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**Sent:** Tuesday, May 10, 2022 5:18 PM  
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**Subject:** Letter from RSA to OAS re changes to DA Investigator Training Requirements

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Dear Sir/Madam,

The enclosed correspondence and attachment are sent on behalf of the Riverside Sheriffs' Association. We respectfully request that these materials be reviewed in connection with POST's Initial Statement of Reasons and Addendum seeking to amend POST Regulation 1005 in order to allow District Attorney Investigators to complete the Specialized Investigator's Basic Course in addition to the Regular Basic Course. Please contact RSA with any questions.

Sent on behalf of Bill Young, President, Riverside Sheriffs' Association.

*Julie Kelley*  
Executive Assistant  
Riverside Sheriffs' Association  
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May 10, 2022

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Re: Riverside Sheriffs' Association's Opposition to Proposed Changes to POST  
Requirements for District Attorney Investigators

Dear Sir/Madam,

This correspondence is offered on behalf of the Riverside Sheriffs' Association (RSA), which represents approximately 3,500 members across the Sheriff's Department, the Coroner's office, the District Attorney's office, and the Probation Department as the Exclusive Employee Organization. POST's Initial Statement of Reasons (ISR) seeks to amend POST Commission Regulation 1005 to allow District Attorney Investigators (Investigators) to complete the Specialized Investigator's Basic Course (SIBC) instead of the Regular Basic Course (RBC). POST recently submitted an Addendum to the ISR.

Existing law requires the Commission on Peace Officer Standards and Training to adopt minimum standards for the recruitment and training of peace officer members of specified entities. Currently, Investigators must complete the RBC, as well as the District Attorney Investigator Course (DA Course). In the ISR, POST proposed that the training requirements for Investigators be changed to allow for the completion of either the RBC or the SIBC (along with the DA Course). POST offered little in form of explanation for its proposed change.

In response to opposition to the ISR, POST published an Addendum stating that the change in training requirements was necessary as a consequence of the RBC's inherent design for "...general law enforcement" and includes training on topics that include traffic enforcement, patrol techniques and handling of "calls for service" incidents", which would exclude Investigators because they do not meet the POST defined criteria for general law enforcement. The POST Addendum states the proposed regulation change is "necessary to correct the existing requirement in order to provide individuals who have completed either the RBC or the SIBC, and who possess investigative training and experience, a pathway to becoming employed as DAIs or Inspectors".

The Addendum is contradicted by POST's prior analysis. In a comprehensive study of the SIBC and RBC conducted in 1983, POST stated that "basic training in the SIBC aligns with the

Investigator position” as related to the job functions of Investigators compared to that of a police officer or deputy sheriff (General Law Enforcement Officer) working on patrol. The study

identified the significant distinctions between the two classifications and the notable differences in their daily job functions. The study did not reveal or suggest that Investigators perform the same or similar functions of general law enforcement.” (Addendum, p. 3.)

The 1983 POST study directly contradicts POST’s current position. A copy of the Commission Agenda Item Report dated February 28, 1983 (1983 Report) is attached hereto, and we urge you to read it in its entirety.

The 1983 Report states that since the 1970s, Investigators were able to complete either the SIBC or the RBC. However, POST reviewed both the SIBC and the RBC and concluded:

The Basic Specialized Investigators Course is a 220-hour course including P.C. 832 Arrest and Firearms. It is general in nature and contains many of the same subjects of the Regular Basic Course with the exception of patrol and traffic. The course is designed for and attended almost exclusively by State-agency investigators who are highly specialized investigators often performing regulatory and inspectional duties. On the other hand, DA Investigators perform more general criminal investigation duties, none of which are regulatory/inspectional. There are numerous subjects relevant to the training needs of DA Investigators that are not part of this course but are contained in the Regular Basic Course, e.g., criminal investigation. Virtually none of the 92 unique tasks performed by DA Investigators are addressed by this course. This course is offered only 2-3 times per year. To make the Basic Specialized Investigators Course an acceptable alternative to satisfy the entry-level training needs of DA Investigators would require substantial additions. These additions would generally not be relevant to the training needs of specialized investigators, primarily from State agencies, who are the primary course attendees. Staff has determined that the State-investigative agencies who send trainees to the course are by in large satisfied with the curriculum in its current form. Contrary to staff’s previous recommendations, **we now believe that the Basic Specialized Investigators Course should not be considered as an acceptable alternative for satisfying the basic training needs of DA Investigators.**

The Regular Basic Course is a minimum 400-hour course that is designed primarily for patrol officers. It contains some subject matter that is not relevant to DA Investigators, e.g., patrol and traffic. However, approximately 75% of the course is relevant to the training needs of DA Investigators. Few of the unique tasks performed by DA Investigators are addressed by this course. This course is offered over 100 times per year.

**With the exception of unique tasks, the Regular Basic Course is considered the only acceptable alternative for meeting the entry-level training requirement for DA Investigators.**

(1983 Report, p. 3; emphasis added.)


Following the review and analysis, POST recommended that effective July 1, 1983, Commission Regulation 1005 (a) should be revised to "permit completion of the Basic Course to satisfy the standard and **delete** the Basic Specialized Investigators Course as an alternative means for satisfying the training standard, and require in addition, the completion of a certified Investigations and Trial Preparation Course." (1983 Report, pp. 4-5.)

Following the changes recommended by POST in 1983, Regulation 1005(a)(2) was changed in 1988 to the following: "Every regularly employed and paid as such inspector or investigator of a district attorney's office as defined in section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the **District Attorney Investigators Basic Course, PAM Section D-1-4. The standard may be satisfactorily met by successful completion of the training requirements of the Basic Course, PAM D-1-3,** before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Investigation and Trial Preparation Course, PAM, D-1-4, is also required within 12 months from the date of appointment as a regularly employed and paid as such inspector or investigator of a District Attorney's Office." (1988 version of Regulation 1005 is attached hereto.)

