

AMENDED IN SENATE JULY 15, 2021
AMENDED IN ASSEMBLY FEBRUARY 17, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 89

Introduced by Assembly Member Jones-Sawyer
(Principal coauthor: Senator Portantino)
(Coauthors: Assembly Members Lee and Wicks)

December 7, 2020

An act to ~~amend Section 1031 of~~ *add Section 1031.4 to the Government Code, and to amend Section 13510.1 of, and to add Section 13511.1 to, the Penal Code*, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Jones-Sawyer. Peace officers: minimum qualifications.

Existing law requires *the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.*

This bill would require the certification program to also include peace officers employed by the state in agencies that participate in the POST program. The bill would require the commission to work collaboratively

with specified stakeholders to develop a list of courses to include as requirements for obtaining a basic certificate. The bill would require the commission to, in developing these courses, to, among other things, work with the California Community Colleges towards developing a full associate degree for transfer in modern policing, and would require the commission to report to the Legislature on that program on or before June 1, 2023. The bill would additionally require the commission, upon appropriation by the Legislature, to develop a program to provide financial support for a higher education degree for individuals pursuing a law enforcement career, and to establish a statewide print and radio media campaign for the purposes of bringing awareness to these programs.

Existing law requires peace officers in this state to meet specified minimum standards, including age and education requirements.

~~This bill would increase the minimum qualifying age from 18 to 25 years of age. This bill would permit an individual under 25 years of age to qualify for employment as a peace officer if the individual has a bachelor's or advanced degree from an accredited college or university. The bill would specify that these requirements do not apply to individuals 18 to 24 years of age who are already employed as a peace officer as of the effective date of this act. The bill would provide legislative findings in support of the measure.~~

This bill would, for specified peace officers, increase the minimum qualifying age from 18 to 21 years of age and would, on and after January 1, 2025, require those officers to complete the curriculum or degree program developed by the commission or to have a bachelor's degree or other advanced degree from an accredited college or university, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Peace Officers Education and Age Conditions for Employment
- 3 Act or PEACE Act.
- 4 SEC. 2. The Legislature finds and declares all of the following:
- 5 (a) There is an interest in minimizing peace officer use of deadly
- 6 force.

1 ~~(b) A study of 1,935 Philadelphia police officers examined the~~
2 ~~relationship between officer-involved shootings and self-control.~~
3 ~~The findings point to the conclusion that peace officers with greater~~
4 ~~self-control are less likely to use deadly force. Inversely, officers~~
5 ~~with lower self-control are “significantly more likely” to be~~
6 ~~involved in a police shooting.~~

7 (e)

8 (b) The Legislature has repeatedly relied on neurological
9 research with respect to criminal sentencing law reflecting a
10 growing understanding that cognitive brain development continues
11 well beyond age 18 and into early adulthood. Scientific evidence
12 on young adult development and neuroscience shows that certain
13 areas of the brain, particularly those affecting judgment and
14 ~~decision-making, decisionmaking~~, do not develop until the early
15 to mid-20s.

16 (d)

17 (c) Law enforcement officers are required to make split-second
18 decisions to protect the health and safety of the public and address
19 dangerous situations. A young adult with a still developing brain
20 may struggle during events that require quick ~~decision-making~~
21 ~~decisionmaking~~ and judgments.

22 ~~(e) The Legislature finds and declares that because there is a~~
23 ~~negative correlation between officer age and use of deadly force,~~
24 ~~increasing the minimum age of a police officer will likely result~~
25 ~~in a police force composed of more mature officers who are able~~
26 ~~to exhibit greater self-control, and who are less likely to utilize~~
27 ~~deadly force.~~

28 (f) A small minority of officers is involved in the majority of
29 use of force incidents; so-called “high-rate officers.” In a 2010
30 study, 6 percent of the officers studied accounted for approximately
31 40 percent of the use of force incidents in that year. In a 2012
32 study, 5.4 percent of officers were found to account for 32 percent
33 of use of force situations. High-rate officers tend to be younger
34 compared to low-rate officers.

