
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: SB 387 **Hearing Date:** April 20, 2021
Author: Portantino
Version: February 11, 2021
Urgency: No **Fiscal:** Yes
Consultant: GC

Subject: *Peace officers: certification, education, and recruitment*

HISTORY

Source: California Police Chiefs Association

Prior Legislation: SB 230 (Caballero), Ch. 285, Stats. of 2019

Support: Association of Orange County Deputy Sheriff's; California Association of Highway Patrolmen; California Coalition of School Safety Professionals; California State Sheriffs' Association; California Fraternal Order of Police; California Narcotic Officers Association; California Peace Officers' Association; California Statewide Law Enforcement Association; Long Beach Police Officers Association; Los Angeles County Sheriff's Department; Los Angeles School Police Officers Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California (PORAC); Riverside Sheriffs' Association; Sacramento County Deputy Sheriffs Association; San Bernardino County Sheriff's Employees' Benefit Association; Santa Ana Police Officers Association

Opposition: American Civil Liberties Union California Action; Anti Police-terror Project; California S.T.O.P. Coalition; Communities United for Restorative Youth Justice; Justice Teams Network; Public Health Advocates; San Francisco Public Defender's Office; Silicon Valley De-Bug; Youth Justice Coalition L.A.

PURPOSE

The purpose of this legislation is to (1) create the Statewide Law Enforcement Education Fund to provide financial assistance towards higher education degrees for those seeking a career in law enforcement; and (2) requires the Commission on Peace Officer Standards and Training (POST) develop a college course curriculum for obtaining a basic training certificate.

Existing law sets the minimum standards for becoming a peace officer in the state of California as the following: (Gov. Code §§ 1029, 1030, & 1031; POST Regulations 1950-1955).

- A minimum age of 18-years of age, however agencies may choose to set a higher age requirement. (Gov. Code § 1031; subd. (b).)

- Must be a US citizen or permanent resident who is eligible and has applied for citizenship. (Gov. Code § 1031; subd. (a).) California Highway Patrol officers must be citizens at the time of appointment. (Veh. Code § 2267.)
- Graduation from an accredited or approved US high school (or equivalent). A 2-year, 4-year, or advanced degree from an accredited college or university will meet this requirement. Agencies may require college units or a college degree. (Gov. Code § 1031, subd. (e).)
- Must pass a reading and writing assessment. Agencies may use the POST Entry-Level Enforcement Test or other assessment of reading and writing ability. (POST Regulation 1951.)
- Must pass an assessment of oral communication skills. (POST Regulation 1952.)
- May not have a felony conviction and must undergo a fingerprint and criminal history check. Fingerprints are sent to the Department of Justice (DOJ) and the FBI. Felony convictions and specified misdemeanors will disqualify a candidate. (Gov. Code §§ 1029, 1030 & 1031, subd. (c); Pen. Code § 29805; 18 USC 922, subd. (d)(9).)
- Must undergo a thorough background based on an applicant's personal history. (Gov. Code § 1031, subd. (d); POST Regulation 1953.)
- Must undergo medical and psychological evaluations by licensed physicians and psychologists to ensure the applicant is free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. (Gov. Code § 1031, subd. (f); POST Regulations 1954 & 1955.)

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. Authorizes POST to cancel a certificate that was awarded in error or fraudulently obtained; however, POST is prohibited from canceling a properly-issued certificate. (Penal Code Sections 830-832.10 and 13500 *et seq.*)

This bill requires that POST develop a list of courses to include as requirements for obtaining a basic certificate.

- Requires POST to work with stakeholders from law enforcement, the University of California, California Community Colleges, and community organizations to develop the list of courses.
- States that the courses specified by POST may be taken before, during, or after the completion of the academy, but shall be completed before an individual may obtain a basic certificate.
- POST must consider allowances for prior law enforcement experience, postsecondary education experience, and military experience to satisfy these requirements.

- Does not apply these requirements to persons who are already peace officers as of December 31, 2021.

This bill establishes the Statewide Law Enforcement Education Fund that, upon appropriation by the Legislature, shall provide financial support towards higher education degrees for individuals that commit to pursuing a law enforcement career.

This bill requires that POST establish statewide recruitment teams, comprising active law enforcement, community members, and educators, for purposes of actively recruiting elementary and secondary school pupils to pursue careers in law enforcement and performing education and outreach within the elementary and secondary schools of the state.

