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AB-332 Peace officers: training. (2019-2020)

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Assembly Bill No. 332

CHAPTER 172

An act to add Section 13510.06 to, and to add and repeal Section 13510.05 of, the Penal Code, relating to peace officers.

[Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 332, Lackey. Peace officers: training.

Existing law requires the Commission on Peace Officer Standards and Training, among other duties, to adopt rules establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of specified peace officers, including city police officers, peace officer members of a county sheriff's office, and marshals or deputy marshals. Existing law provides that a local agency is not prohibited from establishing selection and training standards that exceed the minimum standards established by the commission.

This bill would require the commission, on or before April 1, 2021, to submit a report to the Legislature and Governor with specified data relating to students' completion of training at academies for peace officers and the availability of remedial training, including, among other things, the number of students who received one or more opportunities for remedial training for a learning domain. The bill would also require the report to include, among other things, a review of academies' practices regarding remedial training and a discussion of whether the commission finds that minimum standards for an appropriate level of remedial training should be established. The bill would repeal these provisions on January 1, 2024.

The existing California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would make information that identifies the testing results of a particular student of a regular basic course of peace officer training confidential and would prohibit that information from being released to the public unless otherwise subject to disclosure, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13510.05 is added to the Penal Code, to read:

13510.05. (a) The Commission on Peace Officer Standards and Training shall submit a report to the Legislature and the Governor on or before April 1, 2021, that includes all of the following:

(1) (A) (i) Data on the number of students who attended an academy, the number and percentage of students who successfully completed an academy, and the number and percentage of students who failed to successfully complete an academy.

(ii) Of the students who failed to successfully complete an academy, the number and percentage of students who did not successfully complete an academy because they self-dismissed out of the academy, and the number and percentage of students who did not successfully complete an academy because they failed to successfully complete one or more learning domains.

(iii) Of the students who failed to successfully complete an academy because they failed to successfully complete one or more learning domains, the number and percentage of students who failed to complete the learning domains relating to vehicle operation, firearms proficiency, or both, and may include data on failure to complete other learning domains.

(iv) Data on the number of students who received one or more opportunities for remedial training for a learning domain included in the report pursuant to clause (iii) and then did, or did not, successfully complete the learning domain after receiving the remedial training.

(B) Data reported pursuant to this paragraph shall also be aggregated by the race and gender of students.

(2) A review of academies' practices regarding remedial training for a student who has previously failed to successfully complete a learning domain and a discussion of whether the commission finds that there is a common understanding by academies of the extent to which, and the type of, additional training is appropriate when a student is unsuccessful at completing a learning domain, particularly with regard to the learning domains relating to vehicle operation and firearms proficiency.

(3) A discussion of whether the commission finds that minimum standards for an appropriate level of remedial training, particularly with regard to the learning domains relating to vehicle operation and firearms proficiency, should be established by the commission and whether additional guidance for academies is needed on remedial training. This discussion may include any recommendations for statutory changes, administrative changes, or both, if appropriate.

(4) The report developed pursuant to this subdivision shall not include any student personal identifying information or testing result information.

(b) The commission shall include at least six months of academy data in the report submitted pursuant to subdivision (a). It may include additional data if feasible and available.

(c) As used in this section, "academy" and "academies" means an intensive regular basic course of peace officer training.

(d) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2024.

SEC. 2. Section 13510.06 is added to the Penal Code, to read:

13510.06. Notwithstanding any other law, 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 under Section 832.7.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 13510.06 to the Penal Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

It is generally in the public interest to protect the privacy of students who attend basic training courses by protecting their personal identifying information as it relates to testing.