
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2429 **Hearing Date:** June 14, 2022
Author: Quirk
Version: April 6, 2022
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Commission on Peace Officers Standards and Training: assessment of training requirements*

HISTORY

Source: Author

Prior Legislation: AB 89 (Jones-Sawyer), Ch. 405, Stats. of 2021

Support: Brady Campaign; Brady California; California Federation of Teachers AFL-CIO; California Public Defenders Association; Little Hoover Commission

Opposition: None known

Assembly Floor Vote: 73 - 0

PURPOSE

The purpose of this bill is to require POST to partner with academic researchers to conduct an assessment of existing training requirements and to establish a permanent academic review board to regularly review and update training standards and curriculum.

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 and states the powers of POST, including among others, to develop and implement programs to increase the effectiveness of law enforcement, to secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. (Pen. Code, §§ 830-832.10; 13500 et. seq.)

Existing law requires POST to develop and deliver training courses for peace officers on a wide array of topics, including, the use of tear gas, SWAT operations, elder abuse, persons with disabilities, behavioral health, technology crimes, sexual assault, first aid, missing persons, gang and drug enforcement, use of force and human trafficking, among others. (Pen. Code §§13514 – 13519.15.)

Existing law requires POST to review and keep updated its training module regarding people with mental illness, intellectual disability, or substance use disorder, and identify areas where additional training is needed in consultation with appropriate community, local and state organizations. (Pen. Code §§ 13515.25, 13515.26.)

Existing law requires the Chancellor of the California Community Colleges to develop a modern policing degree program with POST and other stakeholders and submit a report on the recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. (Pen. Code, § 13511.1.)

Existing law requires POST to post on its internet website all current standards, policies, practices, operating procedures and education and training materials, as specified. (Pen. Code, § 13650.)

Existing law provides that information that identifies the testing results of a particular student of a regular basic course of peace officer training is confidential and shall not be released to the public unless otherwise subject to disclosure, as specified. (Pen. Code, § 13510.06.)

This bill requires POST to partner with academic researchers to conduct an assessment of existing training requirements and determine how well they are working for officers in the field.

This bill requires POST to adjust training mandates as needed based on its findings, including reducing or eliminating training because it is not effective or no longer meets the needs of the workforce today.

This bill requires POST to continually assess new mandated training requirements and revise its process for evaluating law enforcement training to include additional course certification criteria that incorporates training outcomes.

This bill requires POST to establish a process for collecting and securing data for research purposes while providing for the confidentiality of this data, as specified, and making summary or disaggregated data available to the public.

This bill requires POST to develop a process to provide periodic updates to the Legislature after January 1, 2025 regarding the commission's assessment of existing training requirements, as specified, and its continual assessment of new mandated training requirements.

This bill requires POST to establish a permanent academic review board to do all of the following:

- Regularly review and update POST's training standards and curriculum to ensure alignment with the latest scientific research;
- Survey current research on peace officer training and other relevant topics and advise POST on how to incorporate findings into new and existing standards and training;
- Advise POST on strategies to define and test training outcomes; and,

- Advise POST on procedures to address data confidentiality issues that may arise from sharing data for research purposes.

This bill requires POST to submit a report to the Legislature on or before January 1, 2025 that includes the commission's assessment of existing peace officer training requirements, as specified, and the commission's continual assessment of new mandated training requirements.

This bill provides that data or other information collected for the purpose of research, evaluation, tracking or course development that personally identifies a peace officer, peace officer trainee, or student of a regular basic course of peace officer training, is confidential and shall not be released to the public unless otherwise subject to disclosure, as specified.

This bill establishes a legislative finding and declaration that it imposes a limitation on the public's right of access to the meetings of public bodies or writings of public officials and agencies within the meaning of the California Constitution, and that it is generally in the public interest to protect the privacy of a peace officer or trainee by protecting their personal identifying information, as specified.

COMMENTS

1. Need for This Bill

According to the Author:

While peace officer training is a powerful tool for implementing change in policing, there is very little evidence that demonstrates which trainings actually impact officer behavior in the field. Without a process that allows the State to assess which trainings result in improved police performance, the Legislature can continue to mandate trainings without any evidence for the need of these trainings. It is crucial to establish an evaluation process that uses the latest scientific research so that the State can learn which trainings are most effective. AB 2429 would require the Commission on Peace Officer Standards and Training (POST) to partner with academic researchers and assess the success of all current peace officer trainings. The assessment will clearly show which trainings are working, and which are not, and will allow the State to make informed decisions when mandating any future peace officer trainings.

2. The Commission on Peace Officer Standards and Training (POST) and Recent Report by The Little Hoover Commission

POST was established by the Legislature in 1959 to develop minimum recruitment and training standards for California peace officers. 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. According to the POST Web site, the Regular Basic Course Training includes 43 separate topics, ranging from juvenile law and procedure to search and seizure, taught over the course of a minimum of 664 hours of training.¹ Over the course of the training, individuals are trained not only in policing skills such as crowd control, evidence

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

collection and patrol techniques, they are also given instruction in criminal law, requiring specific knowledge of various Penal Code and constitutional provisions.

