and participate in the writing, editing, and preparation of the graphic materials necessary to complete the document for publication.

Management Counseling Services Bureau staff have established a number of goals and objectives for 1985/86. Among these are the reduction of the backlog of requests for service, improvement in the level of service provided, and the development of increased facilitative skills to support the implementation of recommendations to local agencies.

The staff cannot develop and publish this manual without reducing the current level of service and setting aside substantial achievement of the goals and objectives. Sufficient staff time can be made available to direct and supervise the special consultant.

Benefits

The benefits resulting from the publication of the manual include:

- Improved capacity of law enforcement departments in records management,
- Extension of POST management counseling expertise and service to the field,
- Recognition for the publication of a significant reference manual.

Cost

The estimated cost for this temporary consultant should not exceed $54,500, or require more than a six-month contract. This cost includes $27,000 for salary, $16,200 for fringe benefits and $11,300 for travel/per diem expenses. Consistent with the Commission's previous contracts, the consultant would serve as a POST Management Fellow. If this proposal meets with Commission approval, staff will seek a qualified individual with specific expertise and contract

with the employing agency for temporary services. See Attachment A for consultant duties and qualifications.

Recommendation

Authorize the Executive Director to negotiate and sign a contract for up to six months services of one consultant at a cost not to exceed $54,500 for salary, fringe benefits, and travel/per diem expenses.

Attachment

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST MANAGEMENT FELLOW PROGRAM

POST is seeking to employ the services of one temporary consultant, for a period not to exceed six months, to research and coordinate the development of a Law Enforcement Records Systems Manual.

The work requirements of the temporary consultant include:

A. Research -- To research existing California law relating to law enforcement records and records systems. The consultant must research records systems currently used by California law enforcement agencies to identify manual practices and other forms of advanced systems.

B. Project Coordination -- To coordinate the input and assistance provided by professional associations and individuals with expertise in records systems and procedures.

C. Development -- To organize the manual and participate in the writing, editing, and preparation of graphic materials necessary to complete the document for publication.

A temporary consultant will serve as a POST form of Advanced Management Fellow, which permits POST to contract with the consultant's employing agency for salary, fringe benefits and travel/per diem expenses. Temporary consultants continue their employment and regular compensation with no interruption in service. The POST Management Fellowship Program affords an opportunity for individual growth and leadership while facilitating the healthy exchange of ideas between the Commission staff and the field of law enforcement.

Duties:

1. Develop the concept of a comprehensive Law Enforcement Records System Manual.
2. Plan for and facilitate meetings of subject matter experts.
3. Develop project budget and schedules.
4. Write reports and articles; edit written materials.
5. Work under the supervision of POST staff.
6. Conduct research and coordinate project tasks.

Desirable Experience Qualifications:

1. California law enforcement records system design, development and implementation,
2. Experience with or knowledge of high technology applications for law enforcement records systems,
3. Experience as a manager of a comprehensive records system,
4. Experience in conducting research projects,
5. Recognized skill in writing, editing, and report organization.

For additional information or submission of resumes, contact Mike DiMiceli, Bureau Chief, Management Counseling Services Bureau, Commission on POST, 1601 Alhambra Blvd., Sacramento, CA 95816-7083.

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State of California | Department of Justice

Memorandum

To : POST Commissioners

Date : September 26, 1985

From : B. Gale Wilson, Chairman
Finance Committee
Commission on Peace Officer Standards and Training

Subject: Report of the Finance Committee Meeting of August 22, 1985

The Commission's Finance Committee met via an announced telephone conference call on Thursday, August 22, 1985. Participants included myself and Commissioners Pantaleoni and Ussery. Also participating were Executive Director Norman Boehm and Bureau Chief George Williams. The purpose of this meeting was to review and approve the results of the RFP process and authorize the Executive Director to sign a contract for providing a computer feasibility study report (FSR).

Background

In 1980, the Commission began leasing a computer on an interim basis with the purpose of computerizing peace officer records. The plan was to keep this system approximately five years and then replace it with a system which would meet data processing needs on a long-range basis.

At the April 1985 meeting the Commission received a report on the need to proceed with a computer feasibility study leading to a new computer system at POST for the upcoming 1986/87 Fiscal Year. The Commission gave authorization for staff to proceed with the Request for Proposals (RFP) and award a contract for a feasibility study report after review and approval by the then Contracts Committee, which is now part of the new Finance Committee.

Six Proposals Evaluated for Technical Merit and Cost

The RFP process is governed by rather strict guidelines and is subject to review by the Office of Procurement of the Department of General Services. The request documents were released on June 10, 1985, with a return date of July 26, 1985. Six contractors submitted proposals and all six were reviewed by a staff committee. The committee judged proposals on technical merit and cost. Technical merit was given an 80% weighting, while cost was given a 20% weighting to achieve an appropriate balance between technical proficiency and cost in selecting the optimum contractor.

What the Study Will Do for the Commission

The computer feasibility study will result in a description of a total computer system including hardware and software which will provide a sufficiently high degree of information processing to enable the Commission to meet its information processing needs more effectively for the foreseeable future.

The computer feasibility study will specify information systems and interrelated data bases in all of the key areas of POST information needs including coordinated data bases regarding member agencies, peace officers, reimbursement, training, presenters, courses, instructors, a master calendar, evaluations, test item data banks, certificates, compliance, Command College, research, office automation, word processing and graphics, among others.

The system will be designed using a single-entry approach where a single entry will update all of the pertinent data bases. It will result in an on-line, interactive information system and allow analyses and comparisons of data, costs and effectiveness criteria not now available. The study will also evaluate networking potentials between POST, participating agencies, and presenters for exchange of information. It will examine the possibility of field access to specific data base files such as library materials, announcements, Peace Officer Sourcebook, POST Scripts, and other information of interest. Estimates of costs are part of the contract.

The Evaluation of Proposals ... The "Winner" is Arthur Young

Six firms submitted proposals in response to our request. These were rated on a formula approved by the Office of Procurement by a staff committee as follows:

$$\left(\frac{\text{Technical Points}}{100} \times 80\right) + \left(\frac{\text{Lowest Vendor's Cost}}{\text{Vendor's Cost}} \times 20\right) = \text{Final Score}$$

Rank	Firm	Technical Points (80%)	Cost Proposal (20%)	Total Score
1	Arthur Young	96	$ 64,446	96
2	Deloitte Haskins & Sells	92	$ 79,890	89
3	KMG Main Hurdman	81	$ 62,950	84
4	Price Waterhouse	82	$ 93,000	79
5	Cyberserv	75	$ 99,900	72
6	Pro-Star	50	$ 66,200	59

The firm of Arthur Young won the technical points category which received an 80% weighting. In addition, they were very close to having the lowest cost. On balance, Arthur Young represented the most effective vendor for POST and was the winner of the RFP competition.

Arthur Young and Associates is a very credible, well-established firm, and the Finance Committee is pleased to approve this finding and authorize the signing of the appropriate contract documents by the Executive Director so that work may begin as soon as possible.

We are also pleased to note that the winning bid is $45,554 below the estimated cost for the work, so we are considerably under budget.

After the Study is Completed ... From Plan to Implementation

The contract calls for the feasibility study to be completed in December 1985, though this may be set back, depending on how long State contract approval procedures take. The goal is to actually start acquiring hardware and software beginning in July of 1986. To provide funds for this, the Commission has approved a Budget Change Proposal (BCP). The Department of Finance is aware that the BCP submitted in September may need to be modified in December or January, depending on the outcome of the study. If approved by the Administration and the Legislature, the final funding will be available at the beginning of the 1986/87 Fiscal Year. The Commission would then be able to approve a proposal to invite quotations and award a contract to the successful bidder.

State Procedures, Supports and Safeguards

There are a number of backstops and safeguards in this process. Several are included in the RFP procedure established by the Office of Procurement which have been followed and signed off by that office. Other safeguards are a result of the involvement of the Office of Information Technology, a part of the Department of Finance. As the feasibility study report is completed, it will be reviewed by the Office of Information Technology as to its technical competence, accuracy, and implementability, as well as a double check on assessment of costs. All this is designed to minimize risks, bring appropriate expertise to bear, and help assure a top-flight result.

Attachment

PROPOSED INFORMATION SYSTEMS

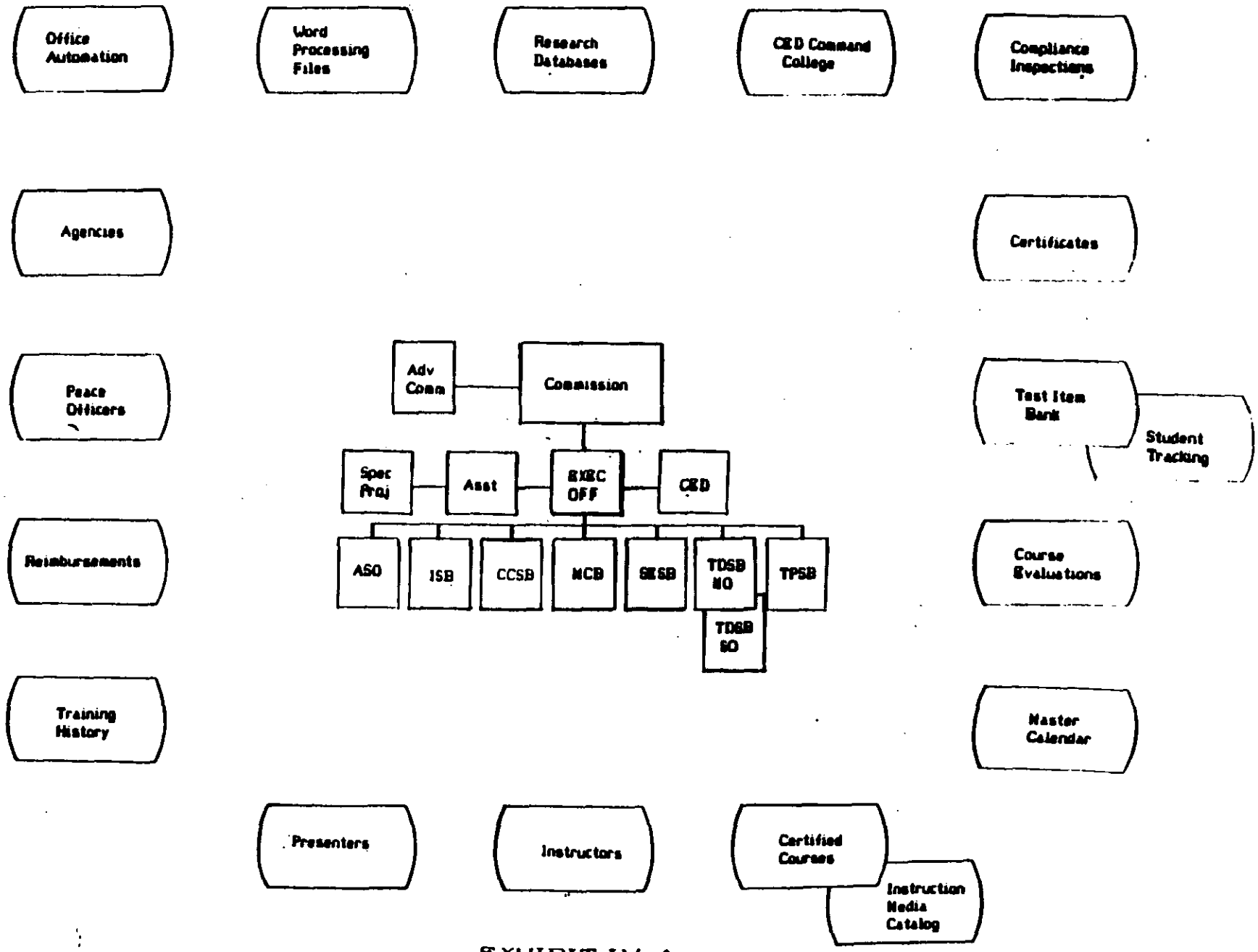

EXHIBIT IV-A

SECTION 9

EVALUATION

Final Proposals will be evaluated following procedures explained in this section.

1. RECEIPT

At the time of receipt, each proposal will be checked to verify that the document packages are properly sealed and then stamped with the date and time of receipt. Proposals will remain sealed until the designated time for opening.

2. PROPOSAL OPENING

All proposals received by the time and date specified in Section 1, will be opened at that time. The proposals will then be checked to verify that they contain the information this RFP requires. Missing information may cause rejection of a proposal. Exhibit 9-A shows the checklist to be used in this step.

3. EVALUATION OF REQUIREMENTS

Next, evaluators selected by POST will review each proposal in detail, determine if each proposal satisfies RFP requirements, and score each proposal as shown below. If a proposal fails to meet a requirement, the State will determine if the deviation is material (as defined above in Section 2).

Proposals having a material deviation will be rejected. An immaterial deviation will be examined to determine if the deviation will be accepted. If accepted, the proposal will be processed as if no deviation had occurred.

If, during the evaluation, evaluators are unable to determine if a firm is reasonably able to do the work under the contract, the State may request additional information it needs to make such a determination. Firms will have five (5) work days to provide such information.

Evaluators will give each proposal that is not rejected a score between zero and the maximum number of points allowed for each Technical Requirement area described above in Section 6. Points allowed for Technical Requirements are as follows:

TECHNICAL REQUIREMENTS	POINTS
Understanding of the Problem	18
Solution Methodology	8
Workplan	28
Personnel Qualifications	28
Firm Qualifications	18

Evaluators will then meet to decide on final technical point scores for all proposals that are accepted for evaluation. Individual proposal technical point scores will be discussed as necessary to arrive at a consensus score for each proposal. Proposals will then be ranked according to the consensus technical point scores.

4. COST EVALUATION

Once the technical evaluation is finished, Cost Proposals will be provided to the evaluators and checked for mathematical accuracy. Errors and inconsistencies will be dealt with according to procedures explained above in Section 2. Only those cost adjustments provided for in this RFP will be made.

Using the Cost Proposals, evaluators will assign additional points, for fixed-price work only, to the technical point scores arrived at above. The adjusted final score for technical and cost evaluations will be determined by use of the following formula:

$$\text{Adjusted FS} = \left(\frac{TP}{100} * 80\right) + \left(\frac{LC}{C} * 20\right)$$

Where: FS = Final Score, TP = Technical Points, LC = Low Cost, C = Cost

5. REFERENCE CHECK

Next, references for the firm whose proposal has the highest total adjusted final score may be checked. References submitted for each person proposed by the firms, as a participant, along with any others the State may select, may be interviewed to determine the effectiveness of proposed personnel and overall effectiveness of the firm itself. The persons contacted must respond favorably to evaluator's questions if the firm is to be successful in this part of the evaluation. Negative responses may be cause for rejection of a proposal.

6. SELECTION

Of the proposals remaining, the one having the highest total combined score will be chosen. The Notice of Intent to Award will be sent to all firms submitting a Final Proposal, following procedures described above in Section 2. The notice of the proposed award also will be posted at POST's headquarters offices for five days.

7. PROPOSAL REJECTION

The State reserves the right at any time to reject any or all proposals.

PROPOSAL EVALUATION GUIDE

POST has decided to contract for project management, feasibility study, procurement, and implementation work on the POST Long Range Computer Information Systems Project. To do this, POST will award a consulting contract following normal State procurement procedures. Request For Proposals have been sent to a number of qualified consulting firms.

The RFP requires that interested firms submit proposals in four separate volumes: (1) Technical Proposal, (2) Contract, (3) Cost Proposal, and (4) Literature. The RFP describes in general terms the POST Long Range Computer Information Systems Project, what firms are to propose, and how they are to write their proposals. The RFP places the burden of proof as to qualifications squarely on the competing firms. While it is likely that all firms that go to the expense of preparing a proposal will be capable of doing the job described in the RFP, the qualifications among them is likely to vary widely.

Evaluators will evaluate the technical dimensions of proposals and cost to decide which firm will do the best job. The purpose of these guidelines is to help make the tasks of all parties as easy as possible.

The Department Official will monitor the overall procurement process. The evaluation will be done in six steps as follows:

1. On the date for opening proposals as specified in the RFP, the Department Official will open all four proposal volumes for each bidder and verify that each one follows RFP instructions. Any proposal that departs materially from instructions could be rejected. The Department Official will then give POST evaluators Volume 1: Technical Proposal, Volume 2: Contract, and Volume 4: Literature for each bidder. The Department Official will keep Volume 3: Cost Proposal until the technical requirements evaluation is completed.

2. POST evaluators will independently evaluate and score the Technical Requirements for each proposal using the point system specified in the RFP.

3. Evaluators will meet to discuss their individual evaluations and arrive at a consensus technical point score for each proposal.

4. Cost Proposal Volumes will be given to the evaluators and following a similar process of independent evaluations and consensus scoring of the cost, evaluation scores will be added to the technical evaluation scores to arrive at a total combined score for each acceptable proposal.

5. Evaluators may check references for the firm whose proposal has the highest total combined score. If references are favorable that firm will be awarded the contract. If references are not favorable, the State may reject the proposal with the highest total combined score and go to the proposal with the next highest total combined score.

6. Evaluators will prepare required documents pertaining to evaluation results and the State will proceed with contract approvals following normal procedures.

The RFP requires that Technical Proposals meet technical requirements in five separate areas: (1) Understanding of the Problem, (2) Approach to Doing the Work , (3) Workplan, (4) Personnel Qualifications, and (5) Firm Qualifications. In evaluation Step 2 (independent evaluation) and Step 3 (group evaluation) above, evaluators will give each proposal a score in each of these five areas.

