

Date of Hearing: July 10, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 587 (Atkins) – As Amended July 3, 2017

SENATE VOTE: 40-0

SUBJECT: Emergency vehicles: blue warning lights

SUMMARY: Authorizes probation officers to operate emergency vehicles with blue lights, under specific conditions. Specifically, **this bill:**

- 1) Authorizes an emergency vehicle operated by a probation officer to display a steady or flashing blue warning light.
- 2) Conditions the use of a blue light by probation officers on the officer completing a four-hour classroom training course in the operation of emergency vehicles.
- 3) Declares that the bill's provisions do not expand existing authority of a probation officer to conduct a high-speed vehicle pursuit nor change any existing training requirements related to high-speed vehicle pursuits.

EXISTING LAW:

- 1) With some restrictions, authorizes police officers employed by the following public safety agencies to display a blue warning light on their authorized emergency vehicles:
 - a) Sheriffs, undersheriffs, deputy sheriffs, chiefs of police, chiefs or directors of consolidated municipal public safety agencies that perform police functions, police officers, harbor police, chief executive of public safety agencies, marshals or deputy marshals of superior courts, port wardens, and district attorney inspectors or investigators;
 - b) California Highway Patrol (CHP) officers, University of California police, California State University police, correctional officers, members of the Office of Internal Affairs at the Department of Corrections and Rehabilitation, Department of Fish and Game employees, Department of Parks and Recreation employees, Department of Forestry and Fire Protection employees, and marshals and police appointed by the Board of Directors of the California Exposition and State Fair;
 - c) The chief and coordinators of the Law Enforcement Branch of the Office of Emergency Services;
 - d) Park rangers;
 - e) Community college police and school district police;
 - f) Bay Area Rapid Transit District police, transit district peace officers, airport law enforcement; railroad police;

- g) Legislative seargeants-at-arms; and,
 - h) Members of the California National Guard.
- 2) Defines "probation officer" and limits the extent of their authority as follows:
- a) To conditions of parole, probation, mandatory supervision, or post-release community supervision;
 - b) To the escape of any inmate or ward from a state or local institution;
 - c) To the transportation of individuals on parole, probation, mandatory supervision, or post-release community supervision;
 - d) To violations of law that are discovered while performing the usual or authorized duties of his or her employment; and,
 - e) To the rendering of mutual aid to any other law enforcement agency.
- 3) Creates the Board of State and Community Corrections (BSCC) to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.
- 4) Provides that any law enforcement agency vehicle driven by a peace officer, including probation officers, is an "authorized emergency vehicle."

FISCAL EFFECT: Unknown

COMMENTS: According to the author, since the passage of public safety realignment legislation, AB 109 (Committee on Budget), Chapter 15, Statutes of 2011, the duties of probation officers have changed dramatically and risk to the officers has increased. Probation officers are sworn peace officers and are generally responsible for the oversight of individuals who are sentenced to serve probation instead of being incarcerated. They also serve on multi-discipline tasks forces, such as high tech crime, sex offender, vehicle theft, and the U.S. Marshals, along with other peace officers. However, unlike other peace officers, such as sheriff's deputies and city police, probation officers are not specifically authorized to use blue warning lights on their vehicles.

Probation officers do not currently receive Police Officers Standard and Training (POST) training but, under this bill, would be required to have four hours training related to the operation of emergency vehicles as a condition of being able to use blue warning lights.

Writing in support of this bill, the Peace Officers Research Association of California (PORAC) argues that probation officers are frequently called to emergency situations and many times are the first to the scene. PORAC believes blue lights on probation officers' vehicles will allow other law enforcement officers to more easily recognize, assist, and support probation officers. Additionally, the Fraternal Order of Police suggests that it is imperative that probation officers be able to use adequate tools to keep themselves and others safe.

Previous legislation: AB 2224 (Achadjian) of 2016, was nearly identical to this bill. AB 2224 was set to be heard by this committee but the hearing was cancelled at the request of the author.

SB 92 (Committee on Budget and Fiscal Review), Chapter 36, Statutes of 2011, created the BSCC, beginning July 1, 2012, to be comprised of state and local criminal justice stakeholders. In addition to existing responsibilities for monitoring local facilities and distributing criminal justice resources, the BSCC's mission is to provide leadership, coordination, and research expertise in the state and local corrections system.

AB 1389 (Miller) of 2009, would have authorized certain members of an arson-investigating unit, a fire department or fire protection agency, voluntary fire wardens, and firefighters or security guards designated by the Military Department, to display a steady or flashing blue warning light from their vehicle in the performance of his or her duties. AB 1389 was vetoed by Governor Schwarzenegger who stated,

"The bill's sponsor asserts that arson investigators are often plain clothed and drive unmarked vehicles, and as a result need the use of blue lights to be more recognizable. However, the use of blue lights would not establish the individual's identity as a peace officer without displaying some form of police identification. Additionally, all [authorized emergency vehicles] in California, including law enforcement vehicles, are required to have at least one forward facing solid red light. Since there is no legal requirement for motorists to yield to a blue warning light, I fail to see the necessity for the addition of a blue light."

AB 2215 (Nakanishi) of 2004, would have added certain peace officers to the list of peace officers authorized to operate a vehicle displaying blue warning lights. AB 2215 was set to be heard by this committee but the hearing was cancelled at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

State Coalition of Probation Organizations (Sponsor)
Association for Los Angeles Deputy Sheriffs
Association of Deputy District Attorneys
Association of Orange County Deputy Sheriffs
California Association of Code Enforcement Officers
California College and University Police Chiefs Association
California Narcotic Officers Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
Chief Probation Officers of California
Fraternal Order of Police
Kern County Probation Officers Association
Long Beach Police Officers Association
Los Angeles County Professional Peace Officers Association
Los Angeles Deputy Probation Officers Union, AFSCME Local 685
Los Angeles Police Protective League
Orange County Employees Association
Peace Officers Research Association of California
Riverside Sheriffs Association
Sacramento County Deputy Sheriffs' Association
Sacramento County Probation Association
San Joaquin County Probation Officers Association

Ventura County Professional Peace Officers' Association

Opposition

None on file

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