COMMENTS

1. Need for This Bill

According to the author:

Under current law, and outside of completing the Basic Academy and passing a background check and psychological evaluation, the statutory requirements to becoming a peace officer in California include having a high school degree or equivalence, being a citizen or permanent resident eligible for citizenship, being free of any felony convictions, and any additional local requirements. While we do not want to dissuade any person with a high school diploma from pursuing a career in law enforcement, we must ensure the educational pathway into the profession includes higher level academic coursework in order to equip these individual with the critical thinking skills required of a modern peace officer.

SB 387 proposes to create a new curriculum to augment the training officers receive at the academy. This bill would require POST – California’s Peace Officers Standards and Training Commission – to work with stakeholders from law enforcement, community colleges, CSU and UC systems and community organizations to develop a list of courses that officers must complete before they receive their Basic Certificate to practice law enforcement. These courses may be taken either prior, during, or after completion of the academy, but must be completed before an individual can obtain their Basic Certificate. We are also recommending that POST consider an allowance for prior experience, such as law enforcement or college experience, to satisfy some of the course requirements. By advancing officers’ existing training requirements with a new curriculum that includes classes that are more focused on mental health, social services, psychology, communications and more, we will better prepare our officers to meet the needs, requirements and expectations of the communities they will serve. However, if we are to advance the education requirements for law enforcement, we must ensure that does not have a negative impact on recruitment.

Next, SB 387 would establish a Statewide Law Enforcement Education Fund to provide financial support towards a higher education degree for individuals from disadvantaged backgrounds who commit to pursuing a career in law enforcement. By combining increased outreach within our K-14 system with education grants,

we can increase the diversity pool of prospective officers, incentivize and select only the best officers into the field, help young individuals earn a degree that will better prepare them for their law enforcement careers, and provide a pathway to higher education for those who would not otherwise have the means to go to college.

2. Increased Education for Peace Officers

This bill would have POST develop additional coursework for applicants of law enforcement officer positions in order for them to obtain a basic training certificate. According to a survey conducted by Christine Gardiner, Associate Professor of Criminal Justice at Cal State Fullerton, a nation-wide survey of 958 agencies found that about 30.2% of peace officers in the U.S. have a four-year college degree, 51.8% have a two-year degree, while 5.4% have a graduate degree.¹

According to a 2016 study by the Center on Juvenile and Criminal Justice, found that increased employment screening tests, high education requirements and augmented training hours lowers departmental use of force complaints.² The study cited numerous examinations of college educated officers that indicated that college educated officers have less authoritarian beliefs, exhibit enhanced communication skills, have overall heightened job performance, and tend to receive fewer complaints. College educated officers also have fewer use of force incidents. In a 2008 examination of 186 officer-involved shootings, officer with a college education were less likely to fire a weapon by 41%.³ Additionally a 2002 study showed higher instances of use of force in 3,116 police-suspect encounters when the officer had less education and experience.⁴ There is little evidence to the contrary. One study found that officers with college education have higher rates of boredom on the job and can harbor hostility towards supervisors who lack education.⁵ There seems to be a consensus that higher education creates better law enforcement officers.

This bill would have POST work with schools, law enforcement stakeholders, and community groups to develop additional coursework for applicant for basic certification. These groups should consider a number of factors. For instance:

- What barriers to education may prevent certain underrepresented or marginalized communities from achieving higher education and what can be done to prevent those communities from being barred by these requirements?
- Should the coursework focus on a broad liberal arts education that can create a well-rounded individual, or will it be focused solely on law enforcement? Would there be a benefit to encouraging study in areas not focused solely on law enforcement?

3. Education Fund

One way this bill will hopefully help address concerns with barriers to education by applicants is through the inclusion of a Statewide Law Enforcement Education Fund. This fund is intended to

¹ <https://www.policefoundation.org/study-examines-higher-education-in-policing/>

² http://www.cjcb.org/uploads/cjcb/documents/jpj_education_use_of_force.pdf

³ McElvain and Kposowa (2008).

⁴ Terrill and Mastrofski (2002).

⁵ Eskridge 1989

provide financial support towards higher-education degrees for individuals who commit to pursuing a law enforcement degree. The bill has not spoken on who will manage the finances or if the money will be paid through scholarships or grants, or what standards will be expected of applicants other than a commitment to work in law enforcement in some capacity. Presumably this bill help applicants who would be otherwise financially barred from taking the additional requirements the bill proposes for a basic training certificate. The author's office indicated to the committee that they are discussing a grant program with the Governor's Office and the Department of Finance.