A summary of the evolution is as follows: in 1982, District Attorney investigators had the option of completing the SBIC or the RBC. In 1983, POST found the SBIC was insufficient and recommended the changes to Regulation 1005. In 1988, Commission Regulation 1005 codified the proposed change increasing the training required for District Attorney Investigators. A reduction in the amount of training required for Investigators is not in the best interest of the communities served. With rising crime rates, higher scrutiny and calls for greater accountability, now is not the time to adopt a decrease training requirements and standards. We urge you to deny the proposed changes to the POST Commission Standard 1005(1).

If you have additional questions or would like to discuss our concerns, please do not hesitate to contact the undersigned.

Sincerely,



Bill Young, President  
Riverside Sheriffs' Association

cc:

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# **ATTACHMENT 1**

**1988 Commission Regulation 1005**

**TITLE 11 PEACE OFFICER STANDARDS AND TRAINING**  
(Register 88, No. 3—1-16-89)

§ 1005  
(p. 119)

(2) Every regularly employed and paid as such inspector or investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the District Attorney Investigators Basic Course, PAM Section D-1-4. The standard may be satisfactorily met by successful completion of the training requirements of the Basic Course, PAM, Section D-1-3, before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Investigation and Trial Preparation Course, PAM, Section D-1-4, is also required within 12 months from the date of appointment as a regularly employed and paid as such inspector or investigator of a District Attorney's Office.

(3) Every regularly employed and paid as such marshal or deputy marshal of a municipal court as defined in Section 830.1 P.C., except those participating in a POST-approved field training program, shall satisfactorily meet the training standards of the Marshals Basic Course, PAM, Section D-1-5. The standards may be satisfactorily met by successfully completing the training requirements of the Basic Course, PAM, Section D-1-3, before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Bailiff and Civil Process Course or a Bailiff and Court Security Course and a Civil Process Course, PAM, Section D-1-5, is also required within 12 months from the date of appointment as a regularly employed and paid as such marshal or deputy marshal of a municipal court.

(4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid as such inspectors or investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1-3, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not satisfactorily completed the Basic Course, the chief law enforcement administrator may elect to substitute the satisfactory completion of the training requirements of the Specialized Basic Investigators Course, PAM, Section D-1-6.

(5) Every limited function peace officer shall satisfactorily meet the training requirements of the Arrest and Firearms Course (Penal Code Section 832); training in the carrying and use of firearms shall not be required when an employing agency prohibits limited function peace officers the use of firearms.

(6) Every peace officer listed in paragraphs (1)–(5) shall satisfactorily complete the training requirements of Penal Code Section 832 prior to the exercise of peace officer powers.

**(b) Supervisory Course (Required).**

(1) Every peace officer promoted, appointed or transferred to a first-level supervisory position shall satisfactorily complete a certified Supervisory Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position.

(2) Every regular officer who is appointed to a first-level supervisory position shall attend a certified Supervisory Course and the officer's jurisdiction may be reimbursed provided that the regular officer has been awarded or is eligible for the award of the Basic Certificate.

(3) Every regular officer who will be appointed within 12 months to a first-level supervisory position may attend a certified Supervisory Course if authorized by the department head, and the officer's jurisdiction may be reimbursed following satisfactory completion of such training, provided that the officer has been awarded or is eligible for award of the Basic Certificate.



# **ATTACHMENT 2**

**1983 Report**

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title <b>PUBLIC HEARING - DISTRICT ATTORNEY INVESTIGATORS BASIC TRAINING STANDARD</b>		Meeting Date <b>April 27, 1983</b>
Bureau <b>Training Program Services</b>	Reviewed By <b>Glen Fine</b>	Researched By <b>Hal Snow</b> <i>HS</i>
Executive Director Approval <i>Norman C. Bodner</i>	Date of Approval <b>4-6-83</b>	Date of Report <b>February 28, 1983</b>

Purpose:  
☒ Decision Requested    ☐ Information Only    ☐ Status Report    Financial Impact    ☒ Yes (See Analysis per details)    ☐ No

In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.

ISSUE

A public hearing on the proposal to specify minimum basic training requirements for inspectors and investigators of a district attorney's office as approved by the Commission at its January 27, 1983 meeting.

BACKGROUND

Since January 1970, the basic training requirement for DA's Investigators has been the Specialized Basic Investigators Course or alternatively, the regular Basic Course.

As a result of Senate Bill 201 of 1981 making counties that employ DA's Investigators eligible for POST reimbursement, the Commission directed, at its January 1982 meeting, that staff conduct a job analysis in order to determine the appropriate basic training requirement. The results of the job analysis were reported at the October 1982 Commission meeting. Staff's preliminary analysis at that time revealed differences and similarities between the tasks performed by patrol officers of police/sheriffs departments and those of DA's Investigators. Based on results of the job analysis, staff preliminarily recommended: (1) continuation of the existing training requirements, and (2) add a requirement for DA's Investigators, who satisfy the alternative basic training requirement of the regular Basic Course, to complete a POST-certified course on criminal investigation. These tentative recommendations were tabled by the Commission at that time.

Since the October 1982 Commission meeting, further research into the appropriate basic training standard has occurred. In addition to the Job Task Analysis, other significant variables affecting the training standard were considered such as: (1) past and present District Attorney hiring practices of investigators, (2) practicalities of training delivery, (3) fiscal impact alternatives, and (4) field input on the job analysis and training needs of DA's Investigators.

On December 8, 1982, staff met with a 14-member group of District Attorneys, District Attorney Investigators, Association representatives, and trainers to consider the appropriate basic training standard including the above issues.

