
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 585 **Hearing Date:** June 13, 2017
Author: Gipson
Version: February 14, 2017
Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Public Officers*

HISTORY

Source: Port of Los Angeles

Prior Legislation: AB 1643 (Dickinson), Chapter 48, Statutes of 2012
AB 2626 (Jones), 2009-2010 Legislative Session, Vetoed

Support: Unknown

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to specify that a police-security officer, includes an officer employed by a chief of police division that is within a city department that operates independently of the city police department.

Existing law states that a sheriff's or police security officer is a public officer, employed by a sheriff of a county or police chief of a city whose primary duty is to provide security and protection to facilities owned, operated, or administered by the county or city, or other entities contracting with the county or city for police services. (Pen. Code, § 831.4, subd. (a)(1).)

Existing law provides that in addition to the duties of a security officer employed by the sheriff of a county or police chief of a city, security officers employed by the Chief of Police of the City of Sacramento or the Sheriff of the County of Sacramento may also include the physical security and protection of any properties owned or operated by specified entities that contract for security services with the County of Sacramento, whose primary business supports national defense, or whose facility is qualified as national critical infrastructure, or who stores or manufactures materials which if stolen or compromised may threaten national security or pose a danger to residents of the County of Sacramento. (Pen. Code, § 831.4, subd. (a)(2).)

Existing law provides that a sheriff's or police-security officer is neither a peace officer nor a public safety officer for purposes of the Public Safety Officers Procedural Bill of Rights Act (POBOR). Security officers do not receive any additional retirement benefits. (Pen. Code, § 831.4, subs. (b) & (d).)

Existing law allows a sheriff's-security officer to carry a firearm, baton, and other safety equipment as authorized by the sheriff while in the course and scope of his or her employment. A security officer may not exercise peace officer arrest powers, but may issue citations for infractions if authorized by the sheriff or police chief. (Pen. Code, §831.4, subd. (b).)

Existing law provides that a security officer must satisfactorily complete a course of training, as specified, by the Commission on Peace Officers Standards and Training (POST) prior to being assigned his or her duties. (Pen. Code, § 831.4, subd. (c).)

This bill provides that a police security officer includes an officer employed by a police division that is within a city department and that operates independently of the city police department commanded by the police chief of a city.

COMMENTS

1. Need for This Bill

This bill seeks to change the California Penal Code so that security officers in city departments with police divisions that operate independently of that city's police chief can be police security officers.

The Los Angeles Port Police (LAPP) is a division of the Harbor Department of the City of Los Angeles and operates independent of the City's police department. The City Attorney's Office has determined that the Chief of LAPP cannot be considered a police chief of a city for the purposes of the Penal Code.

As a result of this finding, LAPP security officers cannot be considered police security officers within the Penal Code. Consequentially, they cannot carry batons or other items to ensure public safety at the port. There are a range of local police jurisdictions, from City, County, Sheriff, Federal and others. These jurisdictions designate who is responsible for training of officers, and more specifically, who operates under what jurisdiction.

AB 585 will seeks to allow security officers in city departments with police divisions that operate independently of that city's police chief can be police security officers.

2. Police or Sheriff's Security Officers

In 1996, the Legislature created the "sheriff's security officer" classification of public employee with the passage of AB 2651 (Hawkins) Chap. 143, Stats. of 1996. In 1999, this was expanded to allow police chiefs to also employ these officers with SB 1163 (Ortiz) Chap. 112, Stats. of 1999. These employees are not peace officers and are required by statute only to receive basic arrest and firearms training. Employing police or sheriff's departments may require these employees to receive further training, however.

Existing section 831.4 provides that the duties of a police or sheriff's security officer may include physical security and protection of properties owned, operated, or administered by the county or any municipality or special district contracting for police services from the county pursuant to Section 54981 of the Government Code, or necessary duties with respect to the patrons, employees, and properties of the employing county or contracting entities. The purpose of this bill is to expand those authorized duties to allow these police or sheriff's security officers to be used to guard property belonging to private companies "whose primary business supports national defense, or whose facility is qualified as national critical infrastructure under federal law or by a federal agency, or who stores or manufactures material which, if stolen, vandalized, or otherwise compromised, may compromise national security or may pose a danger to residents of the County of Sacramento."

Under current law the board of supervisors of any county may contract on behalf of the sheriff of that county, and the legislative body of any city may contract on behalf of the chief of police of that city, to provide supplemental law enforcement services to "Private entities at critical facilities on an occasional or ongoing basis." A "critical facility" means any building, structure, or complex that in the event of a disaster, whether natural or manmade, poses a threat to public safety, including, but not limited to, airports, oil refineries, and nuclear and conventional fuel powerplants." (Gov. Code § 53069.8) However, existing law specifies that these services shall be rendered by full-time peace officers, as defined, and shall encompass only "law enforcement duties" and not "services authorized to be provided by a private patrol operator" (i.e., private security guards). (*Ibid.*)

3. Limits on Police or Sheriff's Security Officers

The current provisions of Penal Code section 831.4 pertaining to police or sheriff's security officers contain a number of limitations. They are not covered by the Public Safety Officers Procedural Bill of Rights; they have no authority except when on duty and they do not qualify for public safety retirement benefits. These security officers do not have peace officer arrest powers, but may issue citations for infractions if authorized by the sheriff. Additionally, current Penal Code section 836.5 allows any public officer authorized by ordinance to "arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of a statute or ordinance which the officer or employee has the duty to enforce." Thus, a police or sheriff's security officer authorized by ordinance to make such misdemeanor arrests is authorized to do so pursuant to existing law. The police or sheriff's security officers included in this bill would be subject to the same limitations.

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