To make evaluation productive, the RFP requires that all proposals follow a standard format, devoting one section to each of the above subjects. In this way the evaluators can read a section, score it, and go on to the next section.

The guidelines below should assist evaluators in doing their job effectively while making good use of the time spent in this process. However, the guidelines are no substitute for the knowledge or judgment of the evaluators. The guidelines should be taken for what they are: suggestions of what to look for, rather than procedures that have to be followed.

GENERAL GUIDELINES

Before describing the guidelines for evaluating each proposal section, the following are some general suggestions each evaluator should consider while examining the proposals.

First, some advice to the evaluators on how to read proposals. It is not a good idea to just pick up a proposal and start reading on page one. Experience has shown that it is better to take 10 or 15 minutes to scan the entire document to be examined, one page at a time, but moving rapidly. Scanning will give an evaluator a general idea of what the evaluator will be reading about, how the information is organized, the graphics used, and so forth. Once an evaluator has scanned the proposal, then the evaluator should go back to page one and start the thorough reading of the document. If the evaluator does this, reading of the document will go much faster and aid in retaining most of what is read.

Also, as an evaluator goes through each proposal he or she should be observant of the quality of the proposal, and the evaluator should be looking for how well the proposal is written. Although an evaluator should not nitpick, a proposal that is easy to read and understand should be given a higher score than one that does not have these qualities. A firm's proposal is likely to be a good indication of the quality of the products it produces. The contractor on this job will have to produce several documents that have to be written well if they are to achieve their intended purposes. The Feasibility Study Report, Budget Change Proposal, and Request for Proposal, for example, may literally determine the success or failure of the project. Not only that, POST expects to pay the contractor considerable money for these products. POST also expects to have a contractor that produces high quality work.

In judging proposal quality, an evaluator should look for four things. First, the information should be well organized. The flow of the information should be logical and easy to follow. If the evaluator finds it necessary to go back and reread material to understand what is being said, or if the evaluator encounters terms or ideas that have not been defined, chances are the material is poorly arranged. Also, the first few paragraphs of a section should give the evaluator some idea of what the section is going to say. The same is true for subdivisions within a section.

Second, the proposal should use graphics in presenting and illustrating complex ideas. The idea that a picture is worth a thousand words very much applies to proposals. Of course, graphics for graphic's sake is neither necessary or desired. But when an evaluator finds certain material hard to understand, the evaluator should consider whether a "picture" would have contributed to better communication. Graphics are at times much harder to prepare than text. The use of graphics in a proposal is an indicator of the firm's recognition of the importance of graphics in communicating ideas as well as the firm's willingness to devote extra work to prepare the proposal.

Third, the proposal should make good use of words and syntax. Extremely long sentences, or convoluted sentences, or sentences containing too many ideas are evidence that the writer has not effectively organized and expressed what she or he wanted to say. Excessive use of the passive voice is another indicator of a failure to think about how to best say something. Effective use of transitional words and phrases (e.g., however, on the other hand, nevertheless, first/second/third/etc) makes almost any writing easier to follow. A firm that gives some attention to these details is likely to produce better work than one that does not.

Fourth, there should be few or no typographical errors. Blatant typos (as in "ifnromaiton") is evidence of careless proofreading or failure to proofread at all. More subtle typos (as in "informatoin") can be overlooked by the most diligent proofreaders and should be forgiven unless such errors are numerous.

The idea is this: When an evaluator has finished reading a section of a proposal and is ready to give it a score, the evaluator should consider the quality of the material that has just been read and adjust the score accordingly.

INTRODUCTION AND SUMMARY

The first section of each proposal will be the Introduction and Summary. In this section the firm will provide information it feels first should be presented to the reader. The introduction should also summarize what follows in the rest of the proposal. When an evaluator finishes reading this section the evaluator should have a general idea of what the firm is proposing and why. If the evaluator does not, the firm has missed the point of writing an introduction and a summary.

An evaluator is not to give this section a specific score. The section is intended to prepare the reader of the proposal to better understand the subject matter that is to follow. The subject matter begins in the next section.

UNDERSTANDING OF THE PROBLEM

After the Introduction & Summary, the next section Understanding of the Problem, explains the firm's understanding of the problems POST wants to solve. Obviously, a firm that does not understand the problems will have a hard time solving them.

More than anything else, this section will exhibit how well the firm has prepared itself before trying to write the proposal. It gives the reader some idea of the firm's ability to research a subject, to find information about the subject, to identify important facts and issues, and to present them coherently. This is the essence of the work the firm that is awarded the contract will be required to do, and this section is a good test of how good the firm is at doing it.

An evaluator should not expect a proposal to present every detail of the problems, nor to identify every important issue. What should be expected in this part of the proposal is evidence of an effort by the firm to find out and understand what is important and what is not. If what is presented is essentially a salespitch, or a restatement of what the RFP says, chances are the writer did not take the time to understand the problems, and the evaluator should score the proposal accordingly.

The proposal should exhibit an understanding of the programs POST had identified. This means an understanding of POST, its program and elements, their intent and goals, the law enforcement community in California and POST's place in it, POST's internal organization and who does what, and POST's current EDP situation. A firm that does not understand these things will have a lot to learn before work can begin.

The proposal should also show an understanding of the technical issues involved. This means an understanding of managing and budgeting of technically oriented projects, information systems technology, database technology, computer hardware technology, operating systems, system development and programming tools, data communications, feasibility studies, RFP preparation, and the technical aspects of competitive procurements.

The proposal should exhibit the firm's understanding of California State Government. This includes an understanding of the State's overall EDP plans, policies, procedures and standards; particularly there should be demonstrated an understanding of rules governing feasibility studies, budgets, competitive bidding, contracting, data communications and the like.

SOLUTION METHODOLOGY

After describing the problem, the next section of each proposal will present the approach the firm intends to use to solve the problems. This means the combination of methods, tools, techniques, procedures, etc. the firm will choose to ensure work will be done the best way possible.

In solving almost any problem, there are some approaches that work better than others. This is especially true when computers are involved. Thus, the evaluator should assess the firm's approach, judge whether or not it will work, and score the proposal accordingly.

An evaluator should look for effective approaches to: project management, feasibility studies, budgeting, competitive bidding, contracting; methods for evaluating information systems, database systems, communication systems, hardware configurations, operating systems; system development and programming tools, and the like. The RFP specifies that the contractor will be given critical responsibilities in each of these subject areas, and the approach the firm intends to use in each case should be practical and workable.

WORKPLAN

After dealing with the problem and the solution approach, the next section of each proposal will explain the firm's plan for doing the work. Here an evaluator should look for courses of action and sequences of events which, if followed, will reasonably produce the desired result.

The workplan should be divided into smaller elements; each element should have a specific purpose, and each of these purposes should be stated clearly, whether they are called goals, objectives, targets, results or something else; tangible results of each workplan element should also be fully described and deliverable items must also be fully defined; work tasks should be divided into manageable parts; the sequence in which work is to be done and the time schedule for doing it should make sense; estimated resources should be commensurate with the effort involved.

Evaluators should not expect workplans to be described in minute detail. Some details will be worked out with POST staff when the work begins. But workplans should be comprehensive in covering the work to be done and supplied with sufficient resources.

PERSONNEL QUALIFICATIONS

After defining problems and planning solutions, the next section of the proposal will explain the qualifications of the people who the firm will have to do the work. This is the most important section of the proposal by far. The work will be done by the people assigned and no one else. If they do not know what they are doing and are not well supervised and managed, the project has little hope of succeeding. An evaluator should appraise proposed personnel with these thoughts uppermost in mind.

Here the evaluator should determine if the personnel the firm proposes to assign have prior experience in doing the kind of work the contract will require. The more experience the better. The kinds of experience to look for include project management, feasibility studies, budgeting, consulting and hardware-software procurements, contracting, law enforcement work, information systems, database systems, communication systems. People with prior experience in doing these kinds of work for California state departments are much preferred over people without it.

FIRM QUALIFICATIONS

The last section of the proposal explains the firm's qualifications. Although not nearly as important as the people assigned, the company should nevertheless be qualified to do the job the RFP requires.

In evaluating the company, an evaluator should consider the company's overall reputation. The evaluator should give points to firms that specialize in EDP consulting as opposed to general or management consulting. The evaluator should give points to firms that have experience in providing EDP consulting services to government, particularly to California State Government.

State of California **Department of Justice**

Memorandum

To : Honorable Commissioners

Date : October 10, 1985

Robert L. Vernon, Chairman
Long-Range Planning Committee

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

Subject: Report of the Long-Range Planning Committee

A meeting of the Long-Range Planning Committee was held on October 7, 1985, at at the University of California, Los Angeles. Present were myself, Commissioners Grande and Ussery, Executive Director Boehm and Deputy Executive Director Fine. Also present were Loren W. Duchesne, Chief Investigator with the Orange County District Attorney's Office; Seth Easley, Senior Investigator with the Los Angeles County District Attorney's Office, Bureau of Investigation; and Dennis Duncan, Sergeant with the Orange County Sheriff's Department.

Driver Training Simulator Project Given High-Priority Endorsement

Staff reported that a Special Consultant under the POST Management Fellowship Program has been identified for the Driver Training Simulator Project. He is Lt. Jim Holts of the Los Angeles Sheriff's Department. As soon as the paperwork and appropriate resolutions are approved, contracts will be completed. We expect Lt. Holts to be on board within one month.

The Driver Training Simulator Project will include collection of data on accidents, injuries, deaths, lawsuits, and settlements due to driver error, to assess potential costs and benefits. The highest use of a simulator would focus on simulating actual driving conditions such as tight traffic, erratic drivers, dangerous actions by vehicles being pursued, and bystander/pedestrian and vehicular involvement which can be done on a simulator but could never be practiced with real vehicles and people. These and other unexpected or hazardous driving situations can readily be encountered with a first-class simulator at no risk and with high training value.

The overall approach to driver training includes study of aptitude screening techniques, basic and inservice training needs, regional facilities, as well as the possibility of a driver training simulator. The simulator project study is part of an overall approach to a comprehensive driver training program.

The Long-Range Planning Committee viewed two short (12 minutes and 6 minutes) videotapes showing a state-of-the-art driver simulator and computerized graphics capabilities. The Committee encouraged staff to push ahead with this high-priority project If indicators prove solid, the Commission could conceivably issue RFPs by the end of the current fiscal year.

Weapons and Firearms Simulation Project Also Approved

The Committee received a report that Lt. Lou Travato of the Los Angeles Police Department has been selected as a POST Management Fellow to serve as a Special Consultant in this project. Lt. Travato began work at POST on October 7, 1985.

As with the Driver Training Simulation Project, the Long-Range Planning Committee encouraged priority work on the weapons/firearms simulation project. These are very important training projects. The Committee will discuss progress as is indicated and the Commission will be kept informed.

Executive Strategic Planning Computer Simulation Concept Approved

Chairman Vernon reported that he recently returned from his vacation which included a visit to Bramshill, England where he witnessed a strategic planning computer simulation. As the idea of strategic planning is now part of the Command College, it is perhaps timely to consider a more generally available appproach to strategic planning through computer simulation for management and executives. It was the consensus of the Committee to recommend the Commission authorize staff to begin an exploratory feasibility study on this.

POST Institute of Investigation Concept Approved

As part of the goal of improving quality and quantity of training, the Committee received a proposal that the Commission establish an Institute of Investigation as a pilot project. The institute is simple in concept and potentially very beneficial to law enforcement. The institute would identify a series of courses which are needed and desirable for investigators who need or want a higher level of training and professional development than otherwise would normally be expected.

POST would identify a number of courses as core courses. For example, five seminars could serve as core seminars, with an additional three courses being devoted to an investigation specialty such as white-collar crime, child abuse, homicide, etc. An advisory committee of chiefs, sheriffs, and subject-matter experts could be assembled to identify ideal curricula. (The actual number of seminars would be determined following input by the advisory committee.) POST would then work with presenters to develop high-quality courses using the best instructional techniques available. Where justified on a cost-benefit basis, these could be certified as tuition courses, or in some cases, perhaps even contract courses.

As with the Command College, students would take the courses over a period of time. Upon completion of the classwork, the trainee could be required to make some contribution back to the specialty, which might be a new procedure, approach, article, analysis of data, etc., which would be beneficial statewide.

Recognition of completion of the POST Institute of Investigation could be a rosette for the lapel, a paper certificate, a special cloth insignia for the uniform, or some other appropriate form of recognition.

It will take six months to one year to organize the POST Institute, and then another two or more years for monitoring and evaluating. Staff work necessary for the project would be provided from existing Training Delivery personnel, and demands on staff time will also be monitored and assessed as part of the pilot.

To offset costs to the agencies whose personnel are selected to participate, the Commission might wish to consider extending salary reimbursement to this level of training. A further recommendation on this possibility can be made as more study is given. As Commissioners are aware, not all such technical courses are salary reimbursable.

The Committee found merit in this concept and recommends approval to the full Commission.

POST Leadership for Supervisors Institute

Again, as part of the general direction of the Commission to improve quality and quantity of training, a proposal to establish the POST Leadership for Supervisors Institute was presented. This differs from the Institute for Investigation in that it would be a totally new course. The thrust of the proposal is to discover which training techniques can truly assist people in developing actual leadership skills. These may include classroom settings, but should have a heavy emphasis on actual practice and proven techniques which encourage development of leadership skills.

The need for leadership develoment has been articulated formally and informally by law enforcement for some time. The Supervisory course itself does not meet this need. Completion of the Supervisory course would be a prerequisite for the POST Leadership for Supervisors Institute. Anyone, whatever the rank, who had completed the Supervisory course would be eligible.

The Long-Range Planning Committee recommended approval for staff to work to prepare a study, an RFP and cost estimate on the development of such a course.

Recommendation for a Survey

The 1980/81 POST Training Needs Assessment provided a type of long-range agenda for the Commission and led to such accomplishments as the automated reimbursement system, the Command College, improved quality of training, and strengthened standards, among other achievements. As it has been five years since the last formal comprehensive survey, the Committee felt it appropriate for the Commission to again consider a "field needs survey." It may be advantageous to consider an RFP for outstanding expertise to work under the general direction of the Standards and Evaluation Services Bureau to design and conduct a portion of this study. The recommendation is for the Commission to approve staff to begin work on a field needs survey.

Law Enforcement Symposium on the Future

A law enforcement symposium on the future is being organized and scheduled for January 30-31, 1986 at Kellogg-West in Pomona. This will be held in conjunction with the graduation of the first Command College class.

This symposium on the future will feature some outstanding speakers including Attorney General Edwin Meese (accepted), futurist Hank Koehn (accepted), and several other key presenters in the Command College. In addition, letters of invitation have been sent to Governor Deukmejian, Attorney General Van de Kamp, and Gene Roddenberry, Executive Producer of "Star Trek" and who also has a law enforcement background with LAPD.

The speakers will be invited to address their perspectives on the future and law enforcement. This approach may capture the sense of the Commission in wanting to hold a symposium for Commissioners on futures issues, and at the same time, provide opportunity for thought and reflection by law enforcement generally. Up to 300 persons, including some city managers and county executives on the invitation of their respective chiefs and sheriffs, can be accommodated. We plan to invite two or three of the very best Command College projects to be presented.

The symposium should be a showcase of leadership and forward thinking in California. The Committee will recommend this to the full Commission at the October meeting.

Certificate Issues

The Long-Range Planning Committee discussed the status of certificates. Present for the discussion were Chief Investigator Loren Duchesne of the Orange County District Attorney's Office, Senior Investigator Seth Easley with the Los Angeles County District Attorney's Office, and Sergeant Dennis Duncan of the Orange County Sheriff's Department.

The consensus of the Committee was that the questions of who gets what certificate on what basis should be resolved, but questions on certificates should be included in the proposed field needs survey prior to any formal recommendation being made by the Long-Range Planning Committee to the full Commission.

Commission on Peace Officer Standards and Training (POST)
Legislative Review Committee Meeting
October 24, 1985, 9 a.m.
Hyatt Hotel - Coffee Shop
Oakland, California

AGENDA

1. Review of POST active bills passed into law

   - o SB 21 - Includes marshals in First Aid/CPR training mandate
   - o AB 453 - Persons with certain mental illness or narcotic convictions may not be peace officers
   - o SB 535 - Cleanup legislation relating to domestic violence cases
   - o SB 757 - Requires all officers whose duties include the handling of cases involving sexual exploitation or abuse of children to complete specialized training within six months of assignment
   - o AB 1911 - Requires POST to conduct a study of the killing of peace officers
   - o AB 2513 - Requires POST to revise Child Abuse Guidelines

2. Proposed Legislation for 1986

   - o Eliminate statutory requirement that applicants for the Basic Course Waiver Examination be "under consideration for hire" (PC 13511(b))

3. Open Discussion

4. Adjournment

Senate Bill No. 21

CHAPTER 289

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

[Approved by Governor July 26, 1985. Filed with Secretary of State July 29, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 21, 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 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 prescribed by the Emergency Medical Services Authority. Marshals' offices which do comply with the 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' 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.

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

SECTION 1. Section 13518 of the Penal Code is amended to read:

13518. (a) Every city police officer, sheriff, deputy sheriff, marshal, deputy marshal, peace officer member of the California State Police, peace officer member of the California Highway Patrol, and police officer of a district authorized by statute to maintain a police department, except those whose duties are primarily clerical or administrative, shall meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation. In addition, satisfactory completion of periodic refresher training or appropriate testing in cardiopulmonary resuscitation and other first aid as prescribed by the Emergency Medical Services Authority shall also be required.