The group unanimously recommended that the basic training requirement be completion of the regular Basic Course, to be completed prior to assignment, and an 80-hour Investigation and Trial Preparation Course to be completed within one year of appointment. The arguments advanced for this recommendation by the group are described in Attachment B.

At the January 27, 1983 Commission meeting, the Commission approved a staff recommendation to bring this issue to this public hearing, Attachment A is POST Bulletin 83-3 announcing this public hearing.

#### ANALYSIS

Staff has analyzed the input from the District Attorney and DA's Investigators and the results of the POST Job Analysis. The results, previously transmitted to the Commission, in summary conclude that:

- "(1) A significant number of the Patrol Officer Basic Course Performance Objectives are not relevant for the position of DA's Investigators, and
- (2) Performance Objectives which are not part of the current Patrol Officer Basic Course are necessary to fully prepare entry-level DA's Investigators."

Staff believes the methodology and results of the job tasks analysis are based upon an objective and scientific approach. The results reflect the responses of 329 DA's Investigators and 104 supervisors of DA's Investigators. Approximately 60% of the incumbents and 85% of the supervisors in the participating agencies were surveyed. It is our conclusion from these results that the job of a DA's Investigator is different from that of a Patrol Officer. Therefore, the mandated minimum content of basic training should be different. The basic training requirement for DA's Investigators should be training that addresses the 259 core tasks identified for the DA's Investigator position including (1) 167 Patrol Officer core tasks from the 1979 Patrol Officer survey and (2) 92 DA's Investigators unique core tasks that are not part of the Patrol Officer core tasks. This should be the basic training requirement for DA's Investigators.

With this conclusion in mind, staff developed a District Attorney Investigators Basic Course, which is outlined in Attachment C, proposed revised Regulation 1005(a) and Procedure D-1. The proposed basic training standard addresses the 259 core tasks identified for DA's Investigators. In developing the District Attorney Investigators Basic Course, it was necessary for staff to include or not include content based upon the results of the job analysis and judgments about what DA's Investigators "should know or be able to do." Judgments were also made in comparing job tasks with learning goals of the regular Basic Course and in estimating how many instructional hours were needed for each subject. These judgments resulted in the addition of subject matter beyond what the job analysis indicated.

In establishing the District Attorney Investigators Basic Course as the basic training requirement, other factors have to be considered. DA's Investigators are currently employed almost exclusively (95%) or 60 per year statewide from the ranks of police and sheriffs' departments whose officers have completed the regular Basic Course. There is reason to question the practicality of developing and maintaining the District Attorney Investigators Basic Course for

those 60 trainees nor the 5-6 trainees who now complete the Basic Specialized Investigators Course annually. To require DA's Investigators who have previously completed the regular Basic Course to also complete the District Attorney Investigators Basic Course would result in a major duplication of training and an unnecessary expense to POST and local government.

The existing Basic Courses (Regular Basic and Basic Specialized Investigators Course) must be considered as vehicles to provide training for DA's Investigators. The advantages and disadvantages of each include:

The Basic Specialized Investigators Course is a 220-hour course including P.C. 832 Arrest and Firearms. It is general in nature and contains many of the same subjects as the regular Basic Course with the exception of patrol and traffic. The course is designed for and attended almost exclusively by State-agency investigators who are highly specialized investigators often performing regulatory and inspectional duties. On the other hand, DA's Investigators perform more general criminal investigation duties, none of which are regulatory/inspectional. There are numerous subjects relevant to the training needs of DA's Investigators that are not part of this course but are contained in the regular Basic Course, e.g. Criminal Investigation. Virtually none of the 92 unique tasks performed by DA's Investigators are addressed by this course. This course is offered only 2-3 times per year. To make the Basic Specialized Investigators Course an acceptable alternative to satisfy the entry-level training needs of DA's Investigators would require substantial additions. These additions would generally not be relevant to the training needs of specialized investigators, primarily from State agencies, who are the primary course attendees. Staff has determined that the State-investigative agencies who send trainees to the course are by in large satisfied with the curriculum in its present form. Contrary to staff's previous recommendations, we now believe the Basic Specialized Investigators Course should not be considered as an acceptable alternative for satisfying the basic training needs of DA's Investigators.

The regular Basic Course is a minimum 400-hour course that is designed primarily for patrol officers. It contains some subject matter not relevant to DA's Investigators, e.g., Patrol and Traffic. However, approximately 75% of the course is relevant to the training needs of DA's Investigators. Few of the unique tasks performed by DA's Investigators are addressed by this course. This course is offered over 100 times per year.

With the exception of unique tasks, the regular Basic Course is considered the only acceptable alternative for meeting the entry-level training requirement for DA's Investigators. As indicated by staff in recommending the District Attorney Investigators Basic Course as the basic training requirement, the unique or investigative tasks identified in the job analysis should also be a part of the basic training requirement. Attachment D is the 80-hour Investigation and Trial Preparation Course and is designed to meet the unique training needs for DA's Investigators. This course curriculum has been developed as a result of a meeting with District Attorneys on February 24, 1983. The investigation content is from the perspective of the DA's Investigator in preparing for trial. Completion of the regular Basic Course is a recommended prerequisite. Since the course can be considered Job Specific, salary reimbursement would apply. It is anticipated that existing DA's Investigators and perhaps some police/sheriff detectives may wish to attend the course. Staff believes that the course should be completed within one year from the date of employment, while completion of the regular Basic Course must

be prior to assignment to duties which include performing specialized enforcement or investigative duties.

