
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 852 **Hearing Date:** June 18, 2024
Author: Jones-Sawyer
Version: June 6, 2024
Urgency: Yes **Fiscal:** No
Consultant: AB

Subject: *Peace officers*

HISTORY

Source: Author

Prior Legislation: AB 458 (Jones-Sawyer, 2023), as introduced (later amended to include unrelated contents)
AB 2229 (L. Rivas, Ch. 959, Stats. of 2022)
AB 655 (Kalra, Ch. 854, Stats. of 2022)
SB 960 (Skinner, Ch. 825, Stats. of 2022)
AB 89 (Jones-Sawyer, Ch. 405, Stats. of 2021)
AB 846 (Burke, Ch. 322, Stats. of 2020)

Support: California Public Defenders Association

Opposition: None known

Assembly Floor Vote: N/A

PURPOSE

The purpose of this bill is to require, commencing January 1, 2029, a peace officer to attain a modern policing degree, as specified, or a bachelor's or other advanced degree from an accredited college or university prior to receiving a basic certificate from the Commission on Peace Officer Standards and Training (POST).

Existing law establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. (Pen. Code, §§ 830-832.10; 13500 et seq.)

Existing law establishes the powers of POST, including among others, to develop and implement programs to increase the effectiveness of law enforcement, to secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. (Pen. Code, §§ 830-832.10; 13500 et seq.)

Existing law requires POST to establish a certification program for peace officers including several levels of certificate for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers (Pen. Code § 13510.1, subs. (a), (b).)

Existing law requires every peace officer in the state to satisfactorily complete an introductory training course prescribed by POST. (Pen. Code, § 832, subd. (a).)

Existing law requires every peace officer in the state to obtain a basic certificate issued by POST upon completion of probation, but no later than 24 months after his or her employment. (Pen. Code, § 832.4, subd. (b).)

Existing law provides that each class of public officers or employees declared by law to be peace officers shall meet specified minimum standards, including that they be a high school graduate, pass the General Education Development Test or other high school equivalency test, or have attained a two-year, four-year or advanced degree from an accredited college or university, as specified. (Gov. Code § 1031.)

Existing law specifies that it shall not be construed to preclude the adoption of additional or higher standards. (Gov. Code § 1031, subd. (g).)

Existing law requires any person designated as a peace officer, notwithstanding designated exceptions, or any peace officer employed by an agency that participates in a POST program must be at least 21 years of age at the time of appointment. (Gov. Code, § 1031.4, subd. (a).)

Existing law provides that any person, who as of December 31, 2021, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California is not subject to the age requirement of 21 years of age. (Gov. Code, § 1031.4, subd. (b).)

Existing law requires representatives from POST, stakeholders from law enforcement, the California State University, and community organizations to serve as advisors to the office of the Chancellor of the Community Colleges to develop a modern policing degree program. (Pen. Code, § 13511.1, subd (a).)

Existing law requires the Office of the Chancellor of the California Community Colleges to report recommendations to the Legislature outlining a plan to implement the modern policing degree program on, or by, June 1, 2023. (Pen. Code, § 13511.1, subd (a).)

Existing law requires the report above to include the following:

- Focus on courses pertinent on law enforcement including, but not limited to, psychology, communications, history, ethnic studies, law, and courses determined to develop necessary critical thinking skills and emotional intelligence;
- Allowances for prior law enforcement experience, appropriate work experience, postsecondary education experience, or military experience;

- Both the modern policing degree program and bachelor's degree program in the discipline of their choosing as minimum education requirements for employment as a peace officer.
- Recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access to fulfill the minimum requirements to be adopted for employment as a peace officer. (Pen. Code, § 13511.1, subd (a)(1-4).)

Existing law requires POST to approve and adopt the education criteria for peace officers within two years from the submission of the report to the Legislature. (Pen. Code, § 13511.1, subd (c).)

Existing law requires POST to adopt rules establishing minimum standards relating to the recruitment, training and fitness of state and local law enforcement officers. (Pen. Code, §§ 13510 & 13510.5.)