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

(c) As used in this section, "primarily clerical or administrative" means the performance of clerical or administrative duties for a minimum of 90 percent of the time worked within a pay period.

SEC. 2. It is the intent of the Legislature that peace officer members of a marshal's office meet the first aid and cardiopulmonary resuscitation standards 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 Standards and Training. A marshal's office choosing not to comply with the optional selection and training standards of the commission will not be required to meet the first aid and cardiopulmonary resuscitation training requirements prescribed by the Emergency Medical Services Authority.

Reimbursement for the cost of the first aid and cardiopulmonary resuscitation training for marshals and deputy marshals shall be in accordance with commission regulations and payable from the Peace Officers' Training Fund.

SEC. 3. 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.

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Assembly Bill No. 453

CHAPTER 468

An act to amend Section 1029 of the Government Code, relating to government.

[Approved by Governor September 4, 1985. Filed with Secretary of State September 5, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

AB 453, Elder. Government: 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 office as a peace officer or being employed as a peace officer by the state or local government.

This bill would provide that individuals charged with a felony and adjudged mentally incompetent, not guilty by reason of insanity, or determined to be a mentally disordered sex offender, or adjudged addicted, or in danger of becoming addicted to narcotics, convicted, and committed to a state institution, as specified, would be disqualified from holding office as a peace officer or being employed as a peace officer.

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), each of the following persons is disqualified from holding office as a peace officer 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:

(1) Any person who has been convicted of a felony in this state or any other state.

(2) Any person who has been convicted of any offense in any other state which would have been a felony if committed in this state.

(3) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(4) Any person who has been found not guilty by reason of insanity of any felony.

(5) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(6) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.

(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.

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Senate Bill No. 535

CHAPTER 281

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.

[Approved by Governor July 26, 1985. Filed with Secretary of State July 26, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 535, 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.

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

SECTION 1. Section 13519 of the Penal Code is amended to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course or courses of instruction and the guidelines shall stress enforcement of criminal 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 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 domestic violence.

The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways domestic violence training might be included as a part of ongoing programs.

(e) Forty thousand dollars ($40,000) is appropriated from the Peace Officers Training Fund in augmentation of Item 8120-001-268 of the Budget Act of 1984, to support the travel, per diem, and associated costs for convening the necessary experts.

SEC. 2. Chapter 3 (commencing with Section 13720) of Title 5 of Part 4 of the Penal Code is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that this act shall achieve maximum implementation, it is necessary that it take effect at the earliest date possible.

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AMENDED IN SENATE JUNE 4, 1985

AMENDED IN SENATE MAY 8, 1985

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, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 757, as amended, 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 law enforcement agency to report known or suspected instances of child abuse to the county welfare department, to the agency having the responsibility for the investigation of cases coming within the provisions of the juvenile court law relating to dependent children, and to the district attorney's office, 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 or social services department to evaluate in writing what action or actions 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 local law enforcement agency having jurisdiction to report cases involving facilities licensed pursuant to specified provisions of the California Community Care Facilities Act or the California Child Day Care Act, as specified. 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 bill also would appropriate $30,000 from the General Fund to the Office of Criminal Justice Planning in augmentation of a specified item of the Budget Act of 1985.

~~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.~~

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 no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 1000.12 of the Penal Code is
2 amended to read:
3 1000.12. (a) It is the intent of the Legislature that

1 nothing in this chapter is intended to deprive a
2 prosecuting attorney of the ability to prosecute persons
3 suspected of committing any crime in which a minor is a
4 victim of an act of abuse or neglect to the fullest extent
5 of the law, if the prosecuting attorney so chooses.
6 (b) In lieu of prosecuting a person suspected of
7 committing any crime in which a minor is a victim of an
8 act of abuse or neglect, the prosecuting attorney may
9 refer that person to the county department in charge of
10 public social services or the probation department for
11 counseling or psychological treatment and such other
12 services as the department deems necessary. The
13 prosecuting attorney shall seek the advice of the county
14 department in charge of public social services or the
15 probation department in determining whether or not to
16 make the referral.
17 SEC. 2. Section 11166 of the Penal Code is amended
18 to read:
19 11166. (a) Except as provided in subdivision (b), any
20 child care custodian, medical practitioner, nonmedical
21 practitioner, or employee of a child protective agency
22 who has knowledge of or observes a child in his or her
23 professional capacity or within the scope of his or her
24 employment whom he or she knows or reasonably
25 suspects has been the victim of child abuse shall report
26 the known or suspected instance of child abuse to a child
27 protective agency immediately or as soon as practically
28 possible by telephone and shall prepare and send a
29 written report thereof within 36 hours of receiving the
30 information concerning the incident. For the purposes of
31 this article, "reasonable suspicion" means that it is
32 objectively reasonable for a person to entertain such a
33 suspicion, based upon facts that could cause a reasonable
34 person in a like position, drawing when appropriate on
35 his or her training and experience, to suspect child abuse.
36 (b) Any child care custodian, medical practitioner,
37 nonmedical practitioner, or employee of a child
38 protective agency who has knowledge of, or who
39 reasonably suspects, that mental suffering has been
40 inflicted on a child or his or her emotional well-being is

endangered in any other way, may report 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 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 with this article.

(g) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, 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, 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 in order to coordinate existing duties in connection with the investigation of 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 or social services department shall, in accordance with the requirements of subdivision (c) of Section 288, evaluate what action or actions would be in the best interest of the child victim. The county welfare department or social services department shall submit in writing its findings and the reasons therefor to the district attorney on or before the completion of the investigation.

(i) The local law enforcement agency having jurisdiction over a case reported under this section shall report to the district office of the State Department of Social Services any case reported under this section if the case involves a facility specified in paragraph (5) or (6) of Section 1502 or in Section 1596.750 or 1596.76 of the Health and Safety Code and the licensing of the facility has not been delegated to a county agency.

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

1 cases, and cases involving the sexual exploitation or sexual
2 abuse of children, including, police response to, and
3 treatment of, victims of these crimes.
4 (b) The course of training leading to the basic
5 certificate issued by the commission shall, on and after
6 July 1, 1977, include adequate instruction in the
7 procedures described in subdivision (a). No
8 reimbursement shall be made to local agencies based on
9 attendance on or after that date at any such course which
10 does not comply with the requirements of this
11 subdivision.
12 (c) The commission shall prepare and implement a
13 course for the training of specialists in the investigation
14 of sexual assault cases, child sexual exploitation cases, and
15 child sexual abuse cases. Officers assigned to investigation
16 duties which include the handling of cases involving the
17 sexual exploitation or sexual abuse of children, shall
18 successfully complete that training within six months of
19 the date the assignment was made.
20 (d) It is the intent of the Legislature in the enactment
21 of this section to encourage the establishment of sex
22 crime investigation units in police agencies throughout
23 the state, which units shall include, but not be limited to,
24 investigating crimes ~~invloving~~ *involving* the sexual
25 exploitation and sexual abuse of children.
26 SEC. 5. Section 13836.2 of the Penal Code is amended
27 to read:
28 13836.2. (a) The office shall reimburse each county
29 for the costs of salaries and transportation to the extent
30 necessary to permit up to 10 percent of the staff of the
31 district attorney to complete the course of training
32 established pursuant to this chapter. The office shall
33 prescribe the manner in which the training shall be
34 obtained. The training shall be offered at least twice each
35 year in both northern and southern California.
36 (b) The office shall seek certification from the State
37 Bar of the course as a course which may be taken to
38 complete the Criminal Law Specialist Certificate.
39 SEC. 6. The sum of thirty thousand dollars ($30,000)
40 is hereby appropriated from the General Fund to the

Office of Criminal Justice Planning in augmentation of the amount specified in Item 8100-001-001 of the Budget Act of 1985 for the purposes specified therein.

SEC. 7. 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. 8. 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.~~

SEC. 8. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

O

Assembly Bill No. 1911

CHAPTER 881

An act relating to criminal law, and making an appropriation therefor.

[Approved by Governor September 21, 1985. Filed with Secretary of State September 23, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1911, Stirling. Criminal law: peace officers.

Existing law establishes the Commission on Peace Officer Standards and Training, which is charged with the development of standards and training programs for peace officers, as specified. Existing law provides for the transfer of a portion of penalty assessments to the Peace Officers' Training Fund, which is continuously appropriated for grants to local governments and districts and for costs of administration.

This bill would appropriate $98,000 from the Peace Officers' Training Fund, in augmentation of Item 8120-001-268 of the Budget Act of 1985, for provision of a study of the circumstances under which peace officers are killed in the course of their employment. The study would be required to include the preparation of guidelines establishing optional standard procedures concerning those situations. The study would be required to be submitted to the Legislature by December 31, 1986.

Appropriation: yes.

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

SECTION 1. The sum of ninety-eight thousand dollars ($98,000) is hereby appropriated from the Peace Officers' Training Fund in augmentation of Item 8120-001-268 of the Budget Act of 1985, for the provision of a study, to be submitted to the Legislature by December 31, 1986, of the circumstances under which peace officers are killed in the course of their employment. The study shall include the preparation of guidelines establishing optional standard procedures which may be followed by law enforcement agencies to better enable peace officers to deal with these situations. The basic course of training for law enforcement officers shall include adequate instruction in these standard procedures.

O

Assembly Bill No. 2513

CHAPTER 672

An act to amend Section 13517 of the Penal Code, relating to peace officers.

[Approved by Governor September 17, 1985. Filed with Secretary of State September 18, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2513, 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.

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

SECTION 1. Section 13517 of the Penal Code is amended to read:

13517. (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the detection, investigation, and response to cases in which a minor is a victim of an act of abuse or neglect prohibited by this code. The guidelines shall include procedures for determining whether or not a child should be taken into protective custody. The guidelines shall also include procedures for minimizing the number of times a child is interviewed by law enforcement personnel.

(b) The course of training leading to the basic certificate issued by the commission shall, not later than July 1, 1979, include adequate instruction in the procedures described in subdivision (a).

(c) The commission shall prepare and implement an optional course of training of specialists in the investigation of cases in which a minor is a victim of an act of abuse or neglect prohibited by this code.

(d) The commission shall consult with the State Office of Child Abuse Prevention in developing the guidelines and optional course of training.

O

State of California **Department of Justice**

Memorandum

: Legislative Review Committee
Sherman Block - Chairman
Raquel Montenegro - Member
John Van de Kamp - Member
Robert Vernon - Member
Gale Wilson - Member

Date : October 2, 1985

Norman C. Boehm, Executive Director

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

Subject: Legislative Proposal - Amend Penal Code Section 13511(b)

Issue

Should the Commission seek legislation to amend Section 13511(b) of the Penal Code to clarify the eligibility of applicants to participate in the BCWE process?

Background

As you will recall, the Commission at the July 1985 meeting decided to conduct a public hearing at the October 1985 meeting to discuss various changes relating to the Basic Course Waiver Process. One of the proposed changes would involve deleting any reference in Regulation 1008 and Procedure D-11 to "employed" or "under consideration for hire" as a prerequisite to taking the Basic Course Waiver Examination. This would allow POST to evaluate and test qualified pre-trained applicants before they actually apply for employment with a law enforcement agency.

In addition to the POST Regulation addressing this issue, there is also wording in existing statutory law (P.C. 13511(b)) which requires the Commission to offer this examination process to qualified persons who "are under consideration for hire by an agency participating in the POST program." This law has been interpreted to read that POST may also provide this service to other qualified peace officers, therefore the proposed regulation change would not be in conflict with existing statutory law.

If the proposed regulation changes are adopted, the Commission may want to consider seeking an amendment to P.C. 13511(b) to ensure there is no confusion relating to the Commission's authority to administer the Basic Course Waiver Process. This amendment would simply remove the reference "and are under consideration for hire by an agency participating in the POST program" from the law.

Analysis

From a technical clean-up point of view, if POST regulations are amended as proposed, the statutory law provisions should be rewritten in conforming, and less confusing, language. Other interpretations of current law could lead some

readers to conclude that the proposed regulation change is in conflict with statutory law. Greater clarity in the Commission's legislative mandate may also assist in securing budgetary resources to support Commission programs.

Recommendations

It is recommended that POST support an amendment to P.C. 13511(b) which would eliminate the phrase "and are under consideration for hire by an agency participating in the POST program."

COMMISSION ON POST
BILL INDEX REPORT

BILLS TRACKED BY

TYPE: ACTIVE

BILL #	AUTHOR	POSITION	TYPE	SUBJECT
AB0453	ELDER	NEUTRAL	ACTIVE	STANDARDS
AB0913	ALATORRE	NOT CONSID	ACTIVE	TRAINING
AB1379	HAUSER	OPPOSE	ACTIVE	POST RELAT
AB1911	STIRLING	NOT CONSID	ACTIVE	TRAINING
AB1988	WATERS, NOR	NEUTRAL	ACTIVE	POST RELAT
AB2187	WATERS, MAX	NEUTRAL	ACTIVE	TRAINING
AB2513	WATERS, NO	NEUTRAL	ACTIVE	POST RELAT
SB0021	ELLIS	NEUTRAL	ACTIVE	TRAINING
SB0159	PRESLEY	SUPPORT	ACTIVE	TRAINING
SB0345	DAVIS	NOT CONSID	ACTIVE	STANDARDS
SB0535	WATSON	NEUTRAL	ACTIVE	TRAINING
SB0757	RUSSELL	NEUTRAL	ACTIVE	TRAINING
SB1374	KEENE	NEUTRAL	ACTIVE	FUNDING
SCR034	PRESLEY	NOT CONSID	ACTIVE	FUNDING

END OF REPORT
END OF REPORT

COMMISSION ON POST
BILL STATUS REPORT

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

AB0453 -- ELDER GOVERNMENT: 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 OFFICE AS A PEACE OFFICER OR BEING EMPLOYED AS A PEACE OFFICER BY THE STATE OR LOCAL GOVERNMENT.

THIS BILL WOULD PROVIDE THAT INDIVIDUALS CHARGED WITH A FELONY AND ADJUDGED MENTALLY INCOMPETENT, NOT GUILTY BY REASON OF INSANITY, OR DETERMINED TO BE A MENTALLY DISORDERED SEX OFFENDER, OR ADJUDGED ADDICTED, OR IN DANGER OF BECOMING ADDICTED TO NARCOTICS, CONVICTED, AND COMMITTED TO A STATE INSTITUTION, AS SPECIFIED, WOULD BE DISQUALIFIED FROM HOLDING OFFICE AS A PEACE OFFICER OR BEING EMPLOYED AS A PEACE OFFICER.

< SUMMARY DATE: 09/26/85 >

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

1985 SEP 5 Chaptered by Secretary of State - Chapter 468, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	STANDARDS

AB0913 -- ALATORRE SCHOOLS: PEACE OFFICERS

AB 913, 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 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 REQUIRE SCHOOL DISTRICTS AND COMMUNITY COLLEGES TO ADHERE TO THE STANDARDS FOR RECRUITMENT AND TRAINING OF PEACE OFFICERS ESTABLISHED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, THUS CREATING A STATE-MANDATED LOCAL PROGRAM.

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

1985 JUN 4 Re-referred to Com. on W. & M.
NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NOT CONSID	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 JUL 3 In committee: Set, first hearing. Failed passage.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
OPPOSE	ACTIVE	POST RELAT

AB1911 -- STIRLING CRIMINAL LAW: PEACE OFFICERS

EXISTING LAW ESTABLISHES THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, WHICH IS CHARGED WITH THE DEVELOPMENT OF STANDARDS AND TRAINING PROGRAMS FOR PEACE OFFICERS, AS SPECIFIED. EXISTING LAW PROVIDES FOR THE TRANSFER OF A PORTION OF PENALTY ASSESSMENTS TO THE PEACE OFFICERS' TRAINING FUND, WHICH IS CONTINUOUSLY APPROPRIATED FOR GRANTS TO LOCAL GOVERNMENTS AND DISTRICTS AND FOR COSTS OF ADMINISTRATION.

THIS BILL WOULD APPROPRIATE $98,000 FROM THE PEACE OFFICERS' TRAINING FUND, IN AUGMENTATION OF ITEM 8120-001-268 OF THE BUDGET ACT OF 1985, FOR PROVISION OF A STUDY OF THE CIRCUMSTANCES UNDER WHICH PEACE OFFICERS ARE KILLED IN THE COURSE OF THEIR EMPLOYMENT. THE STUDY WOULD BE REQUIRED TO INCLUDE THE PREPARATION OF GUIDELINES ESTABLISHING OPTIONAL STANDARD PROCEDURES CONCERNING THOSE SITUATIONS. THE STUDY WOULD BE REQUIRED TO BE SUBMITTED TO THE LEGISLATURE BY DECEMBER 31, 1986.

< SUMMARY DATE: 10/03/85 >

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

1985 SEP 23 Chaptered by Secretary of State - Chapter 881, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT

NOT CONSID	ACTIVE	TRAINING

AB1988 -- WATERS, NORMAN CRIMINAL TRIALS AND INVESTIGATIONS

(1) UNDER EXISTING LAW AND UNTIL JANUARY 1, 1989, COUNTIES WITH A POPULATION OF 300,000 OR LESS MAY RECEIVE REIMBURSEMENTS FROM THE STATE IN EXCESS OF A SPECIFIED AMOUNT, WITHOUT REGARD TO FISCAL YEAR, FOR THE COSTS OF A HOMICIDE TRIAL OR TRIALS OR ANY HEARING.