Staff recommends that the basic training requirement for DA's Investigators be revised to include the District Attorney Investigators Basic Course but that the requirement may be satisfied by completing the regular Basic Course plus the 80-hour POST-certified Investigation and Trial Preparation Course. The proposed revisions to POST Regulation 1005(a) and PAM Procedure D-1 are Attachment C. Because of the lack of demand and identified training delivery issues, it is recommended that the District Attorney Investigators Basic Course not be actually developed and offered at this time.

Additionally, the results of this study of DA Investigator training indicates a need for further staff study of the Universal Basic Course with required module courses depending on the kind of duties performed by broad categories of peace officers, e.g., Patrol, Specialized Investigation, Marshal, DA's Investigator, etc. Staff will continue to explore this concept and its potential for improvements in the future delivery of basic training.

#### FISCAL IMPACT

The estimated annual fiscal impact of the staff recommendation is:

- |    |   |                 |
|----|---|-----------------|
| 1. | For the estimated 6 DA's Investigators who complete the Basic Course (6 @ \$1,413) (not a new cost to POST)                             | \$ 8,478        |
| 2. | For the estimated 66 DA's Investigators to complete the 80-hour POST-certified Investigation and Trial Preparation course (66 at \$400) | <u>\$26,400</u> |
|    | Total Annual Cost   | <u>\$34,878</u> |

This fiscal impact assumes application of current rules to reimbursement for attendance at these courses. It is assumed from discussion at prior meetings that Commissioners may wish to take action on the matter of maximum reimbursement.

#### RECOMMENDATION

Subject to input at the public hearing, approve effective July 1, 1983, proposed revisions to Commission Regulation 1005(a) and Commission Procedure D-1 (per attached) to:

- 1) specify the minimum basic training standard for inspectors and investigators of a district attorney's office, as the District Attorney investigators Basic Course,
- 2) permit completion of the Basic Course to satisfy the standard and delete the Basic Specialized Investigators Course as an alternative means for satisfying the training standard, and

- 3) require in addition, the completion of a certified Investigations and Trial Preparation Course.

Attachments

- A. POST Bulletin 83-3
- B. Arguments Presented by District Attorneys and DA's Investigators in Support of the Regular Basic Course Plus an 80-Hour Investigation and Trial Preparation Course
- C. Proposed Regulation Changes
- D. Course Outline - Investigation and Trial Preparation

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE

GEORGE DEUKMEJIAN, *Governor*  
JOHN K. VAN DE KAMP, *Attorney General*



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

4949 BROADWAY  
P. O. BOX 20145  
SACRAMENTO 95820-0145

March 4, 1983

Bulletin 83-3

SUBJECT: PUBLIC HEARINGS:

1. MINIMUM BASIC TRAINING STANDARDS FOR MARSHALS AND DEPUTY MARSHALS.
2. MINIMUM BASIC TRAINING STANDARDS FOR DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS.

Public hearings will be conducted by the Commission on Peace Officer Standards and Training at its April 27, 1983, 10:00 a.m., meeting at the Holiday Inn, Holidome, Sacramento, for the purpose of receiving comments on the issues shown above.

A brief summary of each issue follows:

1. MINIMUM BASIC TRAINING STANDARDS FOR MARSHALS AND DEPUTY MARSHALS.

The Commission is proposing that the minimum basic training standards for marshals and deputy marshals shall be satisfactory completion of the proposed Marshals Basic Course (proposed Commission Procedure D-1-5). As an alternative, the Commission is proposing that the marshals and deputy marshals minimum basic training standard may be met by satisfactory completion of the regular Basic Course, plus the completion of an 80-hour POST-certified Bailiff and Civil Process Course.

As an interim standard since coming into the reimbursable program in January 1982, marshals and deputy marshals have been required to complete the POST regular Basic Course. Marshals and deputy marshals have urged the Commission to mandate the regular 400-hour Basic Course as the standard, and have expressed a desire to continue attendance at the regular Basic Course.

2. MINIMUM BASIC TRAINING STANDARDS FOR DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS.

The Commission is proposing that the minimum basic training standard for inspectors and investigators of a district attorney's office shall be satisfactory completion of the proposed District Attorney's Investigators Basic Course (proposed Commission Procedure D-1-4). As an alternative, the Commission is proposing that the basic training standard for inspectors and investigators of a district attorney's office may be met by satisfactory completion of the regular Basic Course or an upgraded specialized Basic Investigators Course, plus the completion of an 80-hour POST-certified Investigation and Trial Preparation Course.

As an interim standard since coming into the reimbursable program in January 1982, district attorney inspectors and investigators have been required to complete the POST regular Basic Course or the Specialized Basic Investigators Course.

District attorneys and district attorney investigators have urged the Commission to mandate the regular 400-hour Basic Course as the standard. They have expressed strong dissatisfaction with the 220-hour Specialized Investigators Course and point out that the great majority of district attorney investigators are former experienced/trained regular officers who perform duties similar to police and sheriffs' detectives.

The attached Notices of Public Hearing, required by the Administrative Procedures Act, provide details concerning the proposed changes and provide information regarding the hearing process. Inquiries concerning the proposed actions may be directed to Patricia Cassidy at (916) 739-5348.

*Norman C. Boehm*

NORMAN C. BOEHM  
Executive Director

Attachments



Commission On Peace Officer Standards And Training

NOTICE OF PUBLIC HEARING

MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Notice is hereby given that the Commission on Peace Officers Standards and Training (POST), pursuant to the authority vested by Section 13506 of the Penal Code and to interpret, amend, and make specific, Sections 13503, 13506, 13510, and 13510.5, of the Penal Code, proposes to adopt, amend, or repeal regulations in Chapter 2 of Title II of the California Administrative Code. A public hearing to adopt the proposed amendment, will be held before the full Commission on:

Date: Wednesday, April 27, 1983

Time: 10:00 a.m.

