



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

March 11, 2014

The Honorable Rob Bonta
Chair – PER & SS
California State Assembly
P.O. Box 942849, Room 6025
Sacramento, CA 94249-0018

RE: Requesting SUPPORT for Assembly Bill 2387 (Gray)

Dear Assembly Member Bonta:

At its regular meeting on February 20, 2014, the Commission on Peace Officer Standards and Training (POST) unanimously approved efforts to seek legislation to address an issue that has made it difficult for POST to provide critical law enforcement training. POST is seeking a remedy to this problem through Assembly Bill (AB) 2387 (Gray), contracting authority. AB 2387 would amend Government Code section 19132 and Penal Code section 13503, to exempt the Commission from the provisions of Government Code section 19132, as it relates to the use of personal services contracts to provide training and other services to law enforcement.

Overview

On October 11, 2013, AB 906 Pan (Statutes of 2013, Chapter 774) was enacted. This bill amended Government Code section 19132, relating to personal services contracts. Government Code section 19132 prohibits a state agency from executing a personal services contract, except in specified sudden and unexpected situations, until it has certified that all employee organizations that perform the type of work being contracted have been notified.

The State Civil Service Act authorizes state agencies to use personal services contracts if prescribed conditions are met. Personal services contracts are permissible in order to achieve cost savings when certain conditions are met; however, the act requires every state agency to notify the State Personnel Board of its intention to enter into such a contract, and requires the board to contact all organizations that represent state employees who perform the type of work to be contracted.

POST, Statutory Authority and Program

Government Code section 19132 establishes standards for the use of personal services contracts necessary to carry out instructional activities described in Penal Code section 13503.

The POST program is established in law (Penal Code section 13500 et. seq). Among other duties, it is responsible for developing and providing training for peace officers and public safety dispatchers throughout the state. Training certified by POST occurs as a result of an identified training need, creation of regulation by the Commission and/or direction from the Legislature. POST has over 4,200 certified training courses that are offered by over 800 presenters. This equates to two million hours of training every year. POST is nationally known for its high standards and rigor of its course certification practices and methods for delivery of law enforcement training.

The POST program is primarily funded by persons who violate the laws that peace officers are trained to enforce. No tax dollars are used to fund the POST program. There are more than 600 California law enforcement agencies that voluntarily participate in the POST program.

POST, Curricula Delivery

POST is a small agency of the Department of Justice with 123 employees. This means that it must leverage its efforts in developing and delivering law enforcement training throughout the state. To do so, POST has for nearly two decades contracted with public entities to deliver its legacy courses. Legacy courses are those where POST, has developed the content and maintains oversight to ensure that the highest quality of training delivery takes place. These courses include: the Supervisory Course, the Sherman Block Supervisory Leadership Institute Course, the Command College, the Management Course, and the Executive Development Course. It also includes courses involving simulator training [e.g., Law Enforcement Driving Simulator (LEDS), and the Force Option Simulator (FOS)] which are presented through 24 regional skills training centers. Other legacy courses include: the Robert Presley Institute of Criminal Investigation and the Instructor Development Institute Program.

These are high-cost courses that most law enforcement agencies cannot afford to send their officers to without POST's subvention. That subvention occurs through coverage of tuition, travel, and per diem. This means that POST contracts for the services required to present these courses. To deliver these courses, POST uses a combination of contracts with public entities and personal services.

POST, Training Presenters

Many of the presenters used by POST provide an array of law enforcement training courses. To do so, the public entities employ instructors with technical expertise related to the topics within these courses. In many instances these individuals are active or retired peace officers with special expertise and specific instructor qualifications. They are in essence, adjunct faculty of the contract presenters. Only a limited number of state employees meet the POST instructor qualifications to present training in the legacy courses.

Conclusion

POST's ability to deliver critical training needed by the law enforcement community will continue to be seriously affected if AB 2387 is not passed.

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Government Code section 19132 will ultimately eliminate the use of personal services contracts as an effective means of providing law enforcement instruction.

Government Code section 19132 will also prevent POST from using its funds to contract for the delivery of training unless the DGS authorizes the use for specified purposes. Without the exemption, DGS will not be able to approve POST personal services contracts.

Finally, without an exemption of the provisions of Government Code section 19132, POST will face significant challenges in providing critically needed training to the law enforcement community.

Should you have any questions please feel free to contact Charles Evans of my staff. Charles can be reached by telephone at (916) 227-285 or (916) 215-4432, or by e-mail at Charles.evans@post.ca.gov.

Sincerely,



ROBERT A. STRESAK
Executive Director

RAS:ce:mlb



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

June 6, 2014

The Honorable Loni Hancock
Chair–Public Safety
California State Senate
P.O. Box 942848, Room 2082
Sacramento, CA 94248-0001

RE: Requesting SUPPORT for Assembly Bill 2387 (Pan)

Dear Senator Hancock:

At its regular meeting on February 20, 2014, the Commission on Peace Officer Standards and Training (POST) unanimously approved efforts to seek legislation to address an issue that has made it difficult for POST to provide critical law enforcement training. POST is seeking a remedy to this problem through Assembly Bill (AB) 2387 (Pan), contracting authority. AB 2387 would amend Government Code section 19132 and Penal Code section 13503, to exempt the Commission from the provisions of Government Code section 19132, as it relates to the use of personal services contracts to provide training and other services to law enforcement.