THIS BILL WOULD SHORTEN THE OPERATIVE DATE FROM JANUARY 1, 1989, TO JANUARY 1, 1988, AND, UNTIL JANUARY 1, 1988, IT WOULD ALLOW FOR REIMBURSEMENT BASED ON SPECIFIED COSTS INCURRED IN A FISCAL YEAR FOR ANY AND ALL OF THE HOMICIDE TRIALS OR HEARINGS IN A COUNTY WITH A POPULATION OF 150,000 OR LESS. THE BILL WOULD ALSO REQUIRE THE CONTROLLER TO ADVANCE PAYMENT TO A COUNTY FOR CLAIMS UNDER THIS BILL.

THE BILL WOULD APPLY TO EXTRAORDINARY COSTS INCURRED IN THE INVESTIGATION AND PROSECUTION OF ANY HOMICIDE CASE IF THE COSTS WERE INCURRED ON OR AFTER JULY 1, 1985.

(2) 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.

THE BILL WOULD APPROPRIATE $250,000 TO THE CONTROLLER FOR EXPENDITURES IN FISCAL YEAR 1985-86 IN AUGMENTATION OF A SPECIFIED ITEM OF THE BUDGET ACT OF 1985 FOR PURPOSES OF PAYING THE CLAIMS SET FORTH IN THE BILL AND WOULD AUTHORIZE A REQUEST FOR A DEFICIENCY APPROPRIATION FOR ADDITIONAL AMOUNTS.

THE BILL WOULD TAKE EFFECT IMMEDIATELY AS AN URGENCY STATUTE.

< SUMMARY DATE: 08/29/85 >

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

1985 AUG 28 From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	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 APR 29 In committee: Set, first hearing. Hearing canceled at the request of author.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	TRAINING

AB2513 -- WATERS, NORMAN 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.

< SUMMARY DATE: 09/26/85 >

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

1985 SEP 18 Chaptered by Secretary of State - Chapter 672, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	POST RELAT

SB0021 -- 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 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 PRESCRIBED BY THE EMERGENCY MEDICAL SERVICES AUTHORITY. MARSHALS' OFFICES WHICH DO COMPLY WITH THE 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' 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: 2/3 APPROPRIATION: YES FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 JUL 29 Chaptered by Secretary of State. Chapter 289, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	TRAINING

SB0159 -- 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. ANY VIOLATION OF THESE PROVISIONS WOULD BE PUNISHABLE AS A MISDEMEANOR OR FELONY, 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.

THE PROVISIONS OF THE BILL WOULD BE REPEALED ON JANUARY 1, 1991.

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.

< SUMMARY DATE: 09/14/85 >

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

1985 SEP 13 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
SUPPORT	ACTIVE	TRAINING

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.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NOT CONSID	ACTIVE	STANDARDS

SB0535 -- WATSON CIMINAL 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: 2/3 APPROPRIATION: NO FISCAL: NO STATE-MANDATED LOCAL PGM: NO

1985 JUL 26 Approved by Governor.
JUL 26 Chaptered by Secretary of State. Chapter 281, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	TRAINING

SB0757 -- 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 LAW ENFORCEMENT AGENCY TO REPORT KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE TO THE COUNTY WELFARE DEPARTMENT, TO THE AGENCY HAVING THE RESPONSIBILITY FOR THE INVESTIGATION OF CASES COMING WITHIN THE PROVISIONS OF THE JUVENILE COURT LAW RELATING TO DEPENDENT CHILDREN, AND TO THE DISTRICT ATTORNEY'S OFFICE, 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 36 HOURS AFTER STARTING ITS INVESTIGATION. IT WOULD REQUIRE THE COUNTY WELFARE DEPARTMENT OR SOCIAL SERVICES DEPARTMENT TO EVALUATE IN WRITING WHAT ACTION OR ACTIONS WOULD BE IN THE BEST INTEREST OF THE CHILD VICTIM ON OR BEFORE THE COMPLETION OF THE INVESTIGATION AND TO SUBMIT THEM TO THE DISTRICT ATTORNEY, AS SPECIFIED. IT ALSO WOULD REQUIRE THE DISTRICT ATTORNEY TO DELIVER THE WRITTEN FINDINGS AND THE REASONS THEREFOR TO THE DEFENDANT IN SUCH A CASE OR HIS OR HER COUNSEL, OR MAKE THEM ACCESSIBLE TO THEM, AS SPECIFIED. IN ADDITION, THE BILL WOULD REQUIRE THE LOCAL LAW

ENFORCEMENT AGENCY HAVING JURISDICTION TO REPORT CASES INVOLVING FACILITIES LICENSED PURSUANT TO SPECIFIED PROVISIONS OF THE CALIFORNIA COMMUNITY CARE FACILITIES ACT OR THE CALIFORNIA CHILD DAY CARE ACT, AS SPECIFIED. ALL OF THESE REQUIREMENTS WOULD ESTABLISH STATE-MANDATED LOCAL PROGRAMS.
< SUMMARY DATE: 09/14/85 >

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

1985 SEP 10 Senate concurs in Assembly amendments. (Ayes 34. Noes 0. Page 3735.) To enrollment.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	TRAINING

SB1374 -- 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, THUS IMPOSING A STATE-MANDATED LOCAL PROGRAM BY REQUIRING A HIGHER LEVEL OF SERVICE UNDER AN EXISTING PROGRAM. THE ASSESSMENT WOULD BE DEPOSITED IN THE CALIFORNIA HIGHWAY PATROL EDUCATIONAL TRAINING FUND, WHICH THE BILL WOULD CREATE. ALL MONEY IN THE FUND WOULD BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL FOR SPECIFIED PURPOSES , INCLUDING PAYMENT OF CLAIMS OF LOCAL AGENCIES FOR THE STATE-MANDATED LOCAL COSTS.

(2) THE 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: MAJ APPROPRIATION: NO FISCAL: YES STATE-MANDATED LOCAL PGM: YES

1985 JUL 15 Set, first hearing. Hearing canceled at the request of author.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NEUTRAL	ACTIVE	FUNDING

SCR034 -- PRESLEY PENALTY ASSESSMENTS: TRAFFIC VIOLATIONS

SCR 34 WOULD REQUEST THE JUDICIAL COUNTIL TO ESTABLISH A COMMITTEE TO STUDY AND REPORT TO THE LEGISLATURE REGARDING THE USE OF PENALTY ASSESSMENTS ON TRAFFIC AND OTHER VIOLATIONS, AS SPECIFIED.

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

1985 APR 18 Re-referred to Com. on JUD.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NOT CONSID	ACTIVE	FUNDING

END OF REPORT
END OF REPORT

COMMISSION ON POST
BILL INDEX REPORT

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* BILLS TRACKED BY *
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* TYPE: INFO *
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BILL #	AUTHOR	POSITION	TYPE	SUBJECT
AB0019	ROBINSON	NONE 12/14/84	INFO	POST RELAT
AB0214	CONNELLY	NONE	INFO	POST RELAT
AB0277	STIRLING	NONE	INFO	GENERAL
AB0414	MOORE	NONE	INFO	GENERAL
AB0484	FLOYD	NONE	INFO	GENERAL
AB0588	FERGUSON	NONE	INFO	GENERAL
AB0638	CAMPBELL	NONE	INFO	FUNDING
AB1338	JOHNSTON	NONE	INFO	TRNG/CERT
AB1603	AGNOS	NONE	INFO	TRAINING
AB1807	HARRIS	NONE	INFO	POST RELAT
AB1810	HERGER	NONE	INFO	TRAINING
AB1844	HAYDEN	NONE	INFO	TRAINING
AB1977	WATERS, NOR	NONE	INFO	TRAINING
AB2191	CLUTE	NONE	INFO	TRAINING
AB2209	VICENCIA	NONE	INFO	TRAINING
AB2356	AREIAS	NONE	INFO	GENERAL
ACR034	AGNOS	NONE	INFO	GENERAL
SB0135	PRESLEY	NONE	INFO	TRAINING
SB0254	DAVIS	NONE	INFO	GENERAL
SB0347	PETRIS	NONE	INFO	FUNDING
SB0836	MARKS	NONE	INFO	TRAINING

BILL #	AUTHOR	POSITION	TYPE	SUBJECT
SB1232	DILLS	NONE	INFO	GENERAL
SB1236	WATSON	NONE	INFO	TRAINING
SB1306	WATSON	NONE	INFO	GENERAL
SB1402	ROBERTI	NONE	INFO	GENERAL

END OF REPORT

COMMISSION ON POST
BILL STATUS REPORT

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* BILLS TRACKED BY *
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* TYPE: INFO *
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AB0019 -- ROBINSON TRIAL COURTS: STATE FUNDING

(1) UNDER EXISTING LAW, THE COST OF FUNDING THE TRIAL COURTS IS BORNE BY THE INDIVIDUAL COUNTIES, WITH LIMITED PROVISION FOR STATE CONTRIBUTIONS TO SALARIES OF SUPERIOR COURT JUDGES AND SUPERIOR COURT JUDGES' RETIREMENT AND SO-CALLED BLOCK GRANTS MADE IN THE BUDGET ACT FOR SUPPORT OF CERTAIN TRIAL COURTS. VARIOUS REVENUES RECEIVED BY THE COURTS FROM FILING FEES, FINES AND FORFEITURES, AND PENALTY ASSESSMENTS AND SURCHARGES ARE PAYABLE TO THE COUNTY TREASURIES, WITH SPECIFIED PORTIONS OF FINES, FORFEITURES, AND ASSESSMENTS PAYABLE TO CITIES WITHIN EACH COUNTY.

THIS BILL 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, TO BECOME OPERATIVE UPON THE EFFECTIVE DATE OF A STATUTE APPROPRIATING FUNDS FOR SUCH PURPOSES. REVENUES RECEIVED BY THE COURTS IN OPTION COUNTIES FROM FILING FEES, FINES AND FORFEITURES, AND PENALTY ASSESSMENTS AND SURCHARGES, WITH SPECIFIED EXCEPTIONS, WOULD OFFSET STATE FUNDING. 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.

(2) THE BILL WOULD ALSO REQUIRE THE CONTROLLER, IN CONSULTATION WITH THE LEGISLATIVE ANALYST AND THE JUDICIAL COUNCIL, TO COMPILE SPECIFIED DATA AND REPORT TO THE LEGISLATURE NO LATER THAN JUNE 1, 1986, WITH REGARD TO OPTIONAL STATE FUNDING OF TRIAL COURTS.

(3) EXISTING LAW PROVIDES FOR 31 JUDGES OF THE SUPERIOR COURT IN ALAMEDA COUNTY.

THIS BILL WOULD AUTHORIZE 34 JUDGES OF THE SUPERIOR COURT FOR ALAMEDA COUNTY UPON THE ADOPTION OF A SPECIFIED RESOLUTION BY THE BOARD OF SUPERVISORS.

(4) EXISTING LAW PROVIDES FOR 3 JUDGES OF THE SUPERIOR COURT FOR BUTTE COUNTY.

THIS BILL WOULD AUTHORIZE A 4TH JUDGE OF THE SUPERIOR COURT FOR BUTTE COUNTY UPON THE ADOPTION OF A SPECIFIED RESOLUTION BY THE BOARD OF SUPERVISORS.

(5) EXISTING LAW PROVIDES FOR 14 JUDGES OF THE SUPERIOR COURT IN FRESNO COUNTY, AND AUTHORIZES A 15TH JUDGE UPON THE ADOPTION OF A SPECIFIED RESOLUTION BY THE BOARD OF SUPERVISORS.

< SUMMARY DATE: 09/24/85 >

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

1985 OCT 2 Approved by the Governor.
OCT 2 Chaptered by Secretary of State - Chapter 1607, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE 12/14/84	INFO	POST RELAT

AB0214 -- CONNELLY STATE BODIES: OPEN MEETINGS

EXISTING LAW AUTHORIZES ANY INTERESTED PERSON TO COMMENCE AN ACTION BY MANDAMUS, INJUNCTION, OR DECLARATORY RELIEF TO STOP OR PREVENT VIOLATIONS OR THREATENED VIOLATIONS OF STATUTORY PROVISIONS RELATING TO OPEN MEETINGS OF STATE BODIES OR TO DETERMINE THE APPLICATION OF THOSE PROVISIONS.

THIS BILL WOULD AUTHORIZE ANY INTERESTED PERSON TO COMMENCE AN ACTION BY MANDAMUS, INJUNCTION, OR DECLARATORY RELIEF TO DETERMINE IF THE ACTION BY THE STATE BODY IS NULL AND VOID, WITHIN 30 DAYS OF THE ACTION BY THE STATE BODY. IT WOULD PROVIDE THAT ANY ACTION TAKEN IN VIOLATION OF THE OPEN MEETING, NOTICE, AND SPECIFIC AGENDA REQUIREMENTS SHALL NOT BE DETERMINED NULL AND VOID UNDER CERTAIN SPECIFIED CONDITIONS.

EXISTING LAW AUTHORIZES A COURT TO AWARD REASONABLE ATTORNEYS' FEES TO A PLAINTIFF WHERE IT IS FOUND THE STATE BODY HAS VIOLATED PROVISIONS OF LAW RELATING TO OPEN MEETINGS, OR TO A PREVAILING DEFENDANT IN CASES IN WHICH THE COURT FINDS THE ACTION WAS CLEARLY FRIVOLOUS AND TOTALLY LACKING IN MERIT.

THIS BILL WOULD AUTHORIZE THE AWARD OF REASONABLE ATTORNEYS' FEES UNDER SPECIFIED CIRCUMSTANCES IN ACTIONS TO DETERMINE NULL AND VOID THE ACTIONS OF A STATE BODY.

< SUMMARY DATE: 09/06/85 >

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

1985 SEP 25 Approved by the Governor.
SEP 25 Chaptered by Secretary of State - Chapter 936, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	POST RELAT

AB0277 -- STIRLING CORRECTIONS RESEARCH AND TRAINING

EXISTING LAW DOES NOT PROVIDE FOR A RESEARCH AND TRAINING STUDY IN THE FIELD OF CORRECTIONS.

THIS BILL WOULD REQUEST THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, IN COOPERATION WITH THE CALIFORNIA STATE UNIVERSITY, THE CALIFORNIA COMMUNITY COLLEGES, THE CALIFORNIA POSTSECONDARY EDUCATION COMMISSION, AND THE DEPARTMENT OF CORRECTIONS, TO UNDERTAKE A STUDY TO IDENTIFY RESEARCH AND TRAINING NEEDS IN THE FIELD OF CORRECTIONS. TO FACILITATE THE STUDY, THE BILL WOULD REQUEST THE REGENTS TO APPOINT A WORK GROUP

WITH SPECIFIED MEMBERSHIP.
THE BILL WOULD REQUEST THE REGENTS TO COMPLETE THE STUDY AND TRANSMIT RECOMMENDATIONS BY JANUARY 1, 1986, TO THE GOVERNOR, THE LEGISLATURE, THE DEPARTMENT OF CORRECTIONS, THE CHANCELLOR OF THE CALIFORNIA STATE UNIVERSITY, AND THE CHANCELLOR OF THE CALIFORNIA COMMUNITY COLLEGES.
THIS BILL WOULD TAKE EFFECT IMMEDIATELY AS AN URGENCY STATUTE.
< SUMMARY DATE: 08/29/85 >

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

1985 SEP 5 Read second time. To third reading.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

AB0414 -- MOORE PEACE OFFICERS: PUBLIC UTILITIES COMMISSION

EXISTING LAW PROVIDES THAT CERTAIN PERSONS WHO ARE NOT PEACE OFFICERS MAY EXERCISE DESIGNATED POWERS OF ARREST OF A PEACE OFFICER DURING THE COURSE AND WITHIN THE SCOPE OF THEIR EMPLOYMENT, IF THEY COMPLETE A DESIGNATED COURSE.
THIS BILL WOULD INCLUDE CERTAIN EMPLOYEES OF THE TRANSPORTATION DIVISION OF THE PUBLIC UTILITIES COMMISSION WITHIN THE ABOVE-DESCRIBED CLASSIFICATION.
< SUMMARY DATE: 09/07/85 >

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

1985 SEP 3 Chaptered by Secretary of State - Chapter 462, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

AB0484 -- FLOYD PEACE OFFICERS

EXISTING LAW PROVIDES THAT VARIOUS PUBLIC EMPLOYEES ARE PEACE OFFICERS WITH PRESCRIBED POWERS AND DUTIES.
THIS BILL WOULD PROVIDE THAT THE DEPUTY DIRECTOR FOR SECURITY AND ALL LOTTERY SECURITY PERSONNEL OF THE CALIFORNIA STATE LOTTERY ARE PEACE OFFICERS, AS SPECIFIED.
THE BILL WOULD TAKE EFFECT IMMEDIATELY AS AN URGENCY STATUTE.
< SUMMARY DATE: 09/24/85 >

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

1985 SEP 30 Chaptered by Secretary of State - Chapter 1241, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

AB0588 -- FERGUSON 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 ATTORNEY GENERAL TO CONDUCT THE INQUIRY. TILS BILL WOULD APPROPRIATE UP TO $300,000 TO THE DEPARTMENT OF JUSTICE TO REIMBURSE THE ATTORNEY GENERAL FOR COSTS INCURRED DURING FISCAL YEAR 1985-86 IN PERFORMING THE SERVICES OF A CORONER WHO IS DISQUALIFIED FROM ACTING IN CERTAIN CASES PURSUANT TO THIS BILL. THIS BILL WOULD PROVIDE THAT REIMBURSEMENT FOR COSTS MANDATED BY THE BILL SHALL BE MADE PURSUANT TO THOSE STATUTORY PROCEDURES AND, IF THE STATE-WIDE COST DOES NOT EXCEED $500,000, SHALL BE PAYABLE FROM THE STATE MANDATES CLAIMS FUND. <APRIL 22, 1985 VERSION>

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

1985 MAY 7 In committee: Set, second hearing. Further hearing to be set.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

AB0638 -- CAMPBELL COMMUNITY COLLEGE DISTRICTS: FEES

(1) EXISTING LAW REQUIRES THE GOVERNING BOARD OF A COMMUNITY COLLEGE DISTRICT TO IMPOSE A FEE FOR A STUDENT PROGRAM CHANGE CONSISTING OF DROPPING ONE OR MORE COURSES, AS SPECIFIED. THE FEE IS PROHIBITED TO BE CHARGED FOR CERTAIN STUDENT PROGRAM CHANGES, INCLUDING THOSE DUE TO SPECIAL CIRCUMSTANCES AFFECTING THE STUDENT'S ABILITY TO COMPLETE THE COURSE.