Place: Holiday Inn, Holidome,  
Sacramento, California

INFORMATIVE DIGEST

Existing law requires the Commission on Peace Officer Standards and Training to adopt minimum standards for the recruitment and training of peace officer members of specified entities. With the passage of Senate Bill 201, district attorney investigators and inspectors were added to Penal Code Section 13510 for such purposes.

Currently, district attorney inspectors and investigators are required to complete the POST regular Basic Course. A statewide job task analysis was conducted which provided evidence that a substantial portion of the regular Basic Course is relevant to the duties of district attorney inspectors and investigators; however, there are also numerous tasks unique to only district attorney inspectors and investigators that are not covered in the Basic Course.

The following proposed amendments to Commission Regulations and Commission Procedures establish the minimum basic training standards for district attorney investigators and inspectors, in accordance with the provisions of amended Penal Code Section 13510:

Amend Commission Regulation 1005(a)(2), which specifies minimum basic training standards for inspectors and investigators of a district attorney's office, to specify that the minimum standard is the satisfactory completion of the training requirements of the District Attorney Investigators Basic Course, and that the minimum basic training standard may be met by the satisfactory completion of the training requirements of either the Basic Course or the Specialized Basic Investigators Course, plus the satisfactory completion of a Certified Investigation and Trial Preparation Course.

Amend Commission Regulation 1005(a)(4) which provides for minimum basic training for specialized peace officers, to make minor language changes for clarity and consistency.

Amend Commission Procedure D-1 to add Section 1-4, to include course content and hours for the District Attorney Investigators Basic Course, as the minimum basic training standard for investigators and inspectors of a district attorney's office.

#### INFORMATION REQUESTS

Notice is hereby given that any person interested may present statements or arguments in writing relevant to the action proposed. Written comments are requested to be submitted to the Commission on Peace Officer Standards and Training, P. O. Box 20145, Sacramento, CA 95820-0145, no later than April 18, 1983, and will be accepted through the date of the hearing.

The Commission on POST has prepared a Statement of Reasons for the proposed action and the information on which it is relying in recommending the proposed action.

Copies of the Statement of Reasons and the exact language of the proposed regulations may be obtained at the hearing or prior to the hearing upon requests from the Commission. Inquiries concerning the proposed action may be directed to Patricia Cassidy at (916) 739-5348.

#### ADOPTION OF PROPOSED REGULATIONS

After the hearing, the Commission on POST may adopt the proposed regulation if it remains substantially the same as described in the Informative Digest. The Commission on POST may make changes to the regulation before adopting. The text of any modified regulation must be made available to the public at least 15 days before the agency adopts the regulation. A request for the modified text should be addressed to the agency official designated in the notice. The Commission on POST will accept written comments on the modified regulation for 15 days after the date on which the text is made available.

#### FISCAL IMPACT

The Commission on POST has determined that no savings or increased costs to any state agency other than POST, no reimbursable or non-discretionary costs or savings under Section 2231 of the Revenue and Taxation Code to local agencies or school districts, and no costs or savings in federal funding to the state will result from the proposed regulation. The Commission has also determined that the proposed regulation does not impose a mandate on local agencies or school districts under Revenue and Taxation Code Section 2231, and will involve no significant cost to private individuals and businesses.

It is anticipated that the cost to POST for implementation of this program will not exceed \$35,000 per year for which funds are available.

HOUSING COST IMPACT STATEMENT

The proposed regulations will have no effect on housing costs.

SMALL BUSINESS IMPACT STATEMENT

The proposed regulations will have no adverse economic impact on small businesses.

ARGUMENTS PRESENTED BY DISTRICT ATTORNEYS AND DA'S INVESTIGATORS IN  
SUPPORT OF THE REGULAR BASIC COURSE PLUS AN 80-HOUR INVESTIGATION  
AND TRIAL PREPARATION COURSE

1. District Attorney Investigators must investigate and perform trial preparation duties that include all criminal and traffic offenses. They must necessarily evaluate police activities and preliminary investigations conducted by other peace officers. Even though DA's Investigators do not directly perform some patrol tasks, as verified by the job task analysis, they report that they must have prerequisite knowledge about them in order to conduct investigations and trial preparation.
2. The most prevalent (95%) hiring practice of District Attorneys' offices is to employ already regular basic trained officers and detectives from police and sheriffs' departments. Even though the Basic Specialized Investigators Course has been available for many years, DA's Offices have self-imposed a higher standard and chosen to have more broadly trained and experienced investigators. Less than 10 DA's Investigators have annually been sent to the Basic Specialized Investigators Course, while approximately 60 are employed annually with regular basic training.
3. The Basic Specialized Investigators Course is designed to be general in nature and is not geared to meet the special training needs of DA's Investigators. Because of the minimal number of trainees from DA's offices, the course was designed primarily to accommodate the training needs of State agency investigators. The job analysis reveals that the course does not include some of the broad criminal and civil investigative trial preparation duties of DA's Investigators. Some DA's offices have already successfully implemented supplementary training of their regular basic trained investigators. For example, the Los Angeles County DA's Office has a 120-hour course for new investigators.
4. The necessary interagency cooperation between DA's offices and other law enforcement agencies is fostered by commonly shared training. In some counties, DA's Investigators are called upon to assist in local investigations of crimes freshly committed.
5. Investigation of officer misconduct, one of the most sensitive DA's Investigators tasks, requires knowledge of police procedures and practices only acquired from regular basic training and police experience.
6. The fiscal impact of the proposed training requirement will be nominal (estimated \$34,878/year) in increased POST reimbursement for approximately 60 investigators to complete the 80-hour Investigation and Trial Preparation Course. There will be negligible costs for requiring the Regular Basic Course because most recruit investigators have already been basic trained.

MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Proposed Language: Commission Regulations

## 1005. Minimum Standards for Training

## (a) Basic Course (Required)

Penal Code Section 832.3 requires that peace officers of cities, counties and districts complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer. The course of training approved by the Commission is the Basic Course. Penal Code Section 832.3 further provides that peace officers who have not completed an approved course may exercise the powers of a peace officer while participating in a field training program approved by the Commission on Peace Officer Standards and Training.

- (1) Every regular officer and marshal or deputy marshal of a municipal court, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include the prevention and detection of crime and the general enforcement of state laws.

Requirements for the Basic Course are set forth in the POST Administrative Manual, Section D-1-3, (adopted effective April 15, 1982), herein incorporated by reference.

- (2) Every regularly employed and paid as such inspector ~~and or~~ investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the ~~Specialized District Attorney Investigators Basic Investigators Course, PAM Section D-1-4. or may elect to~~ standard may be satisfactorily met by successful completion of the training requirements of the Basic Course or the Specialized Basic Investigators Course before being assigned duties which include performing specialized enforcement or investigative duties. The satisfactory completion of a certified Investigations and Trial Preparation Course, PAM, Section D-1-4, is also required within 12 months from the date of appointment as a regularly employed and paid as such inspector or investigator of a District Attorney's Office.

Requirements for the ~~Specialized Basic District Attorney Investigators Basic Course and the Specialized Basic Investigators Course~~ are set forth in PAM, ~~Section D-12 and PAM Section D-1-4 and D-12, respectively.~~

MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Proposed Language: Commission Regulations

1005. Minimum Standards for Training (continued)

- (3) Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.

Requirements for POST-approved Field Training Programs are set forth in PAM, Section D-13.

- (4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid as such inspectors and or investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not satisfactorily completed the Basic Course, the chief law enforcement administrator may elect to substitute the satisfactory completion of the training requirements of the Specialized Basic Investigators Course, PAM, Section D-12.

MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Proposed Language: Commission Procedure D-1

Procedure D-1-3 was incorporated by reference into Commission Regulation 1005 on April 15, 1982. A public hearing is required prior to revision of this directive.

BASIC COURSE

Purpose

1-1. Specifications of Basic Course: This Commission procedure implements that portion of the Minimum Standards for Training established in Section 1005(a) of the Regulations which relate to Basic Training.

Training Methodology

1-2. Basic Course Training Methodology: The standards for the Basic Course are the Performance Objectives contained in the document "Performance Objectives for the POST Basic Course." This document is part of a dynamic basic course training system designed for change when required by new laws or other circumstances. Supporting documents, although not mandatory, that complete the system are the POST Basic Course Management Guide and Instructional Unit Guides (58).

- a. Performance objectives are divided into mandatory and optional objectives. Mandatory objectives must be achieved as dictated by the established success criteria; whereas optional objectives may be taught at the option of each individual academy. No reimbursement for optional performance objective training will be granted unless they conform to the adopted performance objectives standards.
- b. Training methodology is optional.
- c. Tracking objectives by student is mandatory; however, the tracking system to be used is optional.
- d. A minimum of 400 hours of instruction in the Basic Course is required.

Content and Minimum Hours

1-3. Basic Course Content and Minimum Hours: The Performance Objectives listed in the POST document "Performance Objectives for the POST Basic Course" are contained under broad Functional Areas and Learning Goals. The Functional Areas and Learning Goals are descriptive in nature and only provide a brief overview of the more specific content of the Performance Objectives. The Basic Course contains the following Functional Areas and minimum hours. Within the framework of hours and functional areas, flexibility is provided to adjust hours and instructional topics with prior POST approval.

MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Proposed Language: Commission Procedure D-1

~~1-4~~ Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	15 hours
g. Force and Weaponry	40 hours
h. Patrol Procedures	105 hours
i. Traffic	30 hours
j. Criminal Investigation	45 hours
k. Custody	5 hours
l. Physical Fitness and Defense Techniques	40 hours

~~1-5~~ Examinations: 20 hours

~~1-6~~ Total Minimum Required Hours 400 hours

1-4. District Attorney Investigators Basic Course Content and Minimum Hours:

The District Attorney Investigators Basic Course contains the following Functional Areas and minimum hours. Within a functional area, flexibility is provided to adjust hours and instructional topics with prior POST approval. District attorneys basic training may be met by satisfactory completion of the training requirements of the Basic Course or the Specialized Basic Investigators Course, plus the satisfactory completion of a certified Investigation and Trial Preparation Course.

Functional Areas:

a. Professional Orientation	10 hours
b. Police Community Relations	15 hours
c. Law	45 hours
d. Laws of Evidence	15 hours
e. Communications	15 hours
f. Vehicle Operations	4 hours
g. Force and Weaponry	40 hours
h. Custody	5 hours
i. Physical Fitness and Defense Techniques	40 hours
* j. Field Techniques	60 hours
* k. Criminal Investigation and Trial Preparation	45 hours
* l. Specialized Investigation Techniques	30 hours
* m. Civil Process	20 hours



MINIMUM BASIC TRAINING STANDARDS FOR  
DISTRICT ATTORNEY INVESTIGATORS AND INSPECTORS

Proposed Language: Commission Procedure D-1

<u>Examinations</u>	<u>20 hours</u>
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<u>Total Minimum Required Hours</u>	<u>350 hours</u>
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\* Functional Areas that form the basis for the POST-certified 80-hour  
Investigation and Trial Preparation Course.

COMMISSION ON PEACE OFFICER  
STANDARDS AND TRAINING

Course Outline

COURSE TITLE: Investigation and Trial Preparation

MINIMUM INSTRUCTION HOURS - 80

PREREQUISITE - Successful Completion of The Regular Basic Course or the Basic Specialized Investigator's Course.