Overview

On October 11, 2013, AB 906 Pan (Statutes of 2013, Chapter 774) was enacted. This bill amended Government Code section 19132, relating to personal services contracts. Government Code section 19132 prohibits a state agency from executing a personal services contract, except in specified sudden and unexpected situations, until it has certified that all employee organizations that perform the type of work being contracted have been notified.

The State Civil Service Act authorizes state agencies to use personal services contracts if prescribed conditions are met. Personal services contracts are permissible in order to achieve cost savings when certain conditions are met; however, the act requires every state agency to notify the State Personnel Board of its intention to enter into such a contract, and requires the board to contact all organizations that represent state employees who perform the type of work to be contracted. POST would still comply with this notification procedure.

POST, Statutory Authority and Program

Government Code section 19132 establishes standards for the use of personal services contracts necessary to carry out instructional activities described in Penal Code section 13503.

The POST program is established in law (Penal Code section 13500 et. seq). Among other duties, it is responsible for developing and providing training for peace officers and public safety dispatchers throughout the state. Training certified by POST occurs as a result of an identified training need, creation of regulation by the Commission and/or direction from the Legislature. POST has over 4,200 certified training courses that are offered by over 800 presenters. This equates to two million hours of training every year. POST is nationally known for its high standards and rigor of its course certification practices and methods for delivery of law enforcement training.

The POST program is primarily funded by persons who violate the laws that peace officers are trained to enforce. No tax dollars are used to fund the POST program. There are more than 600 California law enforcement agencies that voluntarily participate in the POST program.

POST, Curricula Delivery

POST is a small agency of the Department of Justice with 118 employees. This means that it must leverage its efforts in developing and delivering law enforcement training throughout the state. To do so, POST has for nearly two decades contracted with public entities to deliver its legacy courses. Legacy courses are those where POST, has developed the content and maintains oversight to ensure that the highest quality of training delivery takes place. These courses include: the Supervisory Course, the Sherman Block Supervisory Leadership Institute Course, the Command College, the Management Course, and the Executive Development Course. It also includes courses involving simulator training [e.g., Law Enforcement Driving Simulator (LEDS), and the Force Option Simulator (FOS)] which are presented through 24 regional skills training centers. Other legacy courses include: the Robert Presley Institute of Criminal Investigation and the Instructor Development Institute Program.

These are high-cost courses that most law enforcement agencies cannot afford to send their officers to without POST's subvention. That subvention occurs through coverage of tuition, travel, and per diem. This means that POST contracts for the services required to present these courses. To deliver these courses, POST uses a combination of contracts with public entities and personal services.

POST, Training Presenters

Many of the presenters used by POST provide an array of law enforcement training courses. To do so, the public entities employ instructors with technical expertise related to the topics within these courses. In many instances these individuals are active or retired peace officers with special expertise and specific instructor qualifications. They are in essence, adjunct faculty of the contract presenters. Only a limited number of state employees meet the POST instructor qualifications to present training in the legacy courses.

Conclusion

POST's ability to deliver critical training needed by the law enforcement community will continue to be seriously affected if AB 2387 is not passed.

Government Code section 19132 will ultimately eliminate the use of personal services contracts as an effective means of providing law enforcement instruction.

Government Code section 19132 will also prevent POST from using designated training funds to contract for the delivery of training unless the Department of General Services (DOJ) authorizes the use for specified purposes. Without the exemption, DGS will not be able to approve POST personal services contracts.

Finally, without an exemption of the provisions of Government Code section 19132, POST will face significant challenges in providing critically needed training to the law enforcement community in a timely manner or under emergency circumstances.

Should you have any questions please feel free to contact Alexis Blaylock of my staff. Alexis can be reached by telephone at (916) 227-2085 or (916) 215-4188, or by e-mail at Alexis.Blaylock@post.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Stresak", with a large, stylized flourish at the end.

ROBERT A. STRESAK
Executive Director

RAS:ab:mlb

Cc: Senator Joel Anderson
Senator Kevin de León
Senator Steve Knight
Senator Carol Liu
Senator Holly Mitchell
Senator Darrell Steinberg

The Honorable Joel Anderson
Vice Chair–Public Safety Committee
California State Senate
P.O. Box 942848, Room 5052
Sacramento, CA 94248-0001

The Honorable Kevin de León
Public Safety Committee
California State Senate
P.O. Box 942848, Room 5108
Sacramento, CA 94248-0001

The Honorable Steve Knight
Public Safety Committee
California State Senate
P.O. Box 942848, Room 5082
Sacramento, CA 94248-0001

The Honorable Carol Liu
Public Safety Committee
California State Senate
P.O. Box 942848, Room 5097
Sacramento, CA 94248-0001

The Honorable Holly Mitchell
Public Safety Committee
California State Senate
P.O. Box 942848, Room 5080
Sacramento, CA 94248-0001

The Honorable Darrell Steinberg
Public Safety Committee
California State Senate
P.O. Box 942848, Room 205
Sacramento, CA 94248-0001