THIS BILL WOULD MAKE THE IMPOSITION OF THE FEE FOR A STUDENT PROGRAM CHANGE OPTIONAL. THE BILL WOULD ALSO SPECIFY THAT THE SPECIAL

CIRCUMSTANCES THAT TRIGGER THE ABOVE-DESCRIBED PROHIBITION ARE THOSE DEFINED BY THE GOVERNING BOARD.

(2) EXISTING LAW REQUIRES THE GOVERNING BOARD OF EACH COMMUNITY COLLEGE DISTRICT TO CHARGE EACH STUDENT A SPECIFIED FEE PER SEMESTER OR PER CREDIT SEMESTER UNIT, AND DIRECTS THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES TO DEFRAY THOSE FEE REQUIREMENTS FOR STUDENTS WHO ARE RECIPIENTS OF BENEFITS OF CERTAIN ASSISTANCE PROGRAMS, AS SPECIFIED.

THIS BILL WOULD ALSO REQUIRE THE BOARD OF GOVERNORS TO DEFRAY THOSE FEE REQUIREMENTS FOR ANY STUDENT WHO IS A CHILD OR DEPENDENT OF A VETERAN, AS SPECIFIED.

(3) UNDER EXISTING LAW, COMMUNITY COLLEGE DISTRICTS ARE PROHIBITED FROM CHARGING STUDENTS FEES FOR INSTRUCTIONAL MATERIALS UNTIL JANUARY 1, 1988.

THIS BILL WOULD SPECIFICALLY AUTHORIZE THE GOVERNING BOARD OF A COMMUNITY COLLEGE DISTRICT TO REQUIRE STUDENTS ATTENDING POLICE ACADEMY PROGRAMS TO FURNISH DURABLE PERSONAL EQUIPMENT AND INCUR EXPENSES RELATED TO THE DRIVER TRAINING PORTION OF THE BASIC ACADEMY PROGRAM NECESSARY FOR THEIR EMPLOYMENT AS POLICE OFFICERS. THIS AUTHORIZATION WOULD BE REPEALED ON JANUARY 1, 1988.

(4) EXISTING LAW REQUIRES THE CHANCELLOR OF THE CALIFORNIA COMMUNITY COLLEGES TO CONDUCT A STUDY OF THE IMPACT OF THE MANDATORY FEE UPON COMMUNITY COLLEGES.

THIS BILL WOULD FURTHER REQUIRE THE CHANCELLOR TO INCLUDE AN ANALYSIS OF THE IMPACT OF THE IMPLEMENTATION OF THIS BILL IN THAT STUDY.

< SUMMARY DATE: 09/14/85 >

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

1985 OCT 2 Vetoed by Governor.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	FUNDING

AB1338 -- JOHNSTON CALIFORNIA HIGHWAY PATROL: EMERGENCY SERVICES

EXISTING LAW DOES NOT REQUIRE THE DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL TO IMPLEMENT EMERGENCY MEDICAL DISPATCHER TRAINING.

THIS BILL WOULD REQUIRE THE DEPARTMENT TO DETERMINE AND IMPLEMENT THE BASIC LEVEL OF EMERGENCY MEDICAL DISPATCHER TRAINING FOR DISPATCHERS EMPLOYED BY THE DEPARTMENT BASED ON GUIDELINES DEVELOPED BY THE CALIFORNIA EMERGENCY MEDICAL SERVICES AUTHORITY WITH THE CONCURRENCE OF THE DEPARTMENT.

THE BILL WOULD REQUIRE COMMENCEMENT OF IMPLEMENTATION BY JANUARY 1, 1987, AND WOULD REQUIRE THE DEPARTMENT TO SUBMIT A PROGRESS REPORT TO THE LEGISLATURE BY JANUARY 1, 1988.

THE BILL WOULD ALSO MAKE TECHNICAL CORRECTIONS.

< SUMMARY DATE: 09/26/85 >

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

1985 SEP 30 Approved by the Governor.
SEP 30 Chaptered by Secretary of State - Chapter 1303, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRNG/CERT

AB1603 -- AGNOS DEPENDENT ADULT AND ELDER ABUSE

EXISTING LAW CONTAINS VARIOUS PROVISIONS RELATING TO ABUSE OF DEPENDENT ADULTS, AS DEFINED. THESE PROVISIONS WOULD BE REPEALED ON JANUARY 1, 1986.

THIS BILL WOULD INSTEAD PROVIDE THAT THESE PROVISIONS WOULD BE REPEALED ON JANUARY 1, 1990.

UNDER EXISTING LAW, ANY PERSON WITNESSING OR SUSPECTING THAT A DEPENDENT ADULT IS BEING OR HAS BEEN SUBJECT TO ABUSE MAY REPORT SUSPECTED CASES TO THE COUNTY ADULT PROTECTIVE SERVICES AGENCY.

EXISTING LAW ALSO REQUIRES SPECIFIED INDIVIDUALS TO SUBMIT REPORTS OF SUSPECTED ELDER ABUSE TO COUNTY ADULT PROTECTIVE SERVICES AGENCIES UNDER CERTAIN CIRCUMSTANCES, AND PERMITS ALL OTHER INDIVIDUALS TO FILE THESE REPORTS.

THE BILL WOULD MODIFY EXISTING PROVISIONS RELATING TO THE SUBMISSION OF REPORTS TO COUNTY ADULT PROTECTIVE SERVICES AGENCIES OF ELDER OR DEPENDENT ADULT ABUSE, WITH CERTAIN OF THESE MODIFICATIONS TO BE OPERATIVE ONLY IF AB 238 IS ENACTED DURING THE 1985 PORTION OF THE 1985-86 REGULAR SESSION.

THE BILL WOULD REQUIRE THE STATE DEPARTMENT OF SOCIAL SERVICES, IN COOPERATION WITH REPRESENTATIVES OF COUNTY GOVERNMENT, AND IN CONSULTATION WITH SPECIFIED ENTITIES TO ESTABLISH MINIMUM GUIDELINES FOR A COUNTY ADULT PROTECTIVE SERVICE AGENCY TO DETERMINE WHEN AN INVESTIGATION OF AN ALLEGATION OF ELDER OR DEPENDENT ADULT ABUSE IS WARRANTED.

THE BILL WOULD ALSO REQUIRE THE DEPARTMENT OF JUSTICE, IN CONSULTATION WITH SPECIFIED ENTITIES, TO DEVELOP UNIFORM GUIDELINES FOR LOCAL LAW ENFORCEMENT ASSISTANCE WITH INVESTIGATIONS OF ALLEGATIONS OF ELDER OR DEPENDENT ADULT ABUSE CONDUCTED BY COUNTY ADULT PROTECTIVE SERVICE AGENCIES.

THE STATE DEPARTMENT OF SOCIAL SERVICES AND THE DEPARTMENT OF JUSTICE WOULD BE REQUIRED TO REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE BY JANUARY 1, 1988, ON THE FISCAL AND PROGRAMMATIC IMPACT OF THE GUIDELINES DEVELOPED BY THE RESPECTIVE AGENCIES.

SINCE THE BILL EXTENDS PROVISIONS PERMITTING INDIVIDUALS TO REPORT TO EACH COUNTY ON DEPENDENT ADULT ABUSE, THE BILL WOULD CREATE A STATE-MANDATED LOCAL PROGRAM.

< SUMMARY DATE: 09/13/85 >

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

1985 SEP 28 Approved by the Governor.
SEP 28 Chaptered by Secretary of State - Chapter 1120,

Statutes of 1985.
NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

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AB1807 -- HARRIS MAINTENANCE OF THE CODES

EXISTING LAW DIRECTS THE LEGISLATIVE COUNSEL TO ADVISE THE LEGISLATURE FROM TIME TO TIME AS TO LEGISLATION NECESSARY TO MAINTAIN THE CODES AND LEGISLATION NECESSARY TO CODIFY SUCH STATUTES AS ARE ENACTED FROM TIME TO TIME SUBSEQUENT TO THE ENACTMENT OF THE CODES.

THIS BILL 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

1985 JUN 26 Approved by the Governor.
JUN 26 Chaptered by Secretary of State - Chapter 106, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	POST RELAT

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AB1810 -- HERGER HUMANE OFFICERS: HUMANE SOCIETIES

EXISTING LAW PROVIDES FOR THE ESTABLISHMENT AND REGULATION OF HUMANE SOCIETIES, AND FOR THE APPOINTMENT AND REGULATION OF HUMANE OFFICERS, AS SPECIFIED.

THIS BILL WOULD REVISE THESE PROVISIONS TO REQUIRE (1) HUMANE SOCIETIES TO PROVIDE PROOF OF PROPER INCORPORATION TO A JUDGE WHEN THEY SEEK CONFIRMATION OF A HUMANE OFFICER APPOINTEE; (2) ALL APPOINTMENTS OF HUMANE OFFICERS TO AUTOMATICALLY EXPIRE IF THE SOCIETY DISBANDS OR LEGALLY DISSOLVES; AND (3) ALL HUMANE OFFICERS, EXCEPT THOSE WHO HAVE BEEN HUMANE OFFICERS FOR 9 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 AS PRESCRIBED BY THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, AS SPECIFIED.

EXISTING LAW PROVIDES THAT AN ACCUSATION IN WRITING AGAINST AN OFFICER OF A DISTRICT, COUNTY, OR CITY, INCLUDING ANY MEMBER OF THE

GOVERNING BOARD OR PERSONNEL COMMISSION OF A SCHOOL DISTRICT, FOR WILLFUL OR CORRUPT MISCONDUCT IN OFFICE, MAY BE PRESENTED BY THE GRAND JURY OF THE COUNTY FOR OR IN WHICH THE OFFICER ACCUSED IS ELECTED OR APPOINTED.

THIS BILL WOULD SPECIFICALLY MAKE THESE PROVISIONS APPLICABLE TO A HUMANE OFFICER.

< SUMMARY DATE: 09/11/85 >

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

1985 SEP 26 Chaptered by Secretary of State - Chapter 998, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

AB1844 -- HAYDEN COMMUNITY CRIME RESISTANCE PROGRAM

EXISTING LAW PROVIDES FOR THE CALIFORNIA COMMUNITY CRIME RESISTANCE PROGRAM TO COMBAT CRIME AND JUVENILE DELINQUENCY, UNDER THE OFFICE OF CRIMINAL JUSTICE PLANNING. THE PROGRAM ESTABLISHES CRITERIA FOR THE SELECTION OF COMMUNITIES TO RECEIVE FUNDING OF UP TO $125,000 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 THE MAXIMUM AWARD FOR A 12-MONTH GRANT PERIOD WOULD BE $250,000; DELETING THE LIST OF SPECIFIED ACTIVITIES FROM WHICH LOCAL PROJECTS ARE REQUIRED TO IMPLEMENT 3 ACTIVITIES AND INSTEAD RESTRICTING THE USE OF FUNDS GRANTED TO A SPECIFIED LIST OF ACTIVITIES; RECASTING THE SCOPE OF THE PROGRAMS THAT MAY BE SO FUNDED; EXPANDING THE CRITERIA WHICH MAY BE CONSIDERED IN THE SELECTION OF COMMUNITIES TO RECEIVE FUNDING; PROVIDING FOR REVIEW AND EVALUATION OF APPLICATIONS FOR FUNDING BY THE OFFICE OF CRIMINAL JUSTICE PLANNING RATHER THAN THE TASK FORCE; AND REVISING THE PROCEDURES FOR EVALUATING AND MONITORING THE GRANTS MADE UNDER THE PROGRAM.

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. THIS BILL WOULD ALSO MAKE TECHNICAL NONSUBSTANTIVE CHANGES.

< SUMMARY DATE: 09/14/85 >

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

1985 SEP 29 Chaptered by Secretary of State - Chapter 1215, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

AB1977 -- WATERS, NORMAN CHILD SEXUAL ABUSE: AWARENESS PROGRAMS

EXISTING LAW PROVIDES FOR THE ESTABLISHMENT OF VARIOUS PROGRAMS RELATING TO THE PREVENTION OF CHILD ABUSE.

THIS BILL WOULD ENACT THE CHILD SEXUAL ABUSE AWARENESS TRAINING PROGRAM ACT OF 1985, PURSUANT TO WHICH THE OFFICE OF CRIMINAL JUSTICE PLANNING WOULD BE REQUIRED TO ADMINISTER A 2- YEAR PILOT PROGRAM TO PROVIDE LOCALLY COORDINATED TRAINING FOR CRIMINAL JUSTICE SYSTEM PERSONNEL WHO DEAL WITH CHILD SEXUAL ABUSE CASES, AS SPECIFIED. THE ACT WOULD BE REPEALED ON JANUARY 1, 1988.

THE BILL WOULD REQUIRE THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIMINAL JUSTICE PLANNING TO SUBMIT A SPECIFIED REPORT TO THE LEGISLATURE CONCERNING THE PROGRAM BY JULY 1, 1987.

THE BILL ALSO WOULD APPROPRIATE $100,000 TO THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE PURPOSES OF THE ACT, AS SPECIFIED.

< SUMMARY DATE: 09/11/85 >

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

1985 SEP 28 Vetoed by Governor.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

AB2191 -- CLUTE WEAPONS

EXISTING LAW MAKES IT A MISDEMEANOR OR A FELONY TO ASSAULT CERTAIN PERSONS WITH AN ELECTRICAL WEAPON, AS SPECIFIED.

THIS BILL WOULD DEFINE THAT WEAPON AND LABEL IT AS A STUN GUN AND ALSO MAKE THE USE OF A TASER IN AN ASSAULT EITHER A MISDEMEANOR OR A FELONY, AS SPECIFIED.

EXISTING LAW PROHIBITS THE POSSESSION OF SPECIFIED WEAPONS ON THE GROUNDS OF, OR WITHIN, A PUBLIC SCHOOL PROVIDING INSTRUCTION IN KINDERGARTEN OR ANY OF GRADES 1 THROUGH 12 AND PERMITS SEIZURE OF THOSE WEAPONS BY A CERTIFIED OR CLASSIFIED SCHOOL EMPLOYEE.

THIS BILL WOULD ADD STUN GUNS TO THE ABOVE LIST OF PROHIBITED WEAPONS BUT WOULD PERMIT CERTIFICATED OR CLASSIFIED EMPLOYEES OF THE ABOVE PUBLIC SCHOOLS TO BRING OR POSSESS A STUN GUN UPON THE GROUNDS OF, OR WITHIN THAT PUBLIC SCHOOL, FOR SELF-DEFENSE PURPOSES.

EXISTING LAW GENERALLY PROVIDES FOR THE REGULATION OF CONCEALABLE WEAPONS, MACHINEGUNS, AND TEAR GAS WEAPONS.

THIS BILL WOULD REGULATE THE PURCHASE, USE, AND POSSESSION OF STUN GUNS, AS DEFINED, AND REQUIRE THE MANUFACTURERS OF THOSE WEAPONS TO STAMP THEIR NAME AND PLACE A SERIAL NUMBER ON EACH STUN GUN. EACH

VIOLATION OF THESE PROVISIONS WOULD BE A MISDEMEANOR, THEREBY IMPOSING A STATE-MANDATED LOCAL PROGRAM BY CREATING NEW CRIMES. HOWEVER, THE SALE OR FURNISHING OF A STUN GUN TO A MINOR UNDER 16 OR OVER 16 YEARS OF AGE BUT WITHOUT THE WRITTEN CONSENT OF HIS OR HER PARENT OR LEGAL GUARDIAN WOULD BE A PUBLIC OFFENSE PUNISHABLE BY A $50 FINE ON THE FIRST OFFENSE OR AS A MISDEMEANOR FOR SUBSEQUENT VIOLATIONS.

THIS BILL WOULD REQUIRE THAT EACH STUN GUN SOLD BE ACCOMPANIED BY A BOOKLET INFORMING THE PURCHASER OF THE PROPER AND EFFECTIVE USE OF THE WEAPON. A VIOLATION OF THIS REQUIREMENT WOULD BE A PUBLIC OFFENSE PUNISHABLE BY A $50 FINE, THEREBY IMPOSING A STATE- MANDATED LOCAL PROGRAM.