PURPOSE

This course is designed to update, refresh, and orient the peace officer who has been, or is about to be, transferred to the investigative staff of a District Attorney's Office. It will also be of interest to law enforcement officers who wish to improve their proficiency in the subject.

The course must be completed within one year of the student's employment as a District Attorney's Investigator.

TOPICAL OUTLINE

- |   |           |
|---|-----------|
| 1.0 Legal Obligations of the DA's Office          | ( 1 Hr.)  |
| 2.0 History, Authority, and Use of Grand Jury     | ( 1 Hr.)  |
| 3.0 Court Processes and Motions                   | ( 3 Hrs.) |
| 4.0 Role of the D.A. Investigator                 | ( 1 Hr.)  |
| 5.0 Sources of Information, Its Use, and Controls | ( 4 Hrs.) |
| 6.0 Witness Management                            | ( 3 Hrs.) |
| 7.0 Specialized Investigative Techniques          | ( 4 Hrs.) |
| 8.0 Investigative Aids (Legal Principles)         | ( 4 Hrs.) |
| 9.0 Interviewing/Interrogating                    | ( 6 Hrs.) |
| 10.0 Evidence                                     | ( 7 Hrs.) |
| 11.0 Warrants                                     | ( 6 Hrs.) |
| 12.0 Special Cases                                | ( 1 Hr.)  |

13.0	Civil Process	( 1 Hr.)
14.0	Survey of Related Agencies	( 1 Hr.)
15.0	Case Preparation	( 3 Hrs.)
16.0	Nonuniformed Officer Safety	(10 Hrs.)
17.0	DA's Office Security	( 1 Hr.)
18.0	Special Investigations	(20 Hrs.)
	Course Administration and Testing	( 3 Hrs.)
	Total	<u>80 Hours</u>

#### LEARNING GOALS

- 1.0 Legal Obligations of the District Attorney's Office  
Learning Goals: The student will understand:
  - 1.1 The Penal Code mandates that pertain to the office of the District Attorney.
- 2.0 Role of the District Attorney Investigator  
Learning Goals: The student will understand:
  - 2.1 The transition from the police mentality to the prosecutor's mentality; the police car to the law office and court; the hot scene to the cold scene.
  - 2.2 Agency investigative duties and functions.
  - 2.3 Relationships with other units and agencies.
  - 2.4 Ethical considerations.
  - 2.5 Relationships with the news media. (Note: The student will write a press release describing progress in a simulated investigation).
- 3.0 History, Authority and Use of The Grand Jury  
Learning Goals: The student will understand:
  - 3.1 What the Grand Jury can do, what it cannot do, and how the District Attorney's Investigator can make use of its investigative authority.

4.0 Court Processes and Motions

Learning Goals: The student will understand:

- 4.1 Motion to return property or suppress evidence (1538.5 PC).
- 4.2 Motion to set aside; delay in final ruling (995 PC).
- 4.3 Habeas Corpus proceedings.
- 4.4 Bail review hearings.
- 4.5 Marsden hearings.
- 4.6 Change of venue hearings.
- 4.7 Jury Selection.
- 4.8 Death penalty and expert witness voir dire.
- 4.9 Bifurcated phases of death penalty trials.
- 4.10 Classification of offenses motions (17 PC).
- 4.11 Probation (1203 PC et. seg.).
- 4.12 Disposition of Evidence.
- 4.13 Bail (1268 PC, et. seg.).
- 4.14 Competency hearing (1368 PC).
- 4.15 Sentencing, Parole, and Revocation (Morrissey) hearings.
- 4.16 Motions for continuance (Due diligence).
- 4.17 Demand for trial (1381 PC)

5.0 Sources of Information, Control, and Use

Learning Goals: The student will understand how to obtain information from:

- 5.1 Records of other agencies including automated systems.
- 5.2 Criminal Intelligence Units.
- 5.3 Witnesses and informants.
- 5.4 Financial records including their location and their admissability.

6.0 Witness Management

Learning Goals: The student will understand how to:

- 6.1 Identify and locate witnesses (due diligence)
- 6.2 Conduct a background check.
- 6.3 Arrange for the appearance of a witness:
  - A. Uniform Witness Act
  - B. Out of State Witness
  - C. Witness in Mexico or Canada. Formal and informal processes.
- 6.4 Encourage the reluctant witness.
- 6.5 Win the confidence of the victim/witness.
- 6.6 Protect the witness (Witness protection program).
- 6.7 Obtain the expert witness.

7.0 Specialized Investigative Techniques

Learning Goals: The student will understand:

- 7.1 Surveillance techniques including the use of optical, photo, and electronic equipment and the legality of their use.
- 7.2 Undercover techniques.
- 7.3 Analytical techniques:
  - A. Visual Investigative Analysis
  - B. Link Analysis.

8.0 Investigative Aids

Learning Goals: The student will understand the legal principles concerning the use of:

- 8.1 The Lineup. (Note: Conduct a simulated lineup, or video presentation, in class.)
- 8.2 The photo lineup.
- 8.3 The field showup.
- 8.4 Hypnosis.
- 8.5 The polygraph.

9.0 Interviewing/Interrogation  
Learning Goals: The student will understand:

9.1 The latest legal update.

9.2 Miranda update.

10.0 Evidence  
Learning Goals: The student will understand:

10.1 The Evidence Code.

10.2 Proposition 8 implications relating to the Evidence Code.

10.3 Admissability of evidence.

10.4 Legal aspects:

- A. Consent
- B. Corroboration
- C. Impeachment
- D. Rebuttal
- E. Transcripts
- F. Privilege
- G. Hearsay and exceptions
- H. Best evidence

10.5 Classification of evidence

10.6 Physical Evidence:

- A. Handling
- B. Laboratory capabilities
- C. Scientific aids
- D. Storage and release procedures  
(Long term evidence management)

11.0 Warrants  
Learning Goals: The student will undersatnd:

11.1 The complaint.

11.2 The arrest warrant:

- A. Felony complaint.
- B. Bench.

