
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 1888 **Hearing Date:** May 15, 2018
Author: Salas
Version: January 18, 2018
Urgency: No **Fiscal:** No
Consultant: GC

Subject: *Peace Officers: Basic Training Requirements*

HISTORY

Source: California State Sheriff's Association

Prior Legislation: AB 1168 (Salas) in 2015

Support: Kings County Sheriff

Opposition: None known

Assembly Floor Vote: 66 - 0

PURPOSE

The purpose of this bill is to delete the January 1, 2019 sunset date on provisions of law that allow a deputy sheriff assigned to custodial duties to be reassigned to the general enforcement of the criminal laws of the state within five years of completing the basic peace officer training course if the deputy sheriff has been continuously employed by the same department and has maintained perishable skills training required by the Commission on Peace officer Standards and Training (POST).

Existing law provides that every peace officer shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training (POST). On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms. (Pen. Code, § 832, subd. (a).)

Existing law states that every peace officer, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course specified. (Pen. Code, § 832, subd. (b)(1).)

Existing law specifies that persons described in this chapter as peace officers who have not satisfactorily completed specified courses shall not have the powers of a peace officer until they satisfactorily complete the course. (Pen. Code, § 832, subd. (c).)

Existing law exempts a peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training (POST). (Pen. Code, § 832, subd. (d).)

Existing law provides that a person completing the basic peace officer training who does not become employed as a peace officer within three years from the date of passing the examination, or who has a three-year or longer break in service as a peace officer, shall pass the examination prior to the exercise of the powers of a peace officer, except for the following specified individuals:

- A peace officer who is returning to a management position that is at the second level of supervision or higher;
- A peace officer who has successfully re-qualified for a basic course through the Commission on Peace Officer Standards and Training (POST);
- A peace officer who has maintained proficiency through teaching the basic peace officer training course;
- A peace officer, who during the break in California service, was continuously employed as a peace officer in another state or at the federal level; or,
- A peace officer, who has previously met the requirements of basic training, has been appointed as a specified custodial peace officer, and has been continuously employed as a custodial officer by the agency making the peace officer appointment since completing the basic peace officer training. (Pen. Code, § 832, subd. (e).)

This bill deletes the January 1, 2019 sunset date on provisions of law that allow a deputy sheriff assigned to custodial duties to be reassigned to the general enforcement of the criminal laws of the state within five years of completing the basic peace officer training course if the deputy sheriff has been continuously employed by the same department and has maintained perishable skills training required by the Commission on Peace officer Standards and Training (POST).

COMMENTS

1. Need for This Bill

According to the author:

When a person that has completed the full basic academy course gets hired by a county as an 830.1(c) deputy in the county jail, that deputy then has 3 years from the time they graduate from the academy to obtain an 830.1(a) position before their POST eligibility expires. While many counties work to ensure that jail deputies that wish to transfer to patrol do so in less than 3 years, patrol positions may not always be available prior to the expiration of a person's eligibility. In those situations, the deputy must then complete a refresher course, which costs money for the deputy and requires the county to backfill the person's time while the person is taking the class.

In 2015 AB 1168 (Salas) allowed deputies that have gone through the full basic academy course and have been hired as an 830.1(c) deputy to maintain eligibility for an additional two years before moving to a patrol position within the same agency. Since implementation AB 1168 has allowed counties to retain qualified personnel without having to go through the expense of retraining those same deputies based on the job classification for which they have been hired.

Unfortunately the eligibility extension is set to sunset in January 2019. AB 1888 would delete the sunset provision in existing law, indefinitely extending the current program.

2. POST Training Requirements

POST was created by the legislature in 1959 to set minimum selection and training standards for California law enforcement. (Pen. Code, § 13500, subd. (a).) Their mandate includes establishing minimum standards for training of peace officers in California. (Pen. Code § 13510, subd. (a).) As of 1989, all peace officers in California are required to complete an introductory course of training prescribed by POST, and demonstrate completion of that course by passing an examination. (Pen. Code, § 832, subd. (a).)

According to the POST Web site, the Regular Basic Course Training includes 42 separate topics, ranging from juvenile law and procedure to search and seizure. [POST, *Regular Basic Course Training Specifications*; <<http://post.ca.gov/regular-basic-course-training-specifications.aspx>>.] These topics are taught during a minimum of 664 hours of training. [POST, *Regular Basic Course, Course Formats*, available at: [<<http://post.ca.gov/regular-basic-course.aspx>.] Over the course of the training, individuals are trained not only on policing skills such as crowd control, evidence collection and patrol techniques, they are also required to recall the basic definition of a crime and know the elements of major crimes. This requires knowledge of the California Penal code specifically.

3. Peace Officer Status Lapses for Custodial Officers and Re-Training

All peace officers in California are required to complete a mandated basic training course which is certified by POST. Additionally, the peace officer must pass an examination. Once the officer completes the course and satisfactorily passes the examination, the officer must become a peace officer within three years of passing the examination, and may not have a break in service of three years or longer. If the officer does not become employed as a peace officer, or has the proscribed break in service they must repeat the training and retake the examination.

Some officers who complete the full basic training course for peace officers and pass the examination are assigned to custodial officer positions. These positions may also be filled by officers who complete a significantly less strenuous training course, and thus they do not have the full powers of peace officers. Since these positions are not "patrol" positions, the officers who have completed full training experience a lapse in their full peace officer status and must re-train and pass the examination after three years in a custodial position. However, many counties only hire fully trained peace officers for the same custodial positions so their officers are considered peace officers with the full powers permitted under Penal Code § 832 and they do not experience a lapse in status. Therefore, a fully trained peace officer who is hired in Marin County and employed as a custodial officer will not have to re-train if he or she later decides to transfer to a patrol position. While at the same time, a fully trained peace officer who is hired in Kings County as a custodial officer will have to re-train after three years because their peace officer status as lapsed.