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 PROVIDE THAT NO REIMBURSEMENT IS REQUIRED BY THIS ACT FOR A SPECIFIED REASON.

< SUMMARY DATE: 09/13/85 >

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

1985 SEP 30 Chaptered by Secretary of State - Chapter 1227, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

AB2209 -- VICENCIA PEACE OFFICERS

EXISTING LAW PROVIDES THAT CERTAIN PERSONS WHO ARE NOT PEACE OFFICERS MAY EXERCISE DESIGNATED POWERS OF ARREST OF A PEACE OFFICER DURING THE COURSE AND WITHIN THE SCOPE OF THEIR EMPLOYMENT, IF THEY COMPLETE A DESIGNATED COURSE.

THIS BILL WOULD PROVIDE THAT ANIMAL CONTROL OFFICERS HAVE THE POWERS OF ARREST AND THE POWER TO SERVE WARRANTS, AS SPECIFIED.

< SUMMARY DATE: 09/26/85 >

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

1985 OCT 2 Approved by the Governor.
OCT 2 Chaptered by Secretary of State - Chapter 1575, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	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 MAY 9 In committee: Set, first hearing. Hearing canceled at the request of author.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

ACR034 -- AGNOS MISSING CHILDREN

THIS MEASURE WOULD REQUEST THE OFFICE OF CRIMINAL JUSTICE PLANNING TO CONDUCT A SPECIFIED STUDY RELATING TO MISSING CHILDREN AND THE RESPONSE OF LAW ENFORCEMENT TO REPORTS OF MISSING CHILDREN.
< SUMMARY DATE: 10/03/85 >

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

1985 SEP 20 Enrolled and filed with the Secretary of State at 2 p.m.
SEP 20 Chaptered by Secretary of State-Res. Chapter 110, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

SB0135 -- PRESLEY FAMILY VIOLENCE CENTERS

EXISTING LAW PROVIDES FOR THE FUNDING OF DOMESTIC VIOLENCE PREVENTION PROGRAMS THROUGH THE DEPOSIT OF A PORTION OF MARRIAGE LICENSE FEES INTO A COUNTY'S DOMESTIC VIOLENCE PROGRAMS SPECIAL FUND.
THIS BILL 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 EXPRESS THE INTENT OF THE LEGISLATURE THAT, OF THE AMOUNT APPROPRIATED BY THE BUDGET ACT OF 1985 FROM THE GENERAL FUND FOR LOCAL ASSISTANCE FOR THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE 1985-86 FISCAL YEAR, $200,000 SHALL BE EXPENDED FOR THE PURPOSES OF THE ACT.

THE BILL WOULD TAKE EFFECT IMMEDIATELY AS AN URGENCY STATUTE.

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

1985 JUL 26 Chaptered by Secretary of State. Chapter 250, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

SB0254 -- DAVIS CHILD ABUSE REPORTING

EXISTING LAW REQUIRES CERTAIN PERSONS TO REPORT KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE; FAILURE TO DO SO IS A MISDEMEANOR. EXISTING LAW ALSO PROVIDES THAT PERSONS WHO ENTER INTO EMPLOYMENT ON AND AFTER JANUARY 1, 1985, IN ONE OF THE PROFESSIONS OR OCCUPATIONS THAT ARE SO REQUIRED TO REPORT, AS A PREREQUISITE TO THAT EMPLOYMENT, MUST SIGN A STATEMENT TO THE EFFECT THAT HE OR SHE HAS KNOWLEDGE OF THE REPORTING REQUIREMENTS.

THIS BILL WOULD EXEMPT CERTAIN EMPLOYEES OF CHILD PROTECTIVE AGENCIES FROM THE REQUIREMENT OF SIGNING SUCH A STATEMENT.

THIS BILL ALSO WOULD PROVIDE THAT ON AND AFTER JANUARY 1, 1986, WHEN A PERSON IS ISSUED A STATE LICENSE OR CERTIFICATE TO ENGAGE IN A PROFESSION OR OCCUPATION, THE MEMBERS OF WHICH ARE REQUIRED TO REPORT KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE, THE STATE AGENCY ISSUING THE LICENSE OR CERTIFICATE SHALL SEND A STATEMENT SUBSTANTIALLY SIMILAR TO THE STATEMENT DESCRIBED ABOVE, AS SPECIFIED, TO THE PERSON AT THE SAME TIME AS IT TRANSMITS THE DOCUMENT INDICATING LICENSURE OR CERTIFICATION. ALTERNATIVELY, IT WOULD AUTHORIZE SUCH A STATE AGENCY TO CAUSE THE STATEMENT TO BE PRINTED ON THE APPLICATION FORMS FOR SUCH A LICENSE OR CERTIFICATE PRINTED ON OR AFTER JANUARY 1, 1986.

< SUMMARY DATE: 09/26/85 >

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

1985 AUG 27 Enrolled. To Governor at 4 p.m.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT

NONE	INFO	GENERAL

SB0347 -- PETRIS CRIMES: FINES

EXISTING LAW DOES NOT AUTHORIZE COURTS TO ORDER CONVICTED DEFENDANTS TO PAY AN ADDITIONAL FINE WITH ALL MONEYS COLLECTED FROM THOSE FINES TO BE USED FOR LOCAL CRIME PREVENTION PROGRAMS.

THIS BILL WOULD AUTHORIZE COURTS TO ORDER DEFENDANTS CONVICTED OF CERTAIN OFFENSES TO PAY AN ADDITIONAL FINE OF $10.

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.

< SUMMARY DATE: 09/24/85 >

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

1985 SEP 4 Senate concurs in Assembly amendments. (Ayes 33. Noes 0. Page 3427.) To enrollment.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	FUNDING

SB0836 -- MARKS COMMUNITY COLLEGES

EXISTING LAW AUTHORIZES THE GOVERNING BOARD OF A COMMUNITY COLLEGE DISTRICT TO DELEGATE TO A DESIGNATED OFFICER OR EMPLOYEE OF THE DISTRICT THE AUTHORITY TO MAKE PURCHASES, AS SPECIFIED, EXCEPT THAT NO SUCH PURCHASE MAY INVOLVE AN EXPENDITURE OF $10,000 OR MORE. THIS BILL WOULD INCREASE THAT EXPENDITURE LIMIT TO $50,000.

EXISTING LAW DIRECTS THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES, WITH THE APPROVAL OF THE DEPARTMENT OF FINANCE, TO DETERMINE 2 CENSUS WEEKS FOR EACH TERM OF THE REGULAR ACADEMIC YEAR, AND A SINGLE CENSUS WEEK FOR SUMMER SESSIONS. THE BOARD IS FURTHER REQUIRED TO ESTABLISH A DROP DATE FOR REPORTING STUDENTS IN ACTIVE ATTENDANCE, TO BE NO LATER THAN THE DAY PRIOR TO THE BEGINNING OF THE SECOND CENSUS WEEK IN REGULAR ACADEMIC TERMS. THIS BILL WOULD DELETE THESE PROVISIONS, AND INSTEAD 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.

EXISTING LAW DIRECTS THE BOARD OF GOVERNORS TO DEVELOP AND REVIEW FACTORS REFLECTING THE RELATIONSHIP OF ACTUAL ATTENDANCE TO CONTACT HOURS OF ENROLLMENT FOR THE CENSUS WEEK OR WEEKS. THIS BILL WOULD REPEAL THAT REQUIREMENT.

EXISTING LAW DIRECTS THE CHANCELLOR OF THE CALIFORNIA COMMUNITY COLLEGES TO PERMIT INCREASES IN THE FUNDED AVERAGE DAILY ATTENDANCE OF COMMUNITY COLLEGE DISTRICTS PURSUANT TO SPECIFIED FACTORS. THIS BILL WOULD INCLUDE, AS A RELEVANT FACTOR, NEW OR UNDERUTILIZED PHYSICAL

CAPACITY FOR STUDENT ENROLLMENT.

EXISTING LAW PERMITS COMMUNITY COLLEGE DISTRICTS TO OPERATE UNDER A FLEXIBLE CALENDAR SCHEDULE, AS SPECIFIED, AND DEFINES A MULTIPLIER FACTOR FOR USE IN CALCULATING ADJUSTED UNITS OF AVERAGE DAILY ATTENDANCE THAT REFLECT THE CONDUCT OF STAFF, STUDENT, AND INSTRUCTIONAL IMPROVEMENT ACTIVITIES IN LIEU OF SCHEDULED INSTRUCTION DURING FLEXIBLE TIME. THIS BILL WOULD PROVIDE THAT, AS TO COURSES THAT ARE SCHEDULED COTERMINOUS WITH A COMMUNITY COLLEGE'S PRIMARY TERM, THIS MULTIPLIER FACTOR WOULD BE EQUAL TO THE MAXIMUM TERM LENGTH MULTIPLIERS ESTABLISHED FOR THOSE COURSES BY EXISTING LAW.

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

1985 JUL 29 Chaptered by Secretary of State. Chapter 295, Statutes of 1985.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

SB1232 -- DILLS

OFFICE OF PLANNING AND RESEARCH STUDY: REHABILITATIVE LEAVE

EXISTING LAW DOES NOT PROVIDE FOR A STUDY ON THE FEASIBILITY OF ESTABLISHING A PROGRAM FOR REHABILITATIVE TREATMENT FOR PUBLIC SAFETY OFFICERS.

THIS BILL WOULD APPROPRIATE $115,000 FROM THE GENERAL FUND TO THE OFFICE OF PLANNING AND RESEARCH FOR THE PURPOSE OF CONDUCTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PROGRAM FOR REHABILITATIVE TREATMENT FOR PUBLIC SAFETY OFFICERS.

THIS BILL WOULD REQUIRE THE STUDY TO BE CONDUCTED BY A 16- MEMBER TASK FORCE, AS SPECIFIED.

THIS BILL WOULD REQUIRE THE DIRECTOR OF THE OFFICE OF PLANNING AND RESEARCH TO APPOINT ALL THE TASK FORCE MEMBERS FROM NOMINEES SUBMITTED BY EMPLOYER AND EMPLOYEE GROUPS, AS SPECIFIED. THIS BILL WOULD ALSO REQUIRE THAT ALL MEETINGS OF THE TASK FORCE BE SUBJECT TO THE BAGLEY-KEENE OPEN MEETING ACT, EXCEPT FOR CERTAIN SPECIFIED DISCUSSIONS. IT WOULD REQUIRE THE OFFICE TO SUBMIT THE COMPLETED STUDY TO THE GOVERNOR AND TO THE LEGISLATURE BY JULY 1, 1986.

THIS BILL WOULD TAKE EFFECT IMMEDIATELY AS AN URGENCY STATUTE.

< SUMMARY DATE: 09/24/85 >

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

1985 SEP 10 Senate concurs in Assembly amendments. (Ayes 37. Noes 0. Page 3751.) To enrollment.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT

NONE	INFO	GENERAL

SB1236 -- WATSON PEACE OFFICERS

EXISTING LAW REQUIRES SPECIFIED PEACE OFFICERS TO MEET THE STANDARDS PRESCRIBED BY THE EMERGENCY MEDICAL SERVICES AUTHORITY FOR THE ADMINISTRATION OF FIRST AID AND CARDIOPULMONARY RESUSCITATION.

THIS BILL WOULD EXTEND THAT REQUIREMENT TO THOSE OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS OR THE YOUTH AUTHORITY WHO ARE PEACE OFFICERS.

THE BILL WOULD INCORPORATE ADDITIONAL CHANGES PROPOSED BY SB 21 CONTINGENT UPON THE PRIOR ENACTMENT OF THAT BILL.

< SUMMARY DATE: 09/26/85 >

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

1985 SEP 13 Senate concurs in Assembly amendments. (Ayes 28. Noes 3.) To enrollment.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	TRAINING

SB1306 -- WATSON CHILD ABUSE

(1) EXISTING LAW PROVIDES FOR ADMINISTRATIVE PROCEEDINGS REGARDING THE SUPRESSION, REVOCATION, OR DENIAL OF A LICENSE, REGISTRATION, OR PERMIT UNDER THE CALIFORNIA CHILD CARE ACT.

THIS BILL WOULD REQUIRE THAT THOSE PROCEEDINGS BE CONDUCTED BY USING THE PREPONDERANCE OF EVIDENCE STANDARD.

(2) EXISTING LAW REQUIRES THE DEPARTMENT OF JUSTICE, IN COOPERATION WITH THE STATE DEPARTMENT OF SOCIAL SERVICES, TO PRESCRIBE BY REGULATION GUIDELINES FOR THE INVESTIGATION OF CHILD ABUSE IN GROUP HOMES OR INSTITUTIONS.

THIS BILL WOULD REQUIRE THE DEPARTMENT TO PRESCRIBE BY REGULATION GUIDELINES FOR THE INVESTIGATION OF ABUSE IN OUT-OF- HOME CARE, RATHER THAN THE INVESTIGATION OF CHILD ABUSE IN GROUP HOMES OR INSTITUTIONS.

(3) EXISTING LAW DEFINES THE TERM "ABUSE IN OUT-OF-HOME CARE" TO MEAN, AMONG OTHER THINGS, A SITUATION OF PHYSICAL INJURY ON A CHILD WHICH IS INFLICTED BY OTHER THAN ACCIDENTAL MEANS, OR SEXUAL ABUSE, OR NEGLECT, OR WILLFUL CRUELTY OR UNJUSTIFIABLE PUNISHMENT OF A CHILD WHERE THE PERSON RESPONSIBLE FOR THE CHILD'S WELFARE IS, AMONG OTHERS, A FOSTER PARENT OR AN ADMINISTRATOR OR EMPLOYEE OF A RESIDENTIAL HOME.

THIS BILL WOULD REVISE THIS DEFINITION BY DELETING REFERENCES TO "FOSTER PARENT" AND "RESIDENTIAL HOME." HOWEVER, IT WOULD INCLUDE WITHIN THE SCOPE OF THAT DEFINITION, PHYSICAL INJURY INFLICTED BY CORPORAL PUNISHMENT OR INJURY, AND IT WOULD INCLUDE WITHIN THE PERSONS RESPONSIBLE FOR A CHILD'S WELFARE A LICENSEE, ADMINISTRATOR, OR EMPLOYEE OF A LICENSED COMMUNITY CARE, OR CHILD DAY CARE FACILITY.

SINCE THIS BILL WOULD EXPAND THE DEFINITION OF "ABUSE IN OUT-OF-HOME CARE," IT WOULD INCLUDE ADDITIONAL INSTANCES IN WHICH LOCAL

AUTHORITIES WOULD BE REQUIRED TO REPORT CHILD ABUSE CASES TO LOCAL CHILD PROTECTIVE AGENCIES, THUS CREATING A STATE- MANDATED LOCAL PROGRAM. FURTHERMORE, BECAUSE THE FAILURE TO REPORT INSTANCES OF CHILD ABUSE, WHICH INCLUDE ABUSE IN OUT-OF- HOME CARE, IS A MISDEMEANOR, IT WOULD EXPAND THE SCOPE OF THAT CRIME, THUS CREATING A STATE-MANDATED LOCAL PROGRAM.

(4) THE BILL ALSO WOULD INCORPORATE FURTHER CHANGES TO SECTION 11165 OF THE PENAL CODE AS PROPOSED BY AB 701, CONTINGENT UPON THE PRIOR CHAPTERING OF AB 701.

< SUMMARY DATE: 09/26/85 >

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

1985 SEP 13 Read third time. Passed. To Senate.
SEP 13 In Senate. To unfinished business. Senate concurs in Assembly amendments. (Ayes 38. Noes 0.) To enrollment.
SEP 13 Read third time. Passed. To Senate.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

SB1402 -- ROBERTI

ANIMALS: CRUELTY TO: HUMANE OFFICERS: SCIENTIFIC RESEARCH

EXISTING LAW PROVIDES THAT QUALIFIED HUMANE OFFICERS SHALL HAVE THE POWER AT ALL PLACES WITHIN THE STATE TO LAWFULLY INTERFERE TO PREVENT THE PERPETRATION OF ANY ACT OF CRUELTY UPON ANY DUMB ANIMAL, AS SPECIFIED. EXISTING LAW PROVIDES, HOWEVER, THAT THE PROVISIONS PROHIBITING CRUELTY TO ANIMALS SHALL NOT BE CONSTRUED AS INTERFERING WITH PROPERLY CONDUCTED SCIENTIFIC EXPERIMENTS OR INVESTIGATIONS PERFORMED UNDER THE AUTHORITY OF THE FACULTY OF A REGULARLY INCORPORATED MEDICAL COLLEGE OR UNIVERSITY OF THIS STATE.

THIS BILL WOULD (1) SPECIFY THAT THE PLACES WITHIN THE STATE AT WHICH A HUMANE OFFICER MAY LAWFULLY INTERFERE INCLUDE RESEARCH LABORATORIES WHERE ANIMALS ARE USED, AND (2) DELETE THE PROVISION WHICH EXEMPTS PROPERLY CONDUCTED SCIENTIFIC EXPERIMENTS OR INVESTIGATIONS FROM THE APPLICATION OF THE PROVISIONS PROHIBITING CRUELTY TO ANIMALS, AND, THUS, THIS BILL WOULD IMPOSE A NEW PROGRAM OR HIGHER LEVEL OF SERVICE UPON LOCAL GOVERNMENTS BY EXPANDING THE SCOPE OF AN EXISITNG CRIME.

