
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 89 **Hearing Date:** July 13, 2021
Author: Jones-Sawyer
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Urgency: No **Fiscal:** No
Consultant: GC

Subject: *Peace officers: minimum qualifications*

HISTORY

Source: Author

Prior Legislation: AB 846 (Burke), Ch. 322, Stats. of 2020
SB 230 (Caballero), Ch. 285, Stats. of 2019

Support: California Department of Insurance; California Nurses Association; California Public Defenders Association; Exonerated Nation; Los Angeles County District Attorney's Office; San Francisco Public Defender

Opposition: League of California Cities

Assembly Floor Vote: 49 - 13

PURPOSE

The purpose of this bill is to raise the age of eligibility of candidates to become peace officers in California from 18-years of age to 25-years of age with exceptions for accredited higher education degrees.

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 provides that, subject to exceptions, a peace officer must be at least 25 years of age to meet the minimum standards for qualification for a class of public officers.

This bill exempts persons 18-24 years of age from the ban on qualification for a class of public officers if they have a bachelor's degree or advanced degree from an accredited college or university.

This bill specifies that an accreditation or approval must be from a state of local government educational agency using local or state government-approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the U.S. Dept. of Education, or an organization holding full membership in AdvancED.

This bill also exempts individuals 10 to 24 years of age who are employed as peace officers at the effective date of this act's implementation.

This bill finds and declares the following:

- There is an interest in minimizing peace officer use of deadly force.
- A study of 1,935 Philadelphia police officers examined the relationship between officer-involved shootings and self-control. The findings point to the conclusion that peace officers with greater self-control are less likely to use deadly force. Inversely, officers with lower self-control are "significantly more likely" to be involved in a police shooting.
- The Legislature has repeatedly relied on neurological research with respect to criminal sentencing law reflecting a growing understanding that cognitive brain development

continues well beyond age 18 and into early adulthood. Scientific evidence on young adult development and neuroscience shows that certain areas of the brain, particularly those affecting judgment and decision making, do not develop until the early to mid-20s.

- Law enforcement officers are required to make split-second decisions to protect the health and safety of the public and address dangerous situations. A young adult with a still developing brain may struggle during events that require quick decision making and judgments.
- There is a negative correlation between officer age and use of deadly force, increasing the minimum age of a police officer will likely result in a police force composed of more mature officers who are able to exhibit greater self-control, and who are less likely to utilize deadly force.
- A small minority of officers is involved in the majority of use of force incidents; so called “high-rate officers.” In a 2010 study, 6 percent of the officers studied accounted for approximately 40 percent of the use of force incidents in that year. In a 2012 study, 5.4 percent of officers were found to account for 32 percent of use of force situations. High-rate officers tend to be younger compared to low-rate officers.
- A 2007 study found that officers with a bachelor’s degree were less likely to use physical force than officers with only a high school graduation. The same study also found no difference between officers with some college and those with only high school education.
- A study has also shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts.
- A 2008 study of the Riverside County Sheriff’s Department found that age and education of officers was the main determinant in likelihood to resort to the use of force.
- Studies show that officers with a previous history of using deadly force are more than 51 percent as likely to engage in deadly force again, compared to officers without a history of shootings. For this reason, it is important to minimize potential for an officer to engage in an initial shooting as it likely will reduce the officer’s likelihood of using deadly force throughout their service.
- During the years 2014–2018, only 8.7 percent of the police force was 25 years of age or younger and nearly 30 percent of those officers had a bachelor’s degree, suggesting that limitations on the age and education of officers would not significantly affect the available workforce.

COMMENTS

1. Need for This Bill

According to the author:

In California, peace officers currently only need to be 18 years of age and hold a high school diploma or pass an equivalent test. Not only does neurological research showcase that cognitive brain development, especially in areas affecting decision-making and judgment, continues well beyond age 18 and into early adulthood, but also studies show that college educated officers not only perform better overall but also rely on force less often.

