
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 2891 **Hearing Date:** August 7, 2020
Author: Jones-Sawyer
Version: June 4, 2020
Urgency: No **Fiscal:** Yes
Consultant: NS

Subject: *Peace Officers: California Science Center and Exposition Park*

HISTORY

Source: CA State Law Enforcement Association
Prior Legislation: AB 2361 (Santiago), Ch.356 Stats. 2016
Support: California Statewide Law Enforcement Association (CSLEA)
Opposition: None known
Assembly Floor Vote: 77 - 1

PURPOSE

The purpose of this bill is to grant security officers at the California Science Center at Exposition Park peace officer status, clarify their training requirements, and makes conforming changes

Existing law requires that any person or persons desiring peace officer status who, on January 1, 1990, were not entitled to be designated as peace officers under that chapter shall request the Commission on Peace Officers Standards and Training (POST) to undertake a feasibility study regarding designating that person or persons as peace officers. The request and study shall be undertaken in accordance with regulations adopted by POST. POST may charge any person, with specified exceptions, requesting a study, a fee, not to exceed the actual cost of undertaking the study. (Pen. Code, § 13540, subd. (a).)

Existing law provides that any study undertaken under this article shall include, but shall not be limited to, the current and proposed duties and responsibilities of persons employed in the category seeking the designation change, their field law enforcement duties and responsibilities, their supervisory and management structure, their proposed training methods and funding sources and the extent to which their current duties and responsibilities require additional peace officer powers and authority. (Pen. Code, §13540, subd. (b).)

Existing law states the Exposition Park Manager administers oversight for the police and security services of the park. The Exposition Park Manager may appoint the following persons:

- 1) The chief, assistant chief, and the security and public safety leadership of Exposition Park, who shall have the powers of peace officers as specified in Section 830.3 of the Penal Code, and who shall work in consultation and under contract with the Exposition Park Manager.
- 2) Other safety officers who shall have the powers of arrest as specified in Section 830.7 of the Penal Code.

The officers appointed pursuant to subdivision (a) shall provide police and security services to keep order and to preserve the peace and safety of persons and property at the California Science Center, California African American Museum, and all other facilities in Exposition Park on a year-round basis, in coordination with the direction or information provided by the Exposition Park Manager. (Food and Agr. Code §4108 subd. (a) (b).)

Existing law provides that every peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training (POST) and that after July 1, 1989 satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by POST. (Pen. Code. § 832, subd. (a).)

Existing law provides that prior to the exercise of peace officer powers, every peace officer shall have satisfactorily completed the POST course. (Pen. Code, § 832, subd. (b).)

Existing law provides that a person shall not have the powers of a peace officer until he or she has satisfactorily completed the POST course. (Pen. Code, § 832, subd. (c).)

Existing law provides that the following are peace officers, who may carry firearms only if authorized and under terms and conditions specified by their employing agency, whose authority extends to any place in California for the purpose of performing their primary duty, or when making an arrest for a public offense where there is immediate danger to a person or property or to prevent the perpetrator's escape, as specified, or during a state of emergency, as specified:

- 1) Members of the San Francisco Bay Area Rapid Transit District Police Department if their primary duty is enforcement of the law in or about property owned, operated or administered by the district or when performing a necessary duty with respect to patrons, employees and properties of the district;
- 2) Harbor or port police if their primary duty is enforcement of law in or about property owned, operated or administered by harbor or port or when performing a necessary duty with respect to patrons, employees and properties of the harbor or port;
- 3) Transit police officers or peace officers of a county, city, transit development board or district if the primary duty is the enforcement of the law in or about property owned, operated or administered by the employing agency or when performing a necessary duty with respect to patrons, employees and properties of the employing agency;

- 4) Persons employed as airport law enforcement officers by a city, county or district operating the airport or a joint powers agency operating the airport if their primary duty is the enforcement of the law in or about property owned, operated and administered by the employing agency or when performing a necessary duty with respect to patrons, employees and properties of the employing agency; and,
- 5) Railroad police officers commissioned by the Governor if their primary duty is the enforcement of the law in or about property owned, operated or administered by the employing agency or when performing necessary duties with respect to patrons, employees and properties of the employing agency. (Penal Code Section 830.33.)

Existing law provides that numerous types of publicly employed security officers are granted the powers of arrest of a peace officer although they are not peace officers. These persons may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment if they successfully complete a course in the exercise of those powers, as specified, which has been certified by POST. Persons currently granted such powers are:

- 1) Persons designated by a cemetery authority, as specified;
- 2) Persons regularly employed as security officers for independent institutions of higher education, as specified, if the institution has concluded a Memorandum of Understanding (MOU) permitting the exercise of that authority with the sheriff or the chief of police within whose jurisdiction the institution lies;
- 3) Persons regularly employed as security officers for health facilities, as specified, that are owned and operated by cities, counties, and cities and counties if the facility has concluded a MOU permitting the exercise of that authority with the sheriff or the chief of police within whose jurisdiction the facility lies;
- 4) Employees or classes of employees of the California Department of Forestry and Fire Protection (CDFFP) designated by the CDFFP Director, provided that the primary duty of the employee shall be the enforcement of the law, as specified;
- 5) Persons regularly employed as inspectors, supervisors, or security officers for transit districts, as specified, if the district has concluded a MOU permitting the exercise of that authority with, as applicable, the sheriff, the chief of police, or the Department of the California Highway Patrol within whose jurisdiction the district lies;
- 6) Non-peace officers regularly employed as county parole officers, as specified;
- 7) Persons appointed by the Executive Director of the California Science Center, as specified; and,
- 8) Persons regularly employed as investigators, as specified, by the Department of Transportation for the City of Los Angeles and designated by local ordinance as public officers to the extent necessary to enforce laws related to public transportation and

authorized by a MOU with the chief of police permitting the exercise of that authority. (Pen. Code, § 830.7.)