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 PROVIDE THAT NO REIMBURSEMENT IS REQUIRED BY THIS ACT FOR A SPECIFIED REASON. <JULY 1, 1985 VERSION>

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

1985 JUL 1 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

NO HEARINGS SCHEDULED

POSITION	TYPE	SUBJECT
NONE	INFO	GENERAL

END OF REPORT

CALIFORNIA POLYTECHNIC STATE UNIVERSITY

SAN LUIS OBISPO, CALIFORNIA 93407
(805) 546-0111

April 3, 1985

APR 16 1 38 PM '85
COMMISSION ON POS

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer
Standards and Training
P.O. Box 20145
Sacramento CA 95820-0145

Dear Mr. Boehm:

According to policy formulated by your agency, Municipal Police Chiefs and Sheriffs are not required to undergo the Assessment Center Program for acceptance to the Command College Program. This was an issue strongly supported by chief law enforcement executives state-wide, including those of the State University Police Departments.

It has come to my attention that this exemption does not include the Director of Public Safety/Chiefs of Police in the State University System. Perhaps it is just an oversight. It has been my personal view that all Chiefs of Police were exempt. The State University Chiefs certainly do qualify. They are all deeply involved in the P.O.S.T. program and strive for excellence in the area of professional training.

As President of the State University Public Safety Management Association (Chiefs of Police), I would appreciate you researching the matter and supporting a change in the present policy which would allow chiefs in our system exception to the assessment process. I am sure that this privilege will accelerate our chiefs' participation in the program. Thanking you in advance for your consideration of this matter.

Sincerely,

Richard C. Brug

Richard C. Brug
Director of Public Safety
President, State University Public Safety Management Association/
State University Chiefs of Police Association

RCB:jn

UNIVERSITY OF CALIFORNIA, LOS ANGELES

UCLA

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO

SANTA BARBARA · SANTA CRUZ

POLICE DEPARTMENT
LOS ANGELES, CALIFORNIA 90024

July 30, 1985

Telephoned Pat Connelly on 8/23/85 and advised him of the time & place of the meeting.

Mr. Norman C. Boehm
Executive Director
Commission on Peace Officer
Standards and Training
P.O. Box 20145
Sacramento, CA 95820-0145

Dear Mr. Boehm:

I am writing this letter on behalf of myself and John C. Barber regarding the Command College program.

We wanted to go on record as stating that we think it is inequitable that university chiefs, irrespective of which university system, University of California or California State University, are not exempt from the Assessment Center program in order to be accepted to the Command College program.

As you are aware, university law enforcement in this state has made great strides in the area of professionalism and overall competence in the last few years. Nevertheless, they are, as a point of fact, unfortunately viewed as oddities by many in the law enforcement field. Universities, like municipalities and counties, vary in size, activity, and philosophy. There are some, like UCLA, UC Berkeley, and San Jose State, that are, in reality, cities within cities possessing most, if not all, the complex problems and violence confronting a non-university law enforcement agency. Universities of this type must, out of necessity, cooperate fully with adjoining city and county agencies for the betterment of the total community. They are, perforce, small but solidly professional and accepted as such by their non-university peers. Others, like Cal Poly San Luis Obispo and UC Davis, have integrated fire and police programs that are the equal of most cities.

Admittedly, not all universities are that complex. Some are, by comparison, small and somewhat parochial, and, as a consequence, many university administrators are not exposed to the myriad of experiences, obligations, and functions as at a larger university. But is this not the case in state municipalities? There are, I believe, 352 municipal police agencies in California. Forty-four percent of these agencies have 20 or fewer police officers.

In speaking for myself (presently Chief at UCLA) and UC Police Coordinator Barber (former Chief at UCLA), both of us had the good fortune to develop in a large, professional agency - the Los Angeles Sheriff's Department. And both of us have been top administrators in other law enforcement agencies - 2 for myself and 4 for Coordinator Barber. The multiplicity of varied assignments as both sergeants and lieutenants on one of the nations premier law enforcement agencies, coupled with our educational and administrative backgrounds, gives us the credentials, I believe, to legitimately question the present selection process to the Command College.

I was recently in contact with Dick Brug, the Director of Public Safety at Cal Poly San Luis Obispo. Director Brug informed me that Gerald Lipson, the Director at CSU Los Angeles, had been selected to attend the Command College. While this is commendable, I seriously doubt that Director Lipson's qualifications and experience are any more substantial than a large number of experienced university chiefs who clearly deserve the same consideration.

In closing, Director Boehm, we hope this letter is received in the context in which it was written - two professionals to another, voicing what they think is a legitimate gripe. As far as we are concerned, it does nothing to tarnish our respect for all the outstanding things POST has done and will continue to do that make California law enforcement, county, municipality, and university, clearly the best in the country.

Sincerely,

Patrick M. Connolly
Chief of Police

John C. Barber
Coordinator/UC Systemwide
Police Services

PMC/jkw

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE

(916)739-5241
(8)497-5241

July 8, 1985

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

Dear Norm:

I understand that at the July Commission meeting, issues concerning the Command College will be discussed and that you are recommending that the Commission reactivate a subcommittee to consider these issues. An issue that is of interest to our Department involves the eligibility of our high ranking peace officers to attend your Command College. Specifically I refer to our Assistant Bureau Chiefs and our Special Agents in Charge.

We are looking for the sort of executive development and leadership training that your Command College provides for local law enforcement executives for a reason. As you know we serve a unique purpose at the state law enforcement level in that we work so closely with local agencies. For example, we supervise seven narcotics task forces that operate throughout the state. With the exception of our Special Agent, these task forces are comprised of local peace officers and sheriff's deputies. Overall task force policy is determined by a board comprised of the sheriff and local police chiefs. Our agent, who supervises the task force, is guided by this policy board.

Additionally we are now developing Criminal Response Teams comprised of Special Agents and Criminalists. These teams will be available to assist local agencies in complex cases such as the Wilseyville murders, in which we are deeply involved.

And, of course, you are well aware that most of our normal criminal investigative work involves assistance to local law enforcement at their request.

We understand that our agents would not be reimbursed. Rather, we would pay all of our agent's expenses. We willingly assume that responsibility.

I appreciate your consideration of our request since I think the Command College experience would enrich the professional lives of our people. Please let me know if you need further information or if it would be helpful for someone from the Division of Law Enforcement to appear before the Commission.

Sincerely,

JOHN K. VAN DE KAMP
ATTORNEY GENERAL

G. B. Craig, Director
Division of Law Enforcement

re

State of California **Department of Justice**

Memorandum

To : POST Commission
Ad Hoc Command College Policies Committee

Date : September 26, 1985

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

Subject: Request From California State University and University of California Chiefs' Associations to be Exempt from the Assessment Center Portion of the Command College Selection Process

At the January 1984 meeting, the Commission amended procedures for Command College applications to eliminate the need for sheriffs and chiefs of police to go through the Command College Assessment Center. The Commission also approved five seats in each class as dedicated to chiefs and sheriffs. Further, staff was authorized to work with representatives of the California Police Chiefs' Association and the California Sheriffs' Association to develop a reasonable plan for filling those five seats.

This arrangement was primarily at the request of the California Police Chiefs' Association. Support for the exemption from among the chiefs, however, is reportedly less than unanimous. The sheriffs were less concerned over the issue, but supported the Chiefs' Association request. To date, 21 chiefs have been accepted for the Command College. No sheriffs have applied.

The request from the CSU and UC Chiefs' Associations that campus chiefs be exempted from the Assessment Center portion of the Command College selection process was referred to the Ad Hoc Committee. At this meeting the Committee will consider the request and hear comments from those in attendance as appropriate. The Committee's recommendation is scheduled to be brought back to the full Commission at its October 1985 meeting.

Though the Campus Chiefs' letters are the only requests before the Committee now, POST has received inquiries from some executives of other agencies in the POST program. For reference purposes, a list of the 41 categories of agencies with a top law enforcement officer other than a sheriff or municipal chief of police is attached. The Committee may wish to be aware of the potential for additional such requests.

If the Assessment Center is waived for campus chiefs, consideration should also be given to the approved number of seats in each class reserved for chiefs. To hold at the current five seats could mean that fewer city police chiefs enter the program, unless the reserved number for chiefs were expanded to six or seven seats per 24-member class.

Alternatives for the Committee to consider include:

1. Maintain current policy of allowing city police chiefs and county sheriffs to attend the Command College without an Assessment Center. Review whether that policy should be continued as more experience is gained.

2. Approve request of campus chief, but continue to deny exemptions for other agency heads.

3. Waive the Assessment Center for all (or designated) heads of reimbursable departments shown on the attached list.

4. Rescind current policy and require all department heads to compete in the Assessment Center.

Attachment

Types of Agencies in POST Program

Reimbursable

Police Departments *
Sheriff Departments *
CSU Campus Police
UC Campus Police
Community College District Police
District Attorney Investigators
Rapid Transit Police
Unified School District Police
Marshals
Regional Park District
City School Police

Non-Reimbursable

State Agency Investigators/Police
- Alcoholic Beverage Control
- Attorney General's Office, Medi-Cal Fraud Unit
- Consumer Affairs, Board of Dental Examiners
- Consumer Affairs, Board of Medical Quality Assurance
- Consumer Affairs, Division of Investigation
- Department of Developmental Services
- Department of Mental Health
- DOJ, Division of Law Enforcement, Enforcement and Investigation Division
- Fire Marshal, State Arson Investigator
- Fish and Game
- Forestry
- Health Services, Dept. of, Audits and Investigation Division
- Insurance, Department of
- Motor Vehicles
- Office of Emergency Services
- Parks and Recreation
- Social Services, Department of
- State Police
- State Fair Police

California Highway Patrol
Municipal Utility District
County Welfare Fraud/Inv.
Harbor Police/Small Craft Harbor
Municipal Water District
Lawrence Berkeley Lab
City Housing Authority
County Housing Authority
County Arson Investigation
Airport Police
Public Utility Commission

*Top executive is currently admitted to the Command College without attending an Assessment Center.

State of California

Department of Justice

Memorandum

To : POST Commissioners

Date : September 30, 1985

From : Robert Wasserman, Chairman
Ad Hoc Committee on Command College Policies
Commission on Peace Officer Standards and Training

Subject: Report of the Command College Committee Meeting of September 26, 1985

The Commission's Ad Hoc Committee on Command College Policies met at POST headquarters in Sacramento on Thursday, September 26, 1985. Present were myself, Commissioner Wilson, and Glen Craig representing Attorney General Van de Kamp. Also present were Executive Director Boehm and Doug Thomas, POST staff. Representing UC and CSU Chiefs were Pat Connolly (UCLA) and John Carpenter (CSU-San Diego).

Request by Campus Chiefs to be Exempt From the Assessment Center Portion of the Command College Application Process

At its July meeting, the Commission received a letter from Chief Richard Brug, Cal Poly-San Luis Obispo, asking that the Campus Chiefs be exempted from the Assessment Center portion of the Command College selection process. The Committee was assigned the task of considering the Campus Chiefs' request.

Patrick Connolly, Chief, UCLA Police Department, and John Carpenter, Director, Department of Public Safety, San Diego State University, made presentations before the Committee in support of Chief Brug's request. They stressed the interworking relationship between UC and CSU police departments and municipal police departments and sheriff's offices, and made the point that CSU and UC police departments provide a wide range of law enforcement services.

Under discussion, the issue of whether any Assessment Center exemptions should be granted arose.

Chairman Wasserman made a motion, which was seconded by Glen Craig and passed unanimously, to make the following recommendation to the full Commission at its October meeting:

> For the purposes of entrance to the Command College, University of California and California State University Chiefs should be exempted from the Assessment Center portion of the Command College selection process as are municipal chiefs. UC and CSU Chiefs would fit within the present five slots in each class reserved for chiefs. This exemption extends only to the CSU and UC Chiefs. It is not anticipated that heads of other law enforcement agencies in the Reimbursable program would receive the same consideration as a result of this action.

In addition, staff was directed to conduct a study of the entire issue of exemption in terms of the experience that has been gained, with the potential for either eliminating or setting a time limit for such exemptions (e.g., no exemption after a date three or so years from now) and report back to the Committee prior to the April 1986 Commission meeting.

Request from Glen Craig, Director of the Division of Law Enforcement (DLE), Department of Justice, to have DLE's Command-Level State Peace Officers Eligible for Command College Participation

At its July meeting, the Commission also assigned the responsibility for evaluating a request from the State Department of Justice, Division of Law Enforcement, to have its command-level peace officers participate in the Command College.

Glen Craig stepped down as a representative Committee member and briefly restated his request that DLE Special Agents in Charge and Assistant Bureau Chiefs be considered eligible to compete in the selection process to attend the Command College. These personnel have considerable interaction with local agencies. He stated that the Command College experience would be quite relevant.

After discussion, Commissioner Wilson made a motion, which was seconded by Chairman Wasserman and passed (Glen Craig abstained), to make the following recommendation to the full Commission at its October meeting:

> The Ad Hoc Committee on Command College Policies recommends that the Commission approve the request by Glen Craig that DLE command-level State peace officers be considered eligible to apply for the Command College.

In addition, the Committee expressed its intent that no further nonreimbursable agencies be considered for participation in the Command College.

Reviewing Plans for Class 1 Participation

Executive Director Boehm reviewed the tentative plans to date for a Law Enforcement Symposium on the Future to be held in conjunction with the Command College graduation scheduled for January 30-31, 1986. He noted that United States Attorney General Edwin Meese has accepted the invitation to serve as the keynote speaker at the graduation. Hank Koehn has also accepted an invitation to speak. Letters of invitation are also being sent to Governor Deukmejian and Attorney General Van de Kamp.

The graduation ceremony itself is an attendant activity occupying approximately one hour of the two-day symposium. Suggested mementos for graduates were introduced and considered. It was felt that an appropriate memento of graduation from the Command College would be one that would stand out in an office and generate interest and conversation, and would be something that could be readily recognized.

Possible funding sources were also considered, including the feasibility of a foundation concept.

State of California **Department of Justice**

Memorandum

To : POST Commission
Ad Hoc Command College Policies Committee

Date : September 25, 1985

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

Subject: Department of Justice Request for Consideration of Granting Eligibility for Certain Division of Law Enforcement Personnel to Attend the Command College

The Director of the Division of Law Enforcement (DLE) has asked that the Commission allow members of his Division (who otherwise meet entrance qualifications) to apply for entrance to the Command College. The issue before the Committee is whether the Command College program should be expanded to allow DLE to participate in the Command College training. Currently, the program is limited to only the applicants from sheriff's and police departments and the California Highway Patrol. The Committee's recommendation is scheduled to be presented to the full Commission at the October Commission meeting.

We refer the Committee to the list of non-reimbursable agencies which may wish to be allowed Command College participation. Whatever decision the Committee may arrive at with regard to DLE, we recommend not expanding participation too broadly. The cross-over line between enrichment because of diversity of backgrounds and problems with class compatibility and unity of presentation by faculty would be quickly approached.

In any event, the Commission can feel complimented at the interest shown in the Command College by agencies not in the reimbursable program. It would probably be appropriate to assure interested parties that recommendations are based from the perspective of priorities, with highest priority going to those in local law enforcement and those who work most directly with them.

Alternatives for the Committee to consider include:

1. Continue current policy; i.e., allowing only police and sheriff's department and the California Highway Patrol to attend.

2. Approve the Department of Justice request and continue to deny Command College attendance from agencies other than sheriff's and municipal police departments, the California Highway Patrol, and DLE.

3. Allow all non-reimbursable specialized agencies who participate in POST programs to apply for and attend the Command College upon acceptance.

4. Allow only reimbursable agencies to participate in the Command College

Types of Agencies in POST Program

Reimbursable

Police Departments *
Sheriff Departments *
CSU Campus Police
UC Campus Police
Community College District Police
District Attorney Investigators
Rapid Transit Police
Unified School District Police
Marshals
Regional Park District
City School Police

Non-Reimbursable

State Agency Investigators/Police
- Alcoholic Beverage Control
- Attorney General's Office, Medi-Cal Fraud Unit
- Consumer Affairs, Board of Dental Examiners
- Consumer Affairs, Board of Medical Quality Assurance
- Consumer Affairs, Division of Investigation
- Department of Developmental Services
- Department of Mental Health
- DOJ, Division of Law Enforcement, Enforcement and Investigation Division
- Fire Marshal, State Arson Investigator
- Fish and Game
- Forestry
- Health Services, Dept. of, Audits and Investigation Division
- Insurance, Department of
- Motor Vehicles
- Office of Emergency Services
- Parks and Recreation
- Social Services, Department of
- State Police
- State Fair Police

California Highway Patrol
Municipal Utility District
County Welfare Fraud/Inv.
Harbor Police/Small Craft Harbor
Municipal Water District
Lawrence Berkeley Lab
City Housing Authority
County Housing Authority
County Arson Investigation
Airport Police
Public Utility Commission

*Top executive is currently admitted to the Command College without attending an Assessment Center.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE

(916)739-5241
(8)497-5241

July 8, 1985

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

Dear Norm:

I understand that at the July Commission meeting, issues concerning the Command College will be discussed and that you are recommending that the Commission reactivate a subcommittee to consider these issues. An issue that is of interest to our Department involves the eligibility of our high ranking peace officers to attend your Command College. Specifically I refer to our Assistant Bureau Chiefs and our Special Agents in Charge.

