

# The 2021-22 Budget: Peace Officer Training Mandate

February 2021

## ***Constitution Requires the State to Reimburse Local Governments for Mandated Activities.***

State law tasks the Commission on State Mandates (Commission) with determining whether new state laws or regulations affecting local governments create state-reimbursable mandates. Typically, the process for determining whether a law or regulation is a state-reimbursable mandate takes several years. State law further requires our office to analyze any new mandates identified by the Commission as a part of our annual analysis of the state budget. In particular, state law directs our office to report on the annual state costs for new mandates and make recommendations to the Legislature as to whether the new mandates should be repealed, funded, suspended, or modified. Below, we discuss the Peace Officer Training mandate, which is a newly identified state mandate funded in the Governor's 2021-22 budget proposal.

## **Background**

### ***Training Requirements for Peace Officers.***

State law and regulations established by the Commission on Peace Officer Standards and Training (POST) require peace officers to meet certain minimum one-time and ongoing training requirements. For example, all peace officers are required to complete a basic training program that lasts a minimum of 664 hours prior to assuming duties. After assuming duties, officers must complete a minimum of 24 hours of continuing training every two years.

Certain other training requirements also apply to local law enforcement agencies. For example, agencies are required to operate a POST-approved field training program that lasts for a minimum of ten weeks. New peace officers must generally complete this field training program after basic training but prior to assuming patrol duties. The program's field training officers (FTOs)—peace

officers responsible for training and supervising new officers—must also meet certain training requirements. Such requirements include obtaining a POST certificate and completing a minimum of 40 hours of training across specified topics.

***State Law Increased Behavioral Health Training Requirements.*** Chapter 469 of 2015 (SB 29, Beall) increased training requirements for peace officers and FTOs. Specifically, Chapter 469 directed POST to require that FTOs have at least eight hours of crisis intervention behavioral health training by June 2017 or within 180 days of assignment or appointment. This was intended to help FTOs better train new officers on how to effectively interact with individuals with mental illness or intellectual disability. Chapter 469 also directed POST to require that at least four hours of existing FTO training requirements address this topic and to evaluate whether additional training on this topic is needed.

***Commission Determined Portion of Legislation Created a State-Reimbursable Mandate.*** The Commission found that only the portion of Chapter 469 adding Penal Code Section 13515.28 (the requirement for FTOs to complete at least eight hours of crisis intervention training) imposes new state-mandated activities and costs on local governments. Accordingly, the Commission's decision makes costs incurred by a local government to meet this training requirement reimbursable by the state. The Commission estimates that the initial state cost of claims from local governments related to the mandate since 2016 could range between \$2.5 million and \$5.3 million. Additionally, the Commission estimates that the annual costs for the mandate going forward could range between \$324,000 and \$2 million.

## Governor's Budget

**Governor Funds Mandate.** The Governor's 2021-22 budget proposes \$5.3 million General Fund to reimburse local agencies for the costs they incurred complying with the crisis intervention behavioral health training statute while it was under review by the Commission. Funding the mandate would make local compliance with the above requirements mandatory in 2021-22 and the state responsible for the costs incurred by local governments.

## LAO Comments

**Future Fiscal Effects Difficult to Estimate.** Chapter 469 required FTOs assigned or appointed prior to January 2017 to meet the eight hour training requirement by June 2017. The Governor's 2021-22 budget proposal would fully reimburse local governments for this aspect of the mandate. The statute also requires FTOs to meet the training requirement on an ongoing basis within 180 days of appointment or assignment. The proposal includes

\$3.4 million for this aspect of the mandate based on the initial claims filed by local governments, which covers three fiscal years. The annual cost of this aspect of the mandate is difficult to estimate. This is because costs will vary by local government depending on various factors—such as the turnover rate within individual law enforcement agencies and FTO compensation rates.

## Recommendation

**Fund Mandate.** The intent of Chapter 469 was to improve peace officers' abilities to identify and effectively respond to individuals with mental health, intellectual disability, or substance use disorders. The Commission has found that requiring FTOs to complete at least eight hours of training on this topic constitutes a reimbursable mandate. Given the state's interest in promoting trust in law enforcement and in minimizing unnecessary harm to members of the public, we recommend funding this mandate to ensure FTOs receive at least this amount of training.

## LAO Publications

---

This report was prepared by Lourdes Morales and Anita Lee, and reviewed by Ginni Bella Navarre and Carolyn Chu. The Legislative Analyst's Office (LAO) is a nonpartisan office that provides fiscal and policy information and advice to the Legislature.