This bill provides that, commencing January 1, 2029, a peace officer shall attain one of the following degrees prior to receiving a basic certificate from POST:

- A modern policing degree from a California Community College.
- A bachelor's degree or other advanced degree from an accredited college or university.

This bill provides that the requirement above does not apply to any person who, as of December 31, 2028, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

This bill includes an urgency clause.

COMMENTS

1. Need for This Bill

According to the Author:

In 2021, this Legislature successfully passed my bill AB 89, which raised the age and education requirement for Peace Officers in the state to 21 and, once developed, an Associate's degree in Modern Policing. We now have a model curriculum developed by the Faculty Senate but we need to clean-up the legislative language to allow for implementation. AB 852 will clarify the intent to require an Associate's degree at minimum and moves implementation dates in line with curriculum development.

2. Law Enforcement Recruitment and Retention Issues

In recent years, law enforcement agencies around the country have experienced mounting challenges related to the recruitment and retention of sworn personnel. A survey conducted by the Police Executive Research Forum in June 2021 found that the departments surveyed were, on

average, filling only 93% of the authorized number of positions available.¹ While this does seem striking at first glance, this number belies the fact that many larger departments are seeing dramatic drops in staffing. In Seattle, a record 180 officers left the police department in 2020, and another 170 departed in 2021, putting the agency at its lowest relative staffing level in history.² In Minneapolis, a severe shortage of officers has meant that on-duty officers are able to do little else besides respond to 911 calls.³ According to another recent survey conduct by the International Association of Chief of Police, 78% of respondent agencies reported having difficulty in recruiting qualified candidates, and 25% reported having to reduce or eliminate certain agency services, units or positions because of staffing difficulties.⁴

California has not been immune from officer recruitment and retention challenges. Between September 2021 and February 2022, San Diego lost over 100 officers, with 2022 being the first year the city expects to see retirements and departures outpace new hires.⁵ Similarly, as of August 2021, the Los Angeles Police Department had 296 empty officer positions and almost 500 fewer officers on duty than it did the previous year, and as of November 2021, San Francisco was short 533 officers relative to full staffing levels.⁶ According to a recent study conducted by the Public Policy Institute of California, between 2020 and 2021, the state lost 2,100 sworn staff and about 1,100 civil staff, and the number of sworn officers per 100,000 residents is the lowest since 1995.⁷

While some argue that much of the shortfall is a direct result of vaccine mandates for public employees related to the COVID-19 pandemic, the scope and duration of the shortage suggests that larger structural forces are at play. For instance, departments staffed by a higher proportion of baby boomers are seeing a wave of retirements, at a time when the attitude of millennials and “gen-Xers” toward police are changing. In addition, increased awareness of police misconduct, especially in low-income areas and communities of color, has sown greater mistrust of police in these communities, making it more difficult for agencies to draw local applicants. Economically, low unemployment rates and a strong job market mean that prospective applicants have multiple options when seeking employment, many of which involve less rigorous entrance requirements.⁸

To address the staffing shortfall, law enforcement agencies have pursued a variety of potential solutions, such as increasing pay and benefits, scaling back job requirements, and hiring more non-sworn support staff. Some states, including California, have sought to address the problem

¹ “Survey on Police Workforce Trends.” *Police Executive Research Forum Special Report*. 11 June 2021. <https://www.policeforum.org/workforcesurveyjune2021>

² *Ibid.*

³ *Ibid.*

⁴ “The State of Recruitment: A Crisis for Law Enforcement.” *International Association of Police Chiefs*. https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf

⁵ “San Diego facing new police officer vacancy crisis blamed partly on vaccine mandate.” *The San Diego Union-Tribune*. 3 February 2022. <https://www.sandiegouniontribune.com/news/politics/story/2022-02-03/san-diego-facing-new-police-officer-vacancy-crisis-blamed-partly-on-vaccine-mandate>