We are looking for the sort of executive development and leadership training that your Command College provides for local law enforcement executives for a reason. As you know we serve a unique purpose at the state law enforcement level in that we work so closely with local agencies. For example, we supervise seven narcotics task forces that operate throughout the state. With the exception of our Special Agent, these task forces are comprised of local peace officers and sheriff's deputies. Overall task force policy is determined by a board comprised of the sheriff and local police chiefs. Our agent, who supervises the task force, is guided by this policy board.

Additionally we are now developing Criminal Response Teams comprised of Special Agents and Criminalists. These teams will be available to assist local agencies in complex cases such as the Wilseyville murders, in which we are deeply involved.

And, of course, you are well aware that most of our normal criminal investigative work involves assistance to local law enforcement at their request.

We understand that our agents would not be reimbursed. Rather, we would pay all of our agent's expenses. We willingly assume that responsibility.

I appreciate your consideration of our request since I think the Command College experience would enrich the professional lives of our people. Please let me know if you need further information or if it would be helpful for someone from the Division of Law Enforcement to appear before the Commission.

Sincerely,

JOHN K. VAN DE KAMP
ATTORNEY GENERAL

G. B. Craig, Director
Division of Law Enforcement

re

State of California **Department of Justice**

Memorandum

To : Norman Boehm
Executive Director

Date : September 26, 1985

Thru: Glen Fine
Deputy Executive Director

Ted Morton, Chief
Center for Executive Development

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

Subject: Command College Graduation Plans

The attached schedule shows the tentative plans for the graduation of Command College class #1.

Thursday, January 30 and Friday, January 31, 1986 will be a training session for invited persons attending the graduation. Invitations will be sent to chiefs and sheriffs who will be given the opportunity to invite their city manager/city administrator or county executive officer. In addition, Governor Deukmejian, POST Commissioners, former Commissioners who were instrumental in the Command College development, students' immediate family members, Command College faculty, the President of Cal-Poly, Pomona, and the Dean of Continuing Education at Kellogg West will be invited.

It is anticipated that Chairman Vernon will give the opening welcome on Thursday, January 30. Prominent keynote speakers have been invited and the four most outstanding student projects will be presented throughout the day on Thursday and Friday. U.S. Attorney General Ed Meese has accepted by telephone to be the graduation and awards ceremony speaker. Invitations have also been extended to Governor Deukmejian, Attorney General Van de Kamp, Gene Rodenberry, James Q. Wilson, and selected outstanding Command College presenters.

A copy of the graduation schedule is attached.

COMMAND COLLEGE GRADUATION

January 30 - 31, 1986

	Thursday 30	Friday 31
0830 - 0900	Welcome Chairman Vernon	Opening Mr. Boehm
0900 - 1000	Overview of Program	Keynote Speaker
1000 - 1015	Break	Break
1015 - 1115	Keynote Speaker	Project Presentation
1115 - 1200	Project Presentation	Keynote Speaker
1200 - 1300	Lunch	Lunch
1300 - 1400	Keynote Speaker	Keynote Speaker
1400 - 1500	Keynote Speaker	Project Presentation
1500 - 1515	Break	Break
1515 - 1615	Keynote Speaker	Keynote Speaker
1615 - 1700	Project Presentation	Graduation Ceremony Student Speaker Awards
1800 - 1900	Formal Evening Dinner	

Tentative Keynote Speakers

Dick Byrne
George Deukmejian
Hank Koehn (accepted)
Edwin Meese (accepted)
Gene Rodenberry
John Van de Kamp
James Q. Wilson
Nominated Faculty Members

Commission on Peace Officer Standards and Training
Advisory Committee Meeting
Hyatt Hotel, San Leandro Room
Oakland, California
October 23, 1985, 10 a.m.

AGENDA

Call to Order and Roll Call	Chair
Approval of Minutes of July 24, 1985, Meeting	Chair
Announcements	Chair
Commission Liaison Committee Remarks	Commissioners
Civilianization in Law Enforcement Study - Status Report	Staff
Longtitudinal Study of Trainees - Sub Committee Report	Chair
Dispatcher Selection and Training Standards Assignment	Chair
Commission Meeting Agenda Review	Staff
Advisory Committee Member Reports	Members
Open Discussion	Chair
Election of Officers	Chair
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
July 24, 1985
Bahia Hotel
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, Calif. Academy Directors' Assoc.
Michael Sadleir, Vice-Chairman, Specialized Law Enforcement
Don Brown, Calif. Organization of Police and Sheriffs
Ben Clark, Calif. State Sheriffs' Assoc.
Ray Davis, Calif. Peace Officers' Assoc.
Michael D'Amico, Calif. Assoc. of Administration of Justice Educators
Barbara Gardner, Women Peace Officers' Assoc, of Calif.
Michael Gonzales, Calif. Assoc. of Police Training Officers
Ronald Lowenberg, Calif. Police Chiefs' Assoc.
William Oliver, Calif. Highway Patrol
Carolyn Owens, Public Member
Jack Pearson, State Law Enforcement Management
Wiliam Shinn, Peace Officers' Research Assoc. of Calif.
J. Winston Silva, Community Colleges

Absent was: Mimi Silbert, Public Member, excused due to illness

Commission Advisory Liaison Committee Members present:

Commissioner Carm Grande, Committee Chairman
Commissioner Glenn Dyer
Commissioner Edward Maghakian
Commissioner Alex Pantaleoni
Commissioner Robert Wasserman

POST Staff present:

Norman Boehm, Executive Director
Don Beauchamp, Assistant to Executive Director
Michael DiMiceli, Bureau Chief, Management Counseling
Dave Allan, Bureau Chief, Compliance and Certificates
Imogene Kauffman, Executive Secretary

Guests: Gary Wiley, President of CAPTO, Redondo Beach Police Dept.
Larry Abbott, Orange County Sheriff's Dept.
Derald D. Hunt, Criminal Justice Educators' Assoc.

APPROVAL OF MINUTES

MOTION - Silva, second - Shinn, carried unanimously for approval of the minutes of the April 24, 1985 Advisory Committee Meeting at the Beverly Garland Motor Lodge in Sacramento.

ANNOUNCEMENTS

It was announced that due to booking problems with the Bahia Hotel in San Diego the January 22, 1986, meeting would be changed to Tuesday, January 21, 1986. This will be a one-time only change from the regularly scheduled Wednesday meeting date.

COMMISSION LIAISON COMMITTEE REMARKS

Liaison Committee Chairman Grande introduced Commissioner Edward Maghakian, newly appointed public member to the Commission.

STAFF LIAISON REMARKS

Don Beauchamp reported on POST's latest projected moving date to the new facility. The moving date is not on schedule, and it is now rescheduled for the first part of September.

LAW ENFORCEMENT PRIVATIZATION TRENDS

There was general discussion of the approach to be taken by the Advisory Committee in responding to the assignment given by the Commission at their April, 1985 meeting regarding a study of privatization of law enforcement services. The need to clearly separate the issues of civilianization and privatization was discussed, and the following action was taken:

MOTION - Clark, second - Davis, carried unanimously that the Committee Chairman appoint a "Civilianization Committee" to work with POST staff and the CPOA Training Committee on the survey questionnaire now underway on civilianization in law enforcement in California.

Chairman McKeown appointed Mike Sadleir, Chair, Bill Shinn and Ray Davis to serve on the Civilianization Committee.

The following concerns regarding the privatization study were discussed:

- The need for a clear definition as to exactly what the study should entail;
- The need for a definition of privatization;
- What should POST's role be and to what extent might privatization dilute the efforts of the Commission and the Peace Officer Training Fund -- or should POST be involved at all;
- What selection and training standards are advisable or required for those people who can restrict a person's freedom;
- What problems will there be with labor groups;

- The advisability of looking at some samples of agencies using privatization programs and the quality of service the programs provide to the public;

- Is private security adequately regulated and supervised; if not, should that be POST's role and to what extent;

- Should the possibility be explored of hiring private security officers to work under the supervision of sworn officers;

- Consider the possibility of inviting resource people (Consumer Affairs) to give a presentation to the Advisory Committee on privatization.

There was consensus that a "Privatization Committee" be appointed to consider the points set forth above.

Chairman McKeown appointed Ben Clark to Chair, Ron Lowenberg, Bill Oliver, and Joe McKeown to serve as members on the Privatization Committee.

RECOGNITION OF EXPERIENCE FOR POST CERTIFICATES

At the April 1985 Commission meeting, the Commission asked that the Advisory Committee review, upon completion, the staff study on problems related to the recognition of experience other than full-time experience for certification requirements for peace officers.

A report on the study of part-time employment toward certificate eligibility was presented. In summary, the study found that limited inquiries to agencies undergoing recent compliance inspections disclose a large variation of how reserve and part-time officers are utilized.

There is no clear separation of duties and resulting experience of various types of officers throughout the state, except that full-time regular officers as defined by POST are definitely set apart from all the others.

To alter the nature of the Professional Certificate Program to recognize the varied experience of the multitude of officers, other than full-time officers, would require a major change in the program and additional costs to POST. Such a new process would likely generate greater concern for equity than does the current process.

During discussion, a suggestion was made that some thought be given to referring to "experience" as "employment", which would be more definitive terminology.

MOTION - Davis, second - Shinn, carried unanimously that the Advisory Committee's recommendation to the Commission be that credit will not be granted for experience other than that of a full-time regular officer for the purpose of awarding certificates.

MOTION - Clark, second - Brown, carried unanimously that it be recommended that the Commission, at some point in time, conduct a study of the certification program, i.e., how certificates are being used and what they represent.

COMMISSION MEETING AGENDA REVIEW

Norman Boehm, Executive Director, reviewed and discussed the Commission Meeting Agenda for the next day's Commission meeting.

COMMITTEE MEMBER CORRESPONDENCE

The Chairman referred to a letter he received from Chief Ray Davis as the representative of CPOA. It requested that when the Advisory Committee takes a definitive position on an issue or proposal that there be some procedure established to ensure that the position is reported to the Commission when the item is being discussed.

> MOTION - Davis, second - Lowenberg, carried unanimously that when the Advisory Committee takes a definitive position on an agenda item, that the position be reported to the Commission for consideration prior to the Commission's taking action on the issue.

COMMITTEE MEMBER REPORTS

California Peace Officers' Association - Ron Lowenberg, Chairman of the CPOA Training Committee, announced a new program of training cooperation between private and public sectors. It is a management training program which allows law enforcement administrators to attend corporation training programs. Large corporations in California have been contacted, and most have excellent internal training programs which can be of value to law enforcement. If anyone would be interested in further information, please contact Chief Lowenberg.

California Association of Police Training Officers - Mike Gonzales announced that the 1985 CAPTO conference will be held at the Flamingo Hotel in Santa Rosa, October 16-18, 1985.

California Highway Patrol - Bill Oliver reported he had recently had the opportunity to go before the State Personnel Board for the hearing on psychological screening. The Hispanic Law Enforcement group appointed by the Governor had been concerned with the adverse impact they perceive being specifically directed to their group. It was determined that all the tests and validation show there is no adverse impact and does not violate the hiring standards ruling.

Peace Officer Research Association of California - Bill Shinn stated that the Fair Labor Standards Act is a major issue as to how it affects contracts. He also reported that the PORAC conference is scheduled for November 7-8-9, 1985.

California Specialized Law Enforcement - Mike Sadleir reported that the State Personnel Board psychological testing program was ready to go the end of May.

California Academy Directors' Associaiton - Joe McKeown announced that the new president of CADA is Les Clark, Director, Sacrameno Criminal Justice Training Center.

OPEN DISCUSSION

Jack Pearson stated he was very interested in the Fair Labor Standards Act; the academy approach with both sworn and non-sworn people and how that will be impacted by Fair Labor Standards with regard to overtime. Chairman McKeown said this subject would be included on the next agenda.

Joe McKeown stated there is a desire on the part of the educational community for some kind of a tracking study to be completed to trace students' progress from training through employment -- why some make it and some don't. A Student Tracking Study Committee was appointed to include Joe McKeown - Chairman, Bill Oliver and Bill Shinn to serve as members.

On behalf of the Commission, Commissioner Carm Grande, Chairman of the Advisory Liaison Committee, thanked Advisory Committee members Mike Gonzales and Mike D'Amico for their valuable service to the Commission.

There being no further business to come before the Committee, the meeting was adjourned at 12:35 p.m.

Imogene Kauffman

Imogene Kauffman
Committee Secretary

1515 K Street, Suite 600
Sacramento, California 95814
(916) 324-5437

3580 Wilshire Boulevard, Suite 800
Los Angeles, California 90010
(213) 736-2273

COMMISSION ON POST
SEP 27 11 25 AM '85

State of California

Office of the Attorney General

John K. Van de Kamp
Attorney General

September 27, 1985

Robert L. Vernon, Chairman
Commission on Peace Officer
Standards and Training
1601 Alhambra Boulevard
Sacramento, California 95816-7083

Dear ~~Chairman Vernon~~ Bob:

In April 1985, my Commission on the Enforcement of Child Abuse Laws (CECAL) presented me with 85 recommendations to improve our systems for the reporting, investigation, prosecution, and prevention of child abuse and for the protection of children in licensed child day care facilities. The members of the Commission were all experts in the various aspects of child abuse, and made their recommendations to me after extensive public hearings and careful consideration. Several of the recommendations relate specifically to POST responsibilities and the investigation of child abuse.

First, CECAL recommended that POST develop standardized protocols for local law enforcement agencies on the investigation of child physical abuse, sexual abuse and neglect. (Investigation Recommendation II.B.3.) CECAL noted that currently there are no statewide uniform procedures to guide local law enforcement agencies in the investigation of child abuse cases. CECAL concluded that the development of a standarized protocol for local law enforcement would improve the effectiveness of investigations, including joint and multijurisdictional investigations. CECAL believed the protocol should also address the need for standardized reports to facilitate and record investigations.

I know that POST has training materials which provide guidelines for the investigation of child abuse and sexual exploitation, but I believe that a uniform protocol for the investigation of all types of child abuse cases is needed by law enforcement.

Second, CECAL recommended that POST periodically update its child abuse training materials, including "Investigation of Child Abuse and Neglect" and "Guidelines for the Investigation of Sexual Exploitation and Sexual Abuse of Children." (Investigation Recommendation II.C.2.) CECAL stated that since the law and our knowledge of child abuse investigation methods and techniques

are constantly changing, a scheduled update of these publications should be initiated. CECAL also recommended that reduced-rate copies be made available to other agencies involved with child protection.

Finally, CECAL recommended that POST update and expand the child abuse training unit in the basic academy course for new officers. CECAL further recommended that basic training should be directed toward detection, investigation and reporting, and that basic training should be supplemented by advanced officer training and special courses. (Investigation Recommendation II.C.1.) CECAL believed that, since the first officer on the scene of a child abuse investigation frequently determines the outcome of the entire case, the basic course training for new officers should provide standardized procedures for the recognition and preliminary investigation of child abuse and neglect cases.

I support the recommendations made by CECAL and encourage our Commission on Peace Officer Standards and Training to take the appropriate actions to implement these recommendations.

I look forward to hearing from you with regard to these very important recommendations. If my office can be of any assistance, please contact Jack Dugan, Director of the Crime Prevention Center, at (916) 324-7878.

Sincerely,

JOHN K. VAN DE KAMP
Attorney General

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Enclosure: CECAL Final Report

cc: B. Gale Wilson
Sherman Block
Glenn E. Dyer
Carm J. Grande
Cecil Hicks
Edward Maghakian
Raquel Montenegro, Ph.D.
C. Alex Pantaleoni
Charles B. Ussery
Robert Wasserman

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, *Governor*

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, *Attorney General*

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

1601 ALHAMBRA BOULEVARD
SACRAMENTO 95816-7083
GENERAL INFORMATION
(916) 739-5328
EXECUTIVE OFFICE
(916) 739-3864
BUREAUS
Administrative Services
(916) 739-5354
Center for Executive Development
(916) 739-2093
Compliance and Certificates
(916) 739-5377
Information Services
(916) 739-5340
Management Counseling
(916) 739-3868
Standards and Evaluation
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(916) 739-5394
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(916) 739-5367
Resource Library
(916) 739-5353

October 8, 1985

John K. Van De Kamp
Attorney General
State of California
3580 Wilshire Boulevard, Suite 800
Los Angeles, CA 90010

Dear Mr. Van De Kamp:

Thank you for your recent letter concerning the recommendations from the Commission on the Enforcement of Child Abuse Laws (CECAL) which are directed to POST. Your comments are appreciated.

As you know, POST has responded to legislative mandates relating to the establishment of investigative guidelines and standardized training on child abuse, neglect, and sexual exploitation which are set forth in Penal Code Section 13516. POST has published and distributed two documents including "Investigation of Child Abuse and Neglect" (1980) and "Guidelines for the Investigaton of Sexual Exploitation and Sexual Abuse of Children" (1983).

Both documents suggest standardized, recommended procedures to guide law enforcement in handling and investigating such cases. Since the required child abuse, neglect, and sexual exploitation training in the Basic Course and courses for specialists is partially based upon our existing guidelines, it seems reasonable that a staff study to review and update this curriculum is necessary.

The Executive Director concurs with this assessment. Norm informs me that work to commence in the near future will address both the recommendations of CECAL and some legislatively required revisions. Members of your staff will be invited to provide input.

Thank you for bringing this important matter to my attention.

Sincerely,

Robert L. Vernon

ROBERT L. VERNON
Chairman