This bill makes security officers at the California Science Center at Exposition Park peace officers whose authority extends to any place in the state while performing their primary duties.

This bill clarifies training for those peace officers and makes conforming changes.

COMMENTS

1. Need for This Bill

According to the author:

“Existing law provides Museum Officers at the California Science Center, located at Exposition Park in South Los Angeles, with police powers, however they are not recognized as peace officers.

In 2019, the State of California and Bargaining Unit 7 of the Statewide Law Enforcement Association and the State of California entered a Memorandum of Understanding providing the California Science Center museum security officers peace officer status.

AB 2891 improves public safety at the California Science Center, in my district, by providing their security officers peace officer status, recognizing the responsibility they already have to act as the primary security personnel for the Center and honors the Memorandum of Understanding that the California Statewide Law Enforcement Association entered into with the state. Museum Security Officers at the Science Center are responsible for keeping visitors, including the 350,000 children and students, safe. It only makes sense that we honor the Memorandum of Understanding, and vest Museum Officers in my district with the title of peace officer, which they have already been living up to.”

2. MOU Statement

The 2019 MOU states: “The State of California and the California Science Center agree to support legislation and any necessary SPB Board Item(s) to reclassify and/or reassign the Museum Security Officers and Supervising Museum Security Officers at the California Science Center to Law Enforcement classifications.” It also states a list of peace officer protective equipment that the state will provide the museum security officer with including ¹

This bill makes a statutory change to make the security officers at the California Exposition Park peace officers, codifying and honoring the MOU statement.

¹ <https://cslea.com/wp-content/uploads/2020/02/mou-20190701-20230701-bu07.pdf>

3. POST Training and Certification

The POST-certified Regular Basic Course (basic academy) is the training standard for police officers, deputy sheriffs, school district police officers, district attorney investigators, as well as a few other classifications of peace officers. The basic academy includes a minimum of 664 hours of POST-developed training and testing in 42 separate areas of instruction called Learning Domains. Most POST-certified basic training academies exceed the 664 hour minimum by 200 or more hours. Academy students are subject to various written, skill, exercise, and scenario-based tests. Students must also participate in a physical conditioning program which culminates in a Work Sample Test Battery (physical ability test) at the end of the academy. Students must pass all tests in order to graduate from the basic academy.

The basic academy is divided into 42 individual topics, called Learning Domains. The Learning Domains contain the minimum required foundational information for given subjects, which are detailed in the Training and Testing Specifications for Peace Officer Basic Courses. The training and testing specifications for a particular domain may also include information on required instructional activities and testing requirements. The basic academy provides hands-on experience, including weapons training, role-play scenarios, patrol procedures, emergency vehicle operations, and arrest and control techniques. The student must pass written, exercise, scenario, and physical abilities tests, to demonstrate readiness for entry into a department's standardized Field Training / Police Training Program.

This bill requires that all security officers granted peace officer status at the California Science Center must complete POST training. As stated above this training entails weapon training, however whether the peace officers at the park will be allowed to carry firearms is at the discretion of the director.

4. POST Feasibility

In 1989, SB 353 (Presley), Chapter 1165, Statutes of 1989, was introduced as a result of interim hearings of the Senate Judiciary Subcommittee on Corrections and Law Enforcement Agencies. SB 353 regrouped peace officer categories according to the nature of their jurisdiction rather than the scope of their authority. SB 353 also required a POST review of all classification requests prior to legislative consideration of granting peace officer status in the future, or where there is a request to change peace officer designation or status. Pursuant to SB 353, Penal Code Section 13540 provides that POST may charge a fee to the person or entity requesting a feasibility study. The study must be completed within 18 months and include a review of the proposed duties and responsibilities of the person employed in the category seeking peace officer designation. (Penal Code Sections 13541 and 13542.)

It is a general rule that one legislative body cannot limit or restrict the power of subsequent Legislatures, and the act of one Legislature does not bind its successors (see *In re Collie* (1952) 38 Cal.2d 396, 398). Thus a statute purporting to condition future legislative action on compliance with conditions in that statute may be superseded by subsequent contrary legislative action. Therefore, the present Legislature, if it so chooses, need not comply with the Penal Code Section 13540 POST feasibility study requirement.

5. Argument in Support

According to the sponsor, California Statewide Law Enforcement Association (CSLEA):

“AB 2891 (Jones-Sawyer), which will codify an agreement made in the 2019 Memorandum of Understanding between the California Statewide Law Enforcement Association, Bargaining Unit 7, and the State of California. Exposition Park, a 160-acre urban park located in South Los Angeles, is home to the California Science Center, the Natural History Museum of LA County, the LA Memorial Coliseum, and many other outdoor activities. With approximately 350,000 visitors to the park each year, the California Science Center Museum Security Officers respond to hundreds of calls each month that including battery, robbery, graffiti, among other crimes. Due to the nature of crimes our officers were responding to, we came to an agreement in CSLEA’s MOU in 2019 with the State of California to reclassify these officers as peace officers, which will provide them the appropriate salary and benefits for their job classification.”

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