In 2020, in the wake of deadly police encounters and excessive uses of force by law enforcement, the Little Hoover Commission (LHC) launched a study to examine POST's role in shaping law enforcement training standards for California's peace officers. In November 2021, the Little Hoover Commission published a final report detailing the findings of its study.² As part of the study, LHC surveyed active duty law enforcement officers and compared California's training academies to those in other states. According to the final report:

California spends millions on law enforcement training each year and has certified thousands of courses for police officers. Yet, the state does not require serious or thorough evaluation of how that training affects officer behavior on the job. Without research and assessment, it is impossible to know that this investment has produced, or is likely to produce, the results Californians want to see.

The Legislature often sets the topics of law enforcement training and requires a certain number of instructional hours but has yet to require an assessment of how training impacts officer behavior on the job. Often, this legislation is intended to bring attention to laws already in place or to respond to accounts in the media or events highlighted by stakeholders or public interest groups.² Over the last decade, lawmakers introduced approximately 65 bills that addressed peace officer training, more than half of which became law. Among their changes, these bills required pre-employment training in principled policing, mental health, domestic violence, and gun violence restraining orders; added hours to on-the-job training for current officers; and mandated specialized training for maritime, campus, or tribal officers.

This model leaves little room for thoughtful priority setting and evaluation. The Legislature does not require after-the-fact assessment of training, nor does it provide POST the resources to do so. Thus, the state fails to look back and consider whether the training addressed the problems it intended to solve, whether it resulted in any unintended consequences in officer behavior, or if it remains relevant for the realities of the job today.³

The report goes on to identify specifically how existing law, regulation and practice regarding the assessment and evaluation of officer training programs is insufficient:

POST certifies all 4,600 law enforcement training courses within its portfolio, including courses in the basic training program, mandated in-service officer training, as well as optional continuing education courses for officers. Yet, neither the course certification process nor the regular course assessments measure the effectiveness of officer training.

The criteria for evaluating law enforcement courses for certification are delineated in the California Code of Regulations and generally require POST to consider what the course will teach and whether it will fulfill an unmet training need, how the students

² The full report can be found here: <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/265/Report265.pdf>

³ "Law Enforcement Training: Identifying What Works for Officers and Communities" *Little Hoover Commission*. Published November 2021, at p.6.

will learn, and how the course will be administered. For course certification, POST reviews course administrative information, instructors, outlines, hourly distribution schedule, safety policy, student to instructor ratio, and checks that the course material is current and complies with state laws. Every two years, POST requires presenters to re-submit the course content for evaluation in order to maintain certification. The current certification process, however, does not include important questions that could help law enforcement officials understand what outcomes the training might produce or how it may impact officer behavior.

Without more rigorous evaluation of the impacts of law enforcement training on officer behavior, California risks inadvertently prolonging use of training techniques that are useless or, even worse, erode community trust and result in other unintended consequences.”⁴

To remedy these shortcomings, the report makes several recommendations related to the assessment of existing training programs, including temporarily refraining from adding new training requirements, revising POST’s process for evaluating law enforcement training to include additional certification criteria that incorporate training outcomes, establishing a process within POST for securing and collecting data for research purposes, and fostering collaboration with academic researchers via the creation of a permanent academic review board. The purpose of this final recommendation is to ensure that training standards are aligned with the latest scientific research and incorporate that research into existing standards and training.⁵

This bill largely enacts the recommendations above. Specifically, this bill requires POST to partner with academic researchers to conduct an assessment of existing officer training, and establish a permanent academic review board to regularly review and update POST’s training standards and curriculum to ensure alignment with the latest scientific research. Further, this bill requires POST to collect and secure data for research purposes and make summary or disaggregated data available to the public while maintaining the confidentiality of personal identifying information of individual officers. This bill also requires POST to provide a report to the Legislature by January 1, 2025 with an assessment of existing and new training requirements, and to provide periodic updates thereafter regarding the same.

3. Double Referral

This bill has also been referred to the Senate Judiciary Committee, which, should the bill pass this committee, will analyze the provisions of this bill within its jurisdiction.

4. Argument in Support

According to Brady United Against Gun Violence:

Peace officer training is a powerful tool for implementing change in policing, but currently there is insufficient analysis concerning which trainings actually is effective in impacting officer behavior in the field or to assess if the training is beneficial to

⁴ *Id.* at 6-7.

⁵ *Id.* at 3.

officers in the field. Currently, when the Legislature mandates new trainings, the training becomes indefinitely required and trainings become obsolete or no longer serve the needs of the community, the law will still require peace officers to take the outdated training. Conducting a training assessment will allow the State to remove trainings that are insufficient or redundant and allow a refocus on mandating trainings that are proven effective and meaningful.

-- END --