⁶ “LAPD is short about 300 officers but the chief hopes to fill the gap.” *Los Angeles Daily News*. 20 August 2021. <https://www.dailynews.com/2021/08/20/lapd-is-short-about-300-officers-but-the-chief-plans-to-fill-the-gap/>; “SFPD could be short 533 officers amid staffing strains from the vaccine mandate.” *ABC 7 News*. 1 November 2021. <https://abc7news.com/san-francisco-vaccine-mandate-sfpd-sf-city-workers-on-leave/11188916/>

⁷ “Law Enforcement Staffing in California.” PPIC. February 2023. <https://www.ppic.org/publication/law-enforcement-staffing-in-california/>

⁸ For a more comprehensive analysis, see Wilson, Jeremy, et al. “Police Recruitment and Retention for the New Millennium.” *RAND Corporation*. 2010. https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG959.pdf

and expand the applicant pool by removing or modifying officer citizenship requirements or raising the maximum age for eligibility.⁹

3. Academic Requirements for Peace Officers and Effect of This Bill

Law enforcement education requirements vary by jurisdiction and depending on the type and level of peace officer position. In California, prospective officers are required to have no more than a high school diploma or GED and complete a certain number of training hours through POST. However, California law enforcement officers are already much more likely to have some college education or an associate degree compared to full-time workers in other occupations, and California has more college-educated officers than all but three states.¹⁰ Though with recent increases in and public focus on incidents of excessive force by peace officers, there have been growing efforts to establish higher baseline educational requirements for officers. Studies have shown that officers with education beyond a GED or high school diploma use force less often, use lower levels of force, and receive fewer complaints and disciplinary actions than their non-college educated counterparts.¹¹

In 2021, multiple bills were introduced which would have increased educational requirements for prospective California peace officers. Senate Bill 387 (Portantino) would have required peace officer applicants to complete at least some college courses in order to obtain a basic certificate from POST, but was never taken up on the Senate Floor.¹² AB 89 (Jones-Sawyer, Ch. 405, Stats. of 2021) as originally introduced would have required prospective peace officers to be at least 25 years of age or, if the prospective officer is under 25, to have a bachelor's degree. However, that measure was ultimately amended to change the age requirement from 18 to 21 years of age, and to require the Office of the Chancellor of California Community Colleges (hereinafter, "OCC") to develop a modern policing degree program with POST and other stakeholders. AB 89 also required that stakeholder group to submit a report to the Legislature outlining a plan to implement that program by June 1, 2023. That bill further specified that the OCC's recommendations must include both the modern policing degree program and bachelor's degree in the discipline of the work group's choosing as minimum education requirements for employment as a peace officer. Finally, AB 89 required POST to adopt the education criteria for peace officers within 2 years of the submission of the report to the Legislature by the OCC.

Last year, AB 458 (Jones-Sawyer, 2023), as originally introduced, would have codified that expected recommendation and required prospective officers to obtain a modern policing degree

⁹ See SB 960 (Skinner, Ch. 825, Stats. of 2022), and AB 1435 (Lackey, 2023), vetoed by the Governor.

¹⁰ "New Law Raises Standards for Police Officers." *Public Police Institute of California*. 26 January 2022. [New Law Raises Standards for Police Officers - Public Policy Institute of California \(ppic.org\)](https://ppic.org); "Mandate Higher Education for California Police Officers." *CalMatters*. 26 March 2021. [Mandate higher education for California police officers - CalMatters](https://calmatters.org)

¹¹ *Ibid*; Rydberg, Jason et. al. "The Effect of Higher Education on Police Behavior." *Police Quarterly*: Volume 13, Issue 1. 10 January 2010. [The Effect of Higher Education on Police Behavior - Jason Rydberg, William Terrill, 2010 \(sagepub.com\)](https://sagepub.com); Mcelvain, James and Augustine Kposowa. "Police Officer Characteristics and the Likelihood of Using Deadly Force." *Criminal Justice and Behavior*: Vol. 35, No 4. <https://heinonline.org/HOL/Page?handle=hein.journals/crmjusbhv35&id=486&collection=journals&index=>

¹² The police-related contents of SB 387 were ultimately removed and new language was inserted related to pupil health.