35 (g) A 2007 study found that officers with a bachelor’s degree
36 were less likely to use physical force than officers with only a high
37 school graduation. The same study also found no difference
38 between officers with some college and those with only high school
39 education.

40 (h)

1 (d) A study has also shown that better educated officers perform
2 better in the academy, receive higher supervisor evaluations, have
3 fewer disciplinary problems and accidents, are assaulted less often,
4 and miss fewer days of work than their counterparts.

5 (i) ~~A 2008 study of the Riverside County Sheriff's Department
6 found that age and education of officers was the main determinant
7 in likelihood to resort to the use of force.~~

8 (j) ~~Studies show that officers with a previous history of using
9 deadly force are more than 51 percent as likely to engage in deadly
10 force again, compared to officers without a history of shootings.
11 For this reason, it is important to minimize potential for an officer
12 to engage in an initial shooting as it likely will reduce the officer's
13 likelihood of using deadly force throughout their service.~~

14 (k) ~~During the years 2014–2018, only 8.7 percent of the police
15 force was 25 years of age or younger and nearly 30 percent of
16 those officers had a bachelor's degree, suggesting that limitations
17 on the age and education of officers would not significantly affect
18 the available workforce.~~

19 ~~SEC. 3. Section 1031 of the Government Code is amended to
20 read:~~

21 ~~1031. Each class of public officers or employees declared by
22 law to be peace officers shall meet all of the following minimum
23 standards:~~

24 (a) ~~Be a citizen of the United States or a permanent resident
25 alien who is eligible for and has applied for citizenship, except as
26 provided in Section 2267 of the Vehicle Code.~~

27 (b) ~~Except as described in paragraph (2) of subdivision (c), be
28 at least 25 years of age.~~

29 (c) ~~Be fingerprinted for purposes of search of local, state, and
30 national fingerprint files to disclose a criminal record.~~

31 (d) ~~Be of good moral character, as determined by a thorough
32 background investigation.~~

33 (e) (1) ~~If 25 years of age or older, be a high school graduate,
34 pass the General Education Development Test or other high school
35 equivalency test approved by the State Department of Education
36 that indicates high school graduation level, pass the California
37 High School Proficiency Examination, or have attained a two-year,
38 four-year, or advanced degree from an accredited college or
39 university. The high school shall be either a United States public
40 school, an accredited United States Department of Defense high~~

1 school, or an accredited or approved public or nonpublic high
2 school. Any accreditation or approval required by this subdivision
3 shall be from a state or local government educational agency using
4 local or state government approved accreditation, licensing,
5 registration, or other approval standards, a regional accrediting
6 association, an accrediting association recognized by the Secretary
7 of the United States Department of Education, an accrediting
8 association holding full membership in the National Council for
9 Private School Accreditation (NCPSA), an organization holding
10 full membership in AdvancED, an organization holding full
11 membership in the Council for American Private Education
12 (CAPE), or an accrediting association recognized by the National
13 Federation of Nonpublic School State Accrediting Associations
14 (NFNSSAA).

15 (2) If 18 to 24 years of age, an individual shall have a bachelor's
16 degree or an advanced degree from an accredited college or
17 university. Any accreditation or approval required by this
18 subdivision shall be from a state or local government educational
19 agency using local or state government approved accreditation,
20 licensing, registration, or other approval standards, a regional
21 accrediting association, an accrediting association recognized by
22 the Secretary of the United States Department of Education, or an
23 organization holding full membership in AdvancED.

24 (3) The requirements in paragraph (2) shall not apply to an
25 individual 18 to 24 years of age who is already employed as a
26 peace officer as of the effective date of the act that added this
27 paragraph.

28 (f) Be found to be free from any physical, emotional, or mental
29 condition, including bias against race or ethnicity, gender,
30 nationality, religion, disability, or sexual orientation, that might
31 adversely affect the exercise of the powers of a peace officer.

32 (1) Physical condition shall be evaluated by a licensed physician
33 and surgeon.

