
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 89 (Jones-Sawyer) - Peace officers: minimum qualifications

Version: July 15, 2021

Urgency: No

Hearing Date: August 16, 2021

Policy Vote: PUB. S. 5 - 0

Mandate: No

Consultant: Shaun Naidu

Bill Summary: AB 89 would require peace officers, who are not employed in or enrolled in academy for that position as of 2021, to be at least age 21 and meet specified education requirements. It also would require the Commission on Peace Officer Standards and Training (POST) to (i) expand a specific certification program to include peace officers employed by state agencies that participates in the POST program, (ii) develop a list of courses required for obtaining a basic certificate, and (iii) develop, upon funding from the Legislature, a financial aid program for individuals pursuing a law enforcement career.

Fiscal Impact:

- POST: The commission reports one-time costs of \$1.25 million (\$500,000 to develop a list of courses and \$750,000 for the print and media campaign) and ongoing annual costs of a little under \$1 million for 9.0 new PY and related operating expenses and equipment to accomplish the requirements that would be imposed by this measure. (General Fund*)
- Department of Corrections and Rehabilitation (CDCR): The department indicates immediate-term annual ongoing costs of \$1 million to increase its current recruitment budget and \$526,592 for 4.0 Associate Governmental Program Analysts. Additionally, CDCR could experience unknown, potentially-major costs in the millions of dollars annually in the long term resulting from this measure. (See Staff Comments below.) (General Fund)
- Various Agencies: Most other agencies with peace officer employees, including the California Highway Patrol, the University of California, the California State University, and the departments of Fish and Wildlife, Justice, and Motor Vehicles, indicate minor and absorbable costs associated with this measure.

*State Penalty Fund—structurally imbalanced

Background: To become a peace officer of a California public entity, existing law sets certain minimum standards. Specifically, the person must be at least age 18; be a U.S. citizen or permanent resident who is eligible and has applied for citizenship (A California Highway Patrol officer must be a U.S. citizen at the time of appointment.); be a graduate of an accredited or approved U.S. high school or its equivalent; pass a reading and writing assessment; pass an assessment of oral communication skills; not have a felony conviction and must undergo a criminal history background check, as specified; undergo a thorough background review based on the person's personal history; and undergo medical and psychological evaluations by licensed physicians and

psychologists to ensure the person is free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

Additionally, existing law requires 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. The commission may cancel a certificate that was awarded in error or fraudulently obtained; however, POST is prohibited from canceling a properly-issued certificate. For many peace officer classifications, the POST-certified Regular Basic Training Course is standard. Basic training, or the academy, includes a minimum of 664 hours of POST-developed training and testing in 42 separate “learning domains.” Moreover, peace officers are required to complete a number of courses (commonly known as refresher or continuing education courses) at specified intervals throughout their careers.

Proposed Law: This bill would:

- Require some but not all peace officer designations (e.g., CDCR peace officers would be included but peace officers employed by a community college or K-12 school district or BART would not) to meet the following additional minimum standards if they are not employed as peace officers or enrolled in an academy as of December 31, 2021:
 - Be at least age 21.
 - Complete one of the following education requirements starting January 1, 2025:
 - Attain a bachelor’s degree or other advance degree from an accredited college or university.
 - Complete any of the POST curriculum or degree program, as established pursuant to this bill (described below), before receiving their basic certificate. This education requirement would not apply if the applicant has a high school diploma (or its equivalent) and the employing law enforcement agency has “prolonged vacancies,” as defined and adjusted over time as necessary by POST, after having made a good faith effort to fill the vacancies.
- Require POST to work with specified stakeholders to develop a list of courses to include as requirements for obtaining a basic certificate. In developing the list of courses, POST and the stakeholders would be required to do all of the following:
 - Focus on courses pertinent to law enforcement, which must include psychology, communications, history, ethnic studies, and those determined to develop necessary critical thinking skills and emotional intelligence.
 - Work with the California Community Colleges towards developing a full associate degree for transfer in modern policing through combining credits from POST course requirements and credits for attending the POST basic course. It would require POST to report to the Legislature on the curriculum developed towards the associate degree for transfer by June 1, 2023.
 - Include allowances for prior law enforcement experience, and, as determined by POST, appropriate work experience, postsecondary education experience, or military specializations pertinent to law enforcement (including those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence), to satisfy a portion of the education requirements.

- Require POST, upon appropriation by the Legislature, to develop a program to provide financial support for a higher education degree for individuals pursuing a law enforcement career. It would require POST to establish a statewide media campaign to bring awareness to the program, directed especially towards historically-underserved and disadvantaged communities, as specified.

Related Legislation: SB 387 (Portantino, 2021-2022 Reg. Sess.) would require POST to work with specified stakeholders to develop a list of courses to include as requirements for obtaining a peace officer basic certificate, as specified. It would also require an applicant for a basic certificate to complete those courses before obtaining the certificate. SB 387 is on the Inactive File on the Senate floor.

Staff Comments: Historically, POST has been funded through fines, fees, and assessments for criminal and traffic violations deposited into the State Penalty Fund. The fund balance, however, has been declining continuously over the years due in large part to dropping revenue through the collection of fines and fees. The decline in revenue has led to the General Fund backfilling POST costs. For example, the Budget Act of 2021 appropriates \$35.102 million to POST for peace officer training. Consequently, costs to POST resulting from AB 89 likely would lead to an increase in General Fund backfilling to facilitate the commission's compliance with the measure.

With respect to CDCR, it 23,038 correctional officer and youth correctional officer (collectively correctional officers) positions that would be impacted by this measure at some time in the future (when the positions become vacant). According to a December 2020 estimate by the department, roughly 17 percent of these have four years or more of college for any age group. Using these figures as a rough proxy, approximately 83 percent of CDCR correctional officers would not meet the minimum standard for education that would be imposed by AB 89 for future officers. The extent to which this measure may ultimately require increases and incentives for recruitment and retention are unknown, but it could be considerable. For illustrative purposes, the current education incentive for correctional officers ranges from \$100 to \$171 per month for officers who have attained either an associate's degree, 60 semester units, or a bachelor's degree or higher from an accredited college or university. If this incentive were to be increased, the costs would be considerable, potentially in the millions to tens of millions of dollars annually, depending upon the amount and the number of individuals who would be eligible to receive this incentive. Additionally, to the extent that AB 89 would ultimately increase correctional officer vacancies and potentially create overtime cost pressures and staffing shortages is unknown. These costs could be considerable and potentially in the tens of millions of dollars.

Lastly, the minimum education requirement of this bill would take effect starting on January 1, 2025, but AB 89 would exempt only individuals who are peace officers or enrolled in the academy as of December 31, 2021, from this requirement (and the proposed minimum age standard). Consequently, the education requirement would be unclear for individuals who enroll in the academy between January 1, 2022, and December 31, 2024, especially if POST has not finalized the basic certificate mandates required under proposed Penal Code 13510.1, subdivision (f). The author may wish to address this issue.