11.3 The Search Warrant:

- A. Elements
- B. Filing
- C. Service and return

- D. Special master
- E. Telephonic

(Note: Each student will write an affidavit and a search warrant in class.)

12.0 Civil Process

Learning Goals: The student will understand:

- 12.1 The Code of Civil Procedure.
- 12.2 Service of the Summons.
- 12.3 Service of the Supoena Duces Tecum.

13.0 Survey of Related Agencies

Learning Goals: The student will understand:

- 13.1 Which public agencies, such as law enforcement and regulatory agencies, may be of assistance to the DAI.
- 13.2 Which private agencies, such as the Better Business Bureau, Credit Agencies, and Dunn & Bradstreet, may be of assistance to the DAI.

14.0 Case Preparation

Learning Goals: The student will understand:

- 14.1 Report Writing for investigators.
- 14.2 How to prepare the prosecution summary.
- 14.3 How to prepare exhibits/demonstrations:
  - A. Models
  - B. Photos, including aerial photos
  - C. Video
  - D. Diagrams and maps

15.0 Nonuniformed Officer Safety

Learning Goals: The student will understand:

- 15.1 Arrest techniques.
- 15.2 Observation techniques.
- 15.3 Felony vehicle stops.
- 15.4 Building searches.
- 15.5 Prisoner search, handcuffing, and transportation.

15.6 Persons under the influence of alcohol/drugs.

15.7 Mentally deranged persons.

16.0 Security for District Attorney's Office  
Learning Goals: The student will understand:

16.1 How to provide office security

17.0 Specific Investigations  
Learning Goals: The student will understand:

17.1 Family law:

- A. Welfare fraud
- B. Failure to provide
- C. Child stealing

17.2 Major frauds such as embezzlement.

17.3 Consumer fraud.

17.4 Crimes against the person:

- A. Homicide
- B. Sexual assault/child abuse

17.5 Crime against the court:

- A. Perjury
- B. Subornation of perjury
- C. Witness intimidation
- D. Falsification of evidence
- E. Conspiracy to obstruct justice
- F. Jury tampering

17.6 Misconduct of public officers:

- A. Election Code violations
- B. Theft of public funds
- C. Bribery
- D. Conflict of interest
- E. Complaints against law enforcement

17.7 Officer involved incidents (includes jail deaths) Note: Discuss issues--not specific policies, such as, routinely taking blood sample of officer involved in a homicide, taking officer's firearm, and sealing scene for later reenactment of incident. (See attached check list).



18.0 Common Defenses and Trial Problems  
Learning Goals: The student will understand:

18.1 How to identify, anticipate, and counteract defenses such as:

- A. Sanity
- B. Alibi
- C. Witness statements
- D. Physical evidence
- F. Expert witnesses

Note: Simulate a complete mock trial including jury selection, motions, and more common defenses. Recommend video presentation.

# **ATTACHMENT 3**

**1982 Regulation 1005a(2)**

**1004. Conditions for Continuing Employment.**

(a) Every peace officer employed by a department shall be required to serve in a probationary status for not less than 12 months.

NOTE: Authority cited: Section 11422, Government Code. Reference: Section 13506, Penal Code.

**HISTORY:**

1. Repealer of subsection (b) filed 5-14-82; designated effective 7-1-82 (Register 82, No. 20).

**1005. Minimum Standards for Training.**

(a) **Basic Course (Required).** Penal Code Section 832.3 requires that peace officers of cities, counties and districts complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer. The course of training approved by the Commission is the Basic Course. Penal Code Section 832.3 further provides that peace officers who have not completed an approved course may exercise the powers of a peace officer while participating in a field training program approved by the Commission on Peace Officer Standards and Training.

(1) Every regular officer and marshal or deputy marshal of a municipal court, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include the prevention and detection of crime and the general enforcement of state laws.

Requirements for the Basic Course are set forth in PAM, Section D-1, "The Basic Course."

(2) Every regularly employed and paid inspector and investigator of a district attorney's office as defined in Section 830.1 P.C. who conducts criminal investigations, except those participating in a POST-approved field training program, shall be required to satisfactorily meet the training requirements of the Specialized Basic Investigators course or may elect to satisfactorily meet the training requirements of the Basic Course before being assigned duties which include performing specialized enforcement or investigative duties.

Requirements for the Specialized Basic Investigators Course and the Basic Course are set forth in PAM, Section D-12 and PAM Section D-1, respectively.

(3) Regular Program agencies may assign newly appointed sworn personnel as peace officers for a period not to exceed 90 days from date of hire, without such personnel being enrolled in the Basic Course, if the Commission has approved a field training plan submitted by the agency and the personnel are full-time participants therein.

Requirements for POST-approved Field Training Programs are set forth in PAM, Section D-13, "Field Training Program".

(4) Every specialized officer, except marshals, deputy marshals, and regularly employed and paid inspectors and investigators of a district attorney's office, shall satisfactorily meet the training requirements of the Basic Course, PAM, Section D-1, within 12 months from the date of appointment as a regularly employed specialized peace officer; or for those specialized agency peace officers whose primary duties are investigative and have not completed the Basic Course, the chief law enforcement administrator may elect to substitute the Specialized Basic Investigators Course, PAM, Section D-12.

(b) **Supervisory Course (Required).**

(1) Every peace officer promoted, appointed or transferred to a first-level supervisory position shall satisfactorily complete a certified Supervisory Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position.