



Received
April 26, 2013
Commission on
State Mandates

JOHN CHIANG
California State Controller
Division of Accounting and Reporting

April 26, 2013

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Draft Staff Analysis and Proposed Parameters and Guidelines
Peace Officers Procedural Bill of Rights II, 03-TC-18
Government Code Sections 3304, 3306.5, 3309 and 3312
Statutes 1976, Chapter 465; Statutes 1998, Chapter 786; Statutes 2000, Chapter 209; and
Statutes 2002, Chapter 170
City of Newport Beach, Claimant

Dear Ms. Halsey:

The State Controller's Office has reviewed the draft staff analysis and proposed parameters and guidelines submitted by the Commission. Below are our comments and recommendations. Proposed additions are underlined and deletions are indicated with strikethrough as follows:

Draft Staff Analysis:

I. Summary of the Mandate

Pages 1 and 4:

The *Peace Officers Procedural Bill of Rights II* (03-TC-18) test claim addresses amendments to activities associated with the Peace Officers Procedural Bill of Rights Act (POBOR) (Gov. Code § 3300 et seq.). POBOR provides a series of rights and procedural safeguards to peace officers employed by local agencies, ~~school districts~~, and special districts that are subject to investigation of discipline.

COMMENT: On July 31, 2009, the Commission amended the 2006 statement of decision to deny reimbursement to school districts, community college districts, and special districts that are permitted by statute, but not required to employ peace officers who supplement the general law enforcement units of cities and counties. The Commission's decision notes that special police protection districts named in Government Code section 53060.7 that wholly supplant the law enforcement functions within their jurisdiction are eligible to claim reimbursement for state-mandated costs imposed by POBOR.

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Proposed Parameters and Guidelines:

IV. REIMBURSABLE ACTIVITIES

Page 5:

d. Within 30 days of receiving an officer's request to correct or delete a portion of his or her personnel file pursuant to Government Code section 3306.5 (c), grant the request and make the requested changes or notify the officer of the decision to refuse the request. This includes reviewing officer's written request for correction(s), ~~make change as requested if request is granted and respond to officer's request for corrections~~ making changes as requested, if request is granted, or giving a notice of denial of the officer's request for correction(s) to the officer, if the request is denied. (Gov. Code, § 3306.5(d), Stats. 2000, ch. 209.)

COMMENT: According to Government Code section 3306.5(d), the employer shall notify the officer of the decision to refuse to grant the request. Revised language to be consistent with reimbursable activities noted in section 5(c) of page 4.

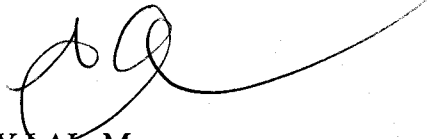
X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

Page 8:

COMMENT: Renumbered "X" to display a new section topic.

Should you have any questions regarding the above, please contact Michelle Chan at (916) 324-2341 or e-mail mchan@sco.ca.gov.

Sincerely,



JAY LAL, Manager
Local Reimbursements Section