34 (2) Emotional and mental condition shall be evaluated by either
35 of the following:

36 (A) A physician and surgeon who holds a valid California
37 license to practice medicine, has successfully completed a
38 postgraduate medical residency education program in psychiatry
39 accredited by the Accreditation Council for Graduate Medical
40 Education, and has at least the equivalent of five full-time years

1 of experience in the diagnosis and treatment of emotional and
2 mental disorders, including the equivalent of three full-time years
3 accrued after completion of the psychiatric residency program.

4 (B) A psychologist licensed by the California Board of
5 Psychology who has at least the equivalent of five full-time years
6 of experience in the diagnosis and treatment of emotional and
7 mental disorders, including the equivalent of three full-time years
8 accrued postdoctorate.

9 The physician and surgeon or psychologist shall also have met
10 any applicable education and training procedures set forth by the
11 Commission on Peace Officer Standards and Training designed
12 for the conduct of preemployment psychological screening of
13 peace officers.

14 (g) This section shall not be construed to preclude the adoption
15 of additional or higher standards, including age.

16 SEC. 3. Section 1031.4 is added to the Government Code, to
17 read:

18 1031.4. (a) In addition to the standards in Section 1031, each
19 state officer and employee designated as peace officers as defined
20 in Sections 830.1, 830.2, 830.3, 830.38, 830.4, and 830.5 of the
21 Penal Code shall meet all of the following minimum standards:

22 (1) Be at least 21 years of age.

23 (2) On or after January 1, 2025, complete one of the following
24 education requirements:

25 (A) Have completed any of the Commission on Peace Officer
26 Standards and Training's curriculum or degree program, as
27 established pursuant to subdivision (f) of Section 13510.1 of the
28 Penal Code, prior to receiving their basic certificate.

29 (B) Have attained a bachelor's degree or other advanced degree
30 from an accredited college or university.

31 (b) The education requirements in paragraph (2) of subdivision
32 (a) shall not apply in the following circumstances if the individual
33 is a high school graduate, has passed the General Education
34 Development Test or other high school equivalency test approved
35 by the State Department of Education that indicates high school
36 graduation level, or has passed the California High School
37 Proficiency Examination:

38 (1) If the employing law enforcement agency has prolonged
39 vacancies after having made a good faith effort to fill the vacancies.

40 The Commission on Peace Officer Standards and Training shall

1 *develop the criteria for defining prolonged vacancy, and adjust*
2 *that criteria as necessary over time.*

3 (2) *This section shall not apply to any person who, as of*
4 *December 31, 2021, is currently enrolled in an academy or is*
5 *employed as a peace officer by a public entity in California.*

6 SEC. 4. *Section 13510.1 of the Penal Code is amended to read:*

7 13510.1. (a) *The commission shall establish a certification*
8 *program for peace officers officers, as specified in Sections 13510*
9 *and ~~13522~~ and 13522, for the California Highway Patrol. Patrol,*
10 *and for any peace officer employed by the state in agencies that*
11 *participate in the Peace Officer Standards and Training (POST)*
12 *program. Certificates of the commission established pursuant to*
13 *this section shall be considered professional certificates.*

14 (b) *Basic, intermediate, advanced, supervisory, management,*
15 *and executive certificates shall be established for the purpose of*
16 *fostering professionalization, education, and experience necessary*
17 *to adequately accomplish the general police service duties*
18 *performed by peace officer members of ~~city~~ municipal police*
19 *departments, county sheriffs' departments, districts, university and*
20 *state university and college departments, state peace officers*
21 *described in subdivision (a), or by the California Highway Patrol.*

22 (c) (1) *Certificates shall be awarded on the basis of a*
23 *combination of training, education, experience, and other*
24 *prerequisites, as determined by the commission.*

25 (2) *In determining whether an applicant for certification has the*
26 *requisite education, the commission shall recognize as acceptable*
27 *college education only the following:*

28 (A) *Education provided by a community college, college, or*
29 *university ~~which~~ that has been accredited by the department of*
30 *education of the state in which the community college, college, or*
31 *university is located or by a recognized national or regional*
32 *accrediting body.*

33 (B) *Until January 1, 1998, educational courses or degrees*
34 *provided by a nonaccredited but state-approved college that offers*
35 *programs exclusively in criminal justice.*

36 (d) *Persons who are determined by the commission to be eligible*
37 *peace officers may make application for the certificates, provided*
38 *they are employed by an agency ~~which~~ that participates in the*
39 *Peace Officer Standards and Training (POST) POST program.*

1 (e) The commission shall have the authority to cancel any
2 certificate that has been obtained through misrepresentation or
3 fraud or that was issued as the result of an administrative error on
4 the part of the commission or the employing agency.