or bachelor's degree prior to receiving their basic certificate from POST, unless the officer was already employed by a public agency or enrolled in a basic academy.¹³

In November 2023, the OCC task force released its final report and recommendations as required by AB 89. Of particular relevance here, the OCC task force recommended the inclusion of “both the modern policing degree program and bachelor’s degree in the discipline of their choosing as minimum education requirements for employments as a peace officer.”¹⁴ Additionally, as part of this broader recommendation, the task force proposed establishing a “Modern Policing Degree” – either an Associate of Arts or Associate of Sciences in Policing – that is foundational and prepares students for a career as a police officer, which shall be completed prior to obtaining a POST basic certificate or within 24 months of initial appointment as a peace officer. Some stakeholders have indicated that the language in the OCC report is confusing in that it appears to require *both* a bachelor’s degree and a Modern Policing Degree.

With the aim of implementing the education requirement recommended by the OCC task force and resolving any ambiguity about which degrees are required, this bill provides that, commencing January 1, 2029, peace officers must obtain *either* a modern policing degree from a California Community College or a bachelor’s degree or other advanced degree from an accredited college or university. However, the bill contains an exemption to this requirement for any person who, as of December 31, 2028, is enrolled in a basic academy or employed as a peace officer in California. Thus, individuals that are already officers or training to become officers at the time the education requirement goes into effect will not be obligated to fulfill that requirement.

4. Related Legislation

SB 1122 (Seyarto) takes a slightly different approach to implementing the OCC task force recommendations and clarifying the timeline for the education requirement. Specifically, SB 1122, which passed out of Assembly Public Safety on June 4, 2024, provides that any requirement for the completion of a bachelor’s degree or an associate’s degree adopted pursuant to existing law (enacted by AB 89) may be satisfied after the completion of the POST training program, and that an individual may complete a bachelor’s degree or associate’s degree within 36 months of employment as a peace officer. While SB 1122 and this bill amend different code sections, the laws they would enact conflict with one another and should be reconciled. The Author may wish to work with the author of SB 1122 to resolve this conflict.

5. Argument in Support

According to the California Public Defenders Association:

There can be no doubt that we want California’s police officers to be well trained. The Legislature and POST set forth a rigorous academy training regimen. The question this bill answers, though, is do we also want our police officer to be well educated?” This bill requires police officers to have a college degree, including a

¹³ After being heard in this committee, AB 458 was amended to remove its contents entirely and replace them with a bill outside this committee’s jurisdiction.

¹⁴ “California Assembly Bill 89 Modern Policing Degree Task Force Report and Recommendations.” California Community Colleges Chancellor’s Office. Published 6 November 2023. [California Assembly Bill 89 Modern Policing Degree Task Force Report and Recommendations \(cccco.edu\)](https://www.cccco.edu/ab89-report). See pp. 8-9.

modern policing degree to be established in the Community Colleges. An educated police force is definitely a good thing. A study has shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts. (Uncodified language, section 2 (d), AB 89 (2021).) Our only reservation is that the modern policing degree curriculum must be high quality and not simply an adjunct of the police academy. The “Assembly Bill 89 Modern Policing Degree Task Force Report and Recommendations” is encouraging. We suggest that the required police academy course of training not be a part of the modern policing degree but instead remain a separate requirement.

6. Amendment to Be Taken in Committee

The Author, POST and Senator Seyarto have agreed to the following amendment to include a 3 month grace period for obtaining the required degree:

SECTION 1. Section 1031.4 of the Government Code is amended to read:

*(c) ~~Commencing on January 1, 2029, an officer~~ **A peace officer** specified in subdivision (a) shall attain one of the following degrees ~~prior to receiving a basic certificate pursuant to Section 13510.1 of the Penal Code~~; **no later than January 1, 2029, or within 36 months of commencing their employment as a peace officer, as applicable:***

(1) A modern policing degree, as described in subdivision (a) of Section 13511.1 of the Penal Code, from a California Community College.

(2) A bachelor’s degree or other advanced degree from an accredited college or university.

(d) Subdivision (c) does not apply to any person who, as of December 31, 2028, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

-- END --