Scientific evidence on young adult development and neuroscience shows that, in particular, the areas of the brain designated as still developing well past 18 and

into adulthood include portions affecting judgement and decision-making (Sara B. Johnson, 2009) (Health, 2011). Current science indicates that “the development and maturation of the prefrontal cortex occurs primarily during adolescence and is fully accomplished in young adults in their mid-20s. The development of the prefrontal cortex is very important for complex behavioral performance, as this region of the brain helps accomplish executive brain functions.” (Mariam Arain, 2013). A young adult with a still developing brain may struggle during events that require quick decision-making and judgments; thus, raising the minimum age will allow for peace officer recruits to achieve more brain maturation before interacting in our communities and while addressing high-stakes situations.

Additionally, raising the minimum age for officers will align with other law enforcement officers, such as correctional officers who need to be 21 years of age, as well as the minimum age allowed to possess a firearm, which is also 21 years of age.

Studies also show that college educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, use force less often, and miss fewer days of work than their counterparts (Aamodt, 2004). Further, studies also show that a college education reduces the likelihood of using excessive force significantly (Terrill, 2010). Officers with no more than a high school education were the recipients of 75% of all disciplinary actions (Johnson, 2006). Thus, the data shows that increasing the education standards for officers not only ensures the use of force incidents are more likely to diminish, but also agencies will receive entry-level officers who perform better overall and are less likely to cause any complaints against themselves or the departments as a whole. Furthermore, raising the minimum education standards for officers also aligns with other law enforcement officers, such as probation officers as well as officers employed by the Department of Insurance, as specified in their letter of support.

Improving conditions for employment will strengthen community trust in law enforcement and ensure public safety, especially for our community members of color who disproportionately fall victim to excessive force at the hands of peace officers. Elevated age and education entry standards are expected of our educators and health professionals, as well as other law enforcement officers, – it is crucial that we also demand the best of our peace officers. By ensuring there is a more mature and better educated workforce, the PEACE Act will restructure policing and transform departments across the state, marking a transition in addressing the root causes behind excessive force.

2. Increased Education for Peace Officers

This bill would specify that officers are exempted from the age requirement for peace officers if they meet specified higher education requirements from an accredited higher-education institution.

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.

While higher education has proven to improve law enforcement performance and compliance with rules for effective law enforcement, there are many barriers in California to certain communities achieving higher education. Many marginalized communities have been shown to historically have less access to higher-education. These communities include Californians who come from less economically secure communities, immigrant communities, and minority communities. Improving educational opportunities, grants or scholarships to these sectors of California may mitigate concerns of less access to law enforcement careers by mandating higher-education to escape the age requirement imposed by this bill.

3. Population of Peace Officers Under Age 25

Changing the minimum age of officer eligibility does not appear to substantially reduce the workforce, based on data provided to the committee. For example, at the Department of Corrections and Rehabilitation, only 1.77% of officers are under 25 years old (540 of 30,589). Data from the California State Library regarding the age of California police officers and first-line supervisors of police and detectives show that of 103,776 officers, 9,001 are aged 25 and under, or 11.52%. At the University of California, of the 351 officers employed, 251 are over 25 and have a bachelor's degree; only 2 officers are under 25 and do not have a bachelor's degree, 0.33%. The California State University employs 443 officers; only eight are under the age of 25, and four of those officers have a bachelor's degree.

4. Death of Daniel Hernandez

On April 22, 2020, Daniel Hernandez was involved in a car accident, where a person involved in the crash called 911 and reported that someone had a knife and was trying to stab them. Within 75 seconds a 23-year-old officer arrived on scene and stepping out of her car, she asked Hernandez to drop a knife (he was holding a box cutter) before firing all of the bullets in her gun

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

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

³ McElvain and Kposowa (2008).

⁴ Terrill and Mastroski (2002).

⁵ Eskridge 1989

at Hernandez.⁶ Hernandez was struck at least six times by gunshots. The deputy medical examiner listed the cause of death as multiple gunshot wounds. The Los Angeles Police Commission ruled in December 2020 that the officer was in violation of LAPD policy when firing two shots at Hernandez after he was on the ground. The four initial rounds were determined to be justified.⁷

Under the provisions of this bill, the officer would not have been eligible to become a peace officer until their 25th birthday or until they completed a degree in higher education.