5 (f) *The commission shall work collaboratively with stakeholders*
6 *from law enforcement, including representatives of law*
7 *enforcement administration and law enforcement employees, the*
8 *University of California, including faculty members specializing*
9 *in courses described in paragraph (1), the California State*
10 *University, including faculty members specializing in courses in*
11 *paragraph (1), the California Community Colleges, including both*
12 *administration and faculty, and community organizations to*
13 *develop a list of courses to include as requirements for obtaining*
14 *a basic certificate. The courses specified by the commission may*
15 *be taken before, during, or after the completion of the regular*
16 *basic course, but shall be completed before an individual may*
17 *obtain a basic certificate and within the required two-year period*
18 *pursuant to Section 832.4. In developing these courses, POST and*
19 *the collaborating stakeholders shall do all of the following:*

20 (1) *Focus on courses pertinent to law enforcement, which shall*
21 *include, but are not limited to, psychology, communications,*
22 *history, ethnic studies, and those determined to develop necessary*
23 *critical thinking skills and emotional intelligence.*

24 (2) *Work with the California Community Colleges towards*
25 *developing a full associate degree for transfer in modern policing*
26 *through combining credits from POST course requirements and*
27 *credits for attending the POST basic course. The California*
28 *Community Colleges may develop this in stages by increasing total*
29 *credits needed over time.*

30 (3) *Include allowances for prior law enforcement experience,*
31 *and, as determined by POST, appropriate work experience,*
32 *postsecondary education experience, or military experience as*
33 *specified in subparagraph (A), to satisfy a portion of the education*
34 *requirements.*

35 (A) *Allowances for prior experience in this paragraph for those*
36 *with military experience may be provided to those with military*
37 *specializations pertinent to law enforcement, including those*
38 *specializations in community relations, deescalation, foreign*
39 *language translators, and those determined to require necessary*
40 *critical thinking skills and emotional intelligence.*

1 (B) Allowances for prior experience specified in this paragraph
2 shall be granted to those of good moral character, and shall not
3 be granted to those with prior disciplinary actions taken against
4 them.

5 (4) (A) On or before June 1, 2023, report to the Legislature on
6 the curriculum developed towards the associate degree for transfer.

7 (B) A report to be submitted pursuant to this paragraph shall
8 be submitted in compliance with Section 9795 of the Government
9 Code.

10 SEC. 5. Section 13511.1 is added to the Penal Code, to read:

11 13511.1. (a) The commission shall, upon appropriation by the
12 Legislature, develop a program to provide financial support for
13 a higher education degree for individuals pursuing a law
14 enforcement career.

15 (1) The commission shall develop the criteria for reimbursement
16 and shall provide reimbursement for education pursuant to this
17 section.

18 (2) Education tuition reimbursement will be given based upon
19 completion of designated courses developed pursuant to
20 subdivision (f) of Section 13510.1 and upon receiving a basic
21 certificate.

22 (3) For an individual to be eligible for education reimbursement,
23 they shall meet all of the following conditions:

24 (A) Be currently employed by an agency participating in the
25 Peace Officer Standards and Training program.

26 (B) Provide the commission with a copy of official transcripts
27 prior to reimbursement.

28 (C) Provide the commission with a receipt of tuition from the
29 higher education institution.

30 (4) The commission shall determine which courses are eligible
31 for reimbursement.

32 (b) The commission shall establish a statewide print and radio
33 media campaign for the purposes of bringing awareness to the
34 education program created pursuant to subdivision (f) of Section
35 13510.1 and to the reimbursement program established pursuant
36 to this section, directed especially towards historically underserved
37 and disadvantaged communities with barriers to higher education
38 access.

O