
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SB 399 **Hearing Date:** April 9, 2019
Author: Atkins
Version: February 20, 2019
Urgency: No **Fiscal:** Yes
Consultant: JK

Subject: *Commission on Peace Officer Standards and Training*

HISTORY

Source: Author

Prior Legislation: SB 566 (Ridley-Thomas), 2007, Vetoed by Governor
AB 1229 (Carter), Ch. 409, Stats. 2007
AB 1334 (Lowenthal), Ch. 702, Stats. 1999

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this bill is to require the President pro Tempore of the Senate and the Speaker of the Assembly to each appoint a member of the Commission on Peace Officer Standards and Training who is not a peace officer.

Existing law establishes the Department of Justice a Commission on Peace Officer Standards and Training. The commission consists of 15 members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate. Racial, gender, and ethnic diversity shall be considered for all appointments to the commission. (Pen. Code, § 13500 (a).)

Existing law states that the commission shall be composed of the following:

- Two members shall be (i) sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, (ii) peace officers who are deputy sheriffs or city police officers, or (iii) any combination thereof.
- Three members shall be sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police.
- Four members shall be peace officers be peace officers of the rank of sergeant or below with a minimum of five years' experience as a deputy sheriff, city police officer, marshal, or state-employed peace officer for whom the commission sets standards. Each member shall have demonstrated leadership in the recognized employee organization having the right to represent the member.
- One member shall be an elected officer or chief administrative officer of a county in this state.

- One member shall be an elected officer or chief administrative officer of a city in this state.
- Two members shall be public members who shall not be peace officers.
- One member shall be an educator or trainer in the field of criminal justice.
- One member shall be a peace officer in California of the rank of sergeant or below with a minimum of five years experience as a deputy sheriff, city police officer, marshal, or state-employed peace officer for whom the commission sets standards. This member shall have demonstrated leadership in a California-based law enforcement association that is also a presenter of POST-certified law enforcement training that advances the professionalism of peace officers in California. (Pen. Code, § 13500 (b)(1)-(8).)

Existing law states that the Attorney General shall be an ex officio member of the commission. (Pen. Code, § 13500 (c).)

Existing law states that of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor. (Pen. Code, § 13500 (d).)

Existing law states that the Governor shall designate the chair of the commission from among the members of the commission. The person designated as the chair shall serve at the pleasure of the Governor. The commission shall annually select a vice chair from among its members. A majority of the members of the commission shall constitute a quorum. (Pen. Code, § 13501.)

Existing law states that members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. (Pen. Code, § 13502.)

Existing law states that the commission has the following powers:

- To meet at those times and places as it may deem proper.
- To employ an executive secretary.
- To contract with other agencies, public or private, or persons as it deems necessary for the purpose of services, facilities, studies, and reports to the commission that will best assist it to carry out its duties and responsibilities.
- To cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions.
- To develop and implement programs to increase the effectiveness of law enforcement and when those programs involve training and education courses to cooperate with and secure the cooperation of state-level officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs.
- To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government.
- To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

- The commission shall not have the authority to adopt or carry out a regulation that authorizes the withdrawal or revocation of a certificate previously issued to a peace officer. (Pen. Code, § 13503 (a)-(h).)

Existing law establishes the Innovations Grant Program within the Commission on Peace Officer Standards and Training to grant funds on a competitive basis to qualified public and private entities for the purpose of fostering innovations in training and procedures for law enforcement officers with the goal of reducing the number of officer-involved shootings statewide. (Pen. Code, § 13509 (a).)

This bill states that the President pro Tempore of the Senate and the Speaker of the Assembly shall each appoint a commission member who is not a peace officer.

COMMENTS

1. Need for this Bill

According to the author:

California is at a critical point in its history regarding law enforcement and its relationship with communities across the state. It is incumbent upon the State Legislature and all state leaders to thoroughly review and responsibly strengthen standards and training for law enforcement in the state. These goals will be furthered by ensuring POST's important work is informed by a more diverse membership, including voices selected by the Legislature to represent their communities.

2. Commission on Peace Officer Standards and Training (POST)

Post was established by the Legislature in 1959 to establish 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.¹ These topics are taught during a minimum of 664 hours of training.² 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.

In light of recent police involved shootings, the Legislature has made efforts to provide more resources to POST to update their training courses. SB 399 will provide more perspectives to this ongoing dialogue.

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¹ <http://post.ca.gov/regular-basic-course-training-specifications.aspx>

² <http://post.ca.gov/regular-basic-course.aspx>