

# Law Enforcement Officer Training

## Summary

Well-trained law enforcement officers are essential for our security and safety. Well designed and up-to-date training helps maintain officer skills and competence. California recognized the need for clear training standards in 1959 with the establishment of the California Commission on Peace Officers Standards and Training (POST) to set minimum selection and training standards for law enforcement officers and to provide and oversee appropriate training opportunities for them. All Nevada County (County) law enforcement agencies have opted to participate in POST and thereby make themselves subject to its requirements.

POST sets minimum standards for the Continuing Professional Training (CPT) of member personnel. The basic POST CPT requirement is 24 or more hours of POST-qualifying training during every two-year CPT cycle. Those 24 hours of training must include 14 hours of training in perishable skills such as driver training, firearms, arrest and communications.

At the end of the CPT training cycle from January 1, 2013 to December 31, 2014 (2013-2014 Cycle) all of the County's law enforcement agencies were out of compliance with POST training requirements. Learning this caused the Nevada County Grand Jury (Jury) to investigate the reasons for non-compliance and to determine whether local agencies would improve compliance during the next cycle.

In the CPT cycle from January 1, 2015 through December 31, 2016 (2015-2016 Cycle), two local agencies had come into substantial compliance and the other two had good reasons for being out of compliance. Each agency presented plans to bring all training up to date within the 2017 calendar year.

Although County law enforcement did not meet POST training requirements, they are now taking training requirements seriously and should be commended for making the training of County peace officers a priority.

## **Glossary**

<b>CPT</b>	Continuing Professional Training
<b>County</b>	Nevada County
<b>GVPD</b>	Grass Valley Police Department
<b>Jury</b>	Nevada County Grand Jury
<b>NCPD</b>	Nevada City Police Department
<b>NCSO</b>	Nevada County Sheriff's Office
<b>POST</b>	California Commission on Peace Officers Standards and Training
<b>TPD</b>	Truckee Police Department
<b>2013-2014 Cycle</b>	The CPT cycle from January 1, 2013 to December 31, 2014
<b>2015-2016 Cycle</b>	The CPT cycle from January 1, 2015 through December 31, 2016

## **Background**

It came to the attention of the Jury that all of the County's law enforcement agencies had failed to ensure that their personnel complete training mandated by POST for the compliance period ending on December 31, 2014. Based on that information, the Jury undertook to investigate the requirements incident to such agencies' membership in POST and to determine if the mandated training had been completed for the more recent compliance period ending on December 31, 2016.

## **Approach**

The Jury reviewed the POST program and requirements mandated thereby through interviews and review of material found online on the POST website. It reviewed training data for the Nevada City Police Department (NCPD), the Truckee Police Department (TPD), the Grass Valley Police Department (GVPD), and the Nevada County Sheriff's Office (NCSO). It also interviewed personnel and reviewed compliance records maintained by POST and the County law enforcement agencies to determine the extent to which said agencies were in compliance with POST training requirements at the end of 2016.

## **Discussion**

Well-trained law enforcement officers are essential for our security and safety. Well designed and up-to-date training helps maintain officer skills and competence. California has recognized the need for training standards for over 50 years.

POST was established in 1959 in order to set minimum selection and training standards for law enforcement officers and to provide and oversee appropriate training opportunities for them. Participation in POST is not required but the vast majority of California law enforcement agencies have chosen to participate. All County law enforcement agencies have opted to participate in POST and thereby make themselves subject to its requirements.

A central function of POST is to set minimum standards for the CPT of member personnel. Regulation 1005 of the *POST Administrative Manual*, reads “The purpose of CPT is to maintain, update, expand, and/or enhance an individual’s knowledge and/or skills.” The basic CPT requirement set by POST is “24 or more hours of POST-qualifying training during every two-year CPT cycle.” The two most recent CPT cycles were the 2013-2014 Cycle and the 2015-2016 Cycle. Those 24 hours of training must include 14 hours of training in perishable skills: driver training/awareness or driving simulator (4 hours), tactical firearms or force options simulator (4 hours), arrest and control (4 hours) and communications (2 hours). The subject of the other ten hours of mandatory training is at the discretion of the member department. It should be noted that the vast majority of officers receive additional specialized training to hone and add to their skill sets.