5. Proposed Author's Amendments

The author has proposed amendments that would significantly alter the provisions of the bill. The amendments would narrow the bill in that they would set the minimum age of 21-years, but they would additionally require that officers complete either a bachelor's degree or an education program developed by POST that would be roughly equivalent to an associate's degree that is focused on developing critical thinking skills that are important for law enforcement.

Specifically, these proposed author's amendments do the following:

- Eliminate the changes to the basic standards of becoming a peace officer (including the 25-year age bar). Alternatively, these amendments create additional educational standards in a new section applying to specified officers.
- New requirements for specified officers are:
 - Be at least 21-years of age; and
 - On or before January 1, 2025 complete the following education requirements:
 - Complete a new POST curriculum or degree program, prior to receiving their basic certificate; or
 - Have attained a bachelor's degree or other advanced degree from an accredited college or university.
 - Exemptions to the education requirement exist if they applicant has a high-school degree (or specified equivalent) and:
 - The agency has prolonged vacancies after having made good faith effort to fill the vacancies.
 - They are currently employed as a specified peace officer at the time the law goes into effect (grandfathered in).

⁶ James Rainey, Andrew Campa, *She was known as a 'top shot.' Now an L.A. cop is at the center of a deadly shooting*, July 17, 2020, Los Angeles Times, available at: <https://www.latimes.com/california/story/2020-07-17/social-media-star-lapd-cop-deadly-shooting>.

⁷ Brittany Martin, *The LAPD Officer Who Shot Daniel Hernandez Found to Have Broken Policy*, Dec. 16, 2020, LA Mag, available at: <https://www.lamag.com/citythinkblog/toni-mcbride-lapd-policy-violation/>.

- Requires that the new degree program developed by POST be done with representatives of law enforcement and academic institutions and faculty. Coursework should include, but not be limited to: psychology, communications, history, ethnic studies, and those determined to develop necessary critical thinking skills and emotional intelligence. Additionally, the program should make allowances for prior law enforcement experience and military training as specified.
- Allows POST to develop a financial support program for individuals seeking a law enforcement career.
- Requires POST to develop a statewide media and community based recruitment program, comprising active law enforcement in plain clothes and without their badges or firearms, community members, educators, and any other necessary stakeholders for the purposes of bringing awareness to the education program created pursuant to this bill.

6. Argument in Support

According to the California Department of Insurance:

This bill, also known as the PEACE Act, would require new peace officer candidates to reach the age of 25 or obtain a college degree prior to being hired as a peace officer in California.

Current science indicates that developing areas of the brain which affect judgment and decision-making do not reach full maturation or development until the age of 25. Studies additionally show that a 4-year college education reduces the likelihood of using excessive force significantly and that it also assists in cultivating officers with high performance evaluations in comparison to those with a high school education and even some college.

My Department already requires our peace officers to either have a college degree or enough years of experience that would put them over age 25 when hired, which helps ensure our officers are capable of high-level decision-making and judgement in tense situations. By requiring new peace officer candidates to be more mature and highly educated, the PEACE Act would not only professionalize policing, but it would also help create a culture that is significantly less reliant on excessive force.

7. Argument in Opposition

According to the League of California Cities:

AB 89 over-simplifies issues related to officer training and use of force and requires a standard that will narrow the pool of eligible candidates to a level that will likely prove unattainable for many of our smaller agencies throughout the state.

Additionally, due to differential rates of college enrollment and graduation, these requirements will hinder the recruitment of officers of color, undermining the goal of increasing officer diversity. Overall, enrollment numbers for Hispanic students is 49 percent at California State University and 22 percent at the University of California, and 4 percent at both the California State University and University of California for African-American students.

Cal Cities understands the need to hire quality law enforcement officers and supports having more robust conversations around how to achieve that with increased standards for training and education. We do not believe simply increasing the qualifying age will satisfy this very nuanced issue.

-- END --