



GARY PENROD, SHERIFF-CORONER

May 18, 2007

Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Room 300
Sacramento, CA 95814



RE: POST Training Requirements for Instructors and Academy Staff
County of Sacramento Test Claim 02-TC-03

Dear Ms. Higashi,

On May 31, 2007 the Commission on State Mandates is schedule to consider the above test claim concerning Peace Officer Standards and Training mandates. Your Final Staff Analysis to deny reimbursement of the above test claim is clearly wrong. That staff analysis concludes:

"... that "because the underlying decisions to participate in POST, provide POST-certified training or establish a POST training academy are discretionary, and that local agencies have alternatives to providing POST-certified training or establish a POST training academy, the test claim regulations do not impose a state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution."

When the POST program was created in 1959, nearly 50 years ago, it was discretionary. As any member of the local law enforcement community will tell you today, participation in POST is mandatory. A city has no reasonable alternative other than to belong to POST. POST standards and training are not optional.

The question is: How does an agency divest itself of POST. If an agency does not want to be involved with POST, and POST pointed out that the very small city of Isleton did that at least for a period, Penal Code section 832 (c) really makes such an action impossible. It states in subsection (a) every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. It goes on for six more subsections describing the other POST requirements that must be met. POST mandates must be met, which clearly seems to make withdrawal practically impossible.

Since the Commission staff analysis covers all POST mandates and not just the test claim at issue, it does not seem necessary to comment on the specifics of the Sacramento case. The central issue is whether or not POST regulations are can result in unfunded state mandates under the provisions of article XIII B, section 6, of the Constitution, and in my opinion, new training programs that result in costs to local government clearly meet that requirement.

I request the Commission to advise the commissioners they should approve the Sacramento County test claim and to provide reimbursement for the associated activities with the POST regulations.

Sincerely,

GARY S. PENROD, Sheriff-Coroner

A handwritten signature in cursive script that reads "Barbara Ferguson". The signature is written in black ink and is positioned above the typed name.

By: Barbara Ferguson, Lieutenant
Legislative Liaison