POST is not an enforcement agency. It does not actively enforce its training requirements nor does it apply sanctions to a member agency that is out of compliance. However, it conducts periodic compliance reviews and requires each member agency to maintain an up-to-date record of all training that has been completed on POST’s electronic information system.

An incentive for officers and member agencies to comply is the potential for civil liability in the event that an out-of-compliance officer is involved in an incident that leads to a civil lawsuit. For example, if an officer is out of compliance on required firearms training and is sued for an incident involving the discharge of a firearm, the failure to comply with training requirements is admissible in court on the issue of liability. The possibility of civil liability is a powerful incentive inasmuch as a failure to comply can lead to personal liability on the part of an officer who is out of compliance and constitutes a potentially large financial risk to their city or county.

The POST system is not without its faults. Significantly, the compliance periods have set beginning and ending dates rather than being based on rolling dates where an officer would be required to have designated training within the last two years rather than a strictly defined two-year period.

An additional problem arises due to reduced budgets and chronic understaffing of law enforcement agencies in the County. A four-hour training course on a required subject may only be offered, for example, in Sacramento at a time chosen by the agency offering the training. Thus, a County peace officer will be unavailable for regular duties for upwards of a day to get four hours of training. Even if the timing of the training fits with the officer’s schedule, that time away has to be covered by overtime. Hence, getting officers trained in POST certified courses is not an easy process.

Moreover, the ability of a non-POST agency to provide internal training is hampered by rigorous POST requirements for certification of subject matter and instructors. It can be a time-consuming process.

Further, there is training available that is not POST certified and such opportunities are used by County law enforcement to supplement their officers’ training. Thus, being out of

compliance with POST requirements does not necessarily mean that an officer has not done additional supplemental training. It only means that he or she has not completed 24 hours of POST-certified training during the two-year compliance cycle.

At the end of the 2013-2014 Cycle all of the County's law enforcement agencies were out of compliance with POST training requirements, as follows:

- NCPD: 5 of its 15 officers were out of compliance.
- TPD: 2 of its 26 officers were out of compliance.
- GVPD: 15 of its 29 officers were out of compliance.
- NCSO: 22 of its 78 officers and 2 dispatchers were out of compliance.

At the end of the 2015-2016 Cycle, the compliance data was as follows:

- NCPD: 8 of 10 officers were out of compliance. 2 of 2 reserve officers were out of compliance.
- TPD 2 of 22 officers were out of compliance. The only reserve officer was out of compliance.
- GVPD 17 of 23 officers were out of compliance. All three reserve officers were out of compliance.
- NCSO 2 of 63 officers were out of compliance.

In both the TPD and the NCSO, last-minute scheduling problems and illness resulted in two officers missing a single class. As a result, they were out of compliance for the 2015-2016 Cycle. Both agencies should be commended for their hard work in bringing their agencies into substantial compliance.

Both the GVPD and the NCPD have plans to bring all training up to date by the end of the year. The new Chief of Police of the GVPD has created a schedule to bring all of the GVPD officers into compliance with POST requirements by the end of 2017. Moreover, some of the officers who were out of compliance with POST requirements had completed training that is not POST certified.

Nevada City suffered a very difficult 2015-2016 Cycle, with as much 60% of its staff unavailable for duty during some periods due to injury or disability. When there are only ten officers to provide protection to an area as large as Nevada City, there is little scheduling flexibility available. It is worth noting that all of the NCPD officers had significant amounts of non-POST certified training during the 2015-2016 Cycle. The department is expected to be in full POST compliance by the end of 2017.

## **Finding**

**F1** Although County law enforcement did not meet POST training requirements, they are now taking training requirements seriously and should be commended for making the training of County peace officers a priority.

## **Recommendations**

None.

## **Request for Responses**

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses as follows:

None required