4. Recruitment of Elementary and Secondary School Pupils

The bill requires POST to establish statewide recruitment teams of active law enforcement, community members and educators to actively recruit elementary and secondary school pupils to pursue careers in law enforcement, and perform education and outreach in schools around the state.

5. Argument in Support

According to PORAC:

SB 387 ("LEARN Act") will set California's next generation of peace officers up for success while helping to repair the trust that officers need to carry out their duties safely, effectively, and in a way that reflects our shared California values. Today's line officers and leaders must meet a wide variety of challenges including, evolving technologies, changing laws, new cultural mores, homelessness, drug and alcohol abuse, and a growing mental health crisis. Study's and research from public safety experts throughout the country consistently show that increased education and training can help officers to approach each interaction in a way that is proven to increase positive public safety outcomes in our communities.

The LEARN Act is a step towards not only improving the law enforcement profession, but also ensuring California has the most highly educated peace officers in the country by the end of this decade. Specifically, the LEARN Act would do the following:

- Establish statewide outreach teams comprised of active law enforcement, community members and educators.
- Actively share our experiences and provide younger students with the opportunity to learn from and ask questions about the role of law enforcement in our daily lives.
- Provide opportunities for older students to learn about how they can pursue both a career in law enforcement and a college degree.
- Establish a statewide law enforcement education fund to expand access to college degree programs for both prospective and current officers.
- Develop an expanded curriculum specifically designed to prepare officers to meet the expectations of a modern police force, including classes on mental health, social services, psychology,

- communication and more – a requirement for officers looking to move up in the ranks and to receive their intermediate and advanced POST certificates.
- Create the foundation for a modernized degree specific to policing for law enforcement that includes a multi-discipline approach to capture all the various skill-set requirements necessary of the modern police officer.

PORAC believes the LEARN Act will create increased opportunities to recruit a more diverse pool of prospective officers, require more academic coursework as part of the required training each officer must receive, and provide financial resources for both prospective and current officers to pursue a college education that will help to prepare them for the rigors and adversities inherent to modern-day policing.

This bill represents the first of many steps that will need to be taken as leaders in California law enforcement work together with our elected officials to chart a new path forward for the public safety profession – ensuring that California is on course to have the best and most highly educated officers in the country by the end of the decade.

6. Argument in Opposition

According to the ACLU:

The undersigned organizations regret to inform you that we must regrettably oppose your SB 387. This bill attempts to further entrench the State of California in additional policing while communities and organizations in California and nationwide are asking elected officials to reimagine public safety and defund the police.

SB 387 would do three things: 1) require the completion of specific college-level coursework in order to earn a peace officer's basic certificate; 2) establish a Statewide Law Enforcement Education Fund for providing financial support toward a higher education degree for individuals that commit to pursuing a career in law enforcement; and 3) establish statewide recruitment teams for the purposes of actively recruiting elementary and secondary school pupils to pursue careers in law enforcement, and performing education and outreach within the elementary and secondary schools of the state.

While we are not opposed in principle to the objective of educating future officers, we do take issue with the foundational premise of expending additional public funds to build a more robust police force. In the wake of the countless Black lives lost at the hands of police, we are committed to fighting alongside Black organizers and Black-led groups like Movement for Black Lives to reduce the role, power, and scale of policing in America.

Our primary concern is the creation of a statewide recruiting team, comprising law enforcement, community members, and educators, to recruit "diverse" candidates in elementary and secondary schools. This program is inconsistent

with our efforts to reduce the footprint of police in our communities, reimagine public safety, and reinvest public funds in communities adversely impacted by over-policing. The proposed new team to recruit youth into policing is apparently modeled along the lines of the military's Reserve Officers' Training Corps (ROTC). While there are arguments to be made for the ROTC, there are countless stories of recruitment in communities of color with inappropriate promises. One study on military recruitment found that teenagers considered enlisting in the military based on glossy advertising campaigns that glamorized military services without acknowledging its dangers and deceptive tactics such as: using aggressive recruiting tactics and spent billions on advertising firms to convince teenagers to enlist; recruiters not presenting families with important facts like casualty figures and the realities of war; and wounded veterans not receiving adequate health care.² Instead of dedicating additional public funds to promote law enforcement recruitment with unfettered access to youth and little to no accountability or oversight, the legislature would do well to listen to communities asking to divest from law enforcement and invest in communities.

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