

# Peace Officer Designation



**Board Meeting**

**January 13, 2021**

**Presented By:**

*Fire Marshal Steve Aubert*



# *Peace Officer Designation Considerations*

## **History**

- 2018 – Fire Investigation contract with ConFire ended and resulted in no fire investigators acting in the capacity as a peace officer in the District.
- 2019 – District worked with allied Police agencies to determine origin & cause of all fires with Police follow up on the investigation.
- Police counterparts in Brentwood, Oakley and the Contra Costa County Sheriff's Office do not have the requisite certifications to determine the cause and origin of fires or explosions.
- 221 square miles of unincorporated with PD response times up to 45 minutes
- 4 felony fires with no charges filed



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## **Investigative Authority**

- **California Fire Code (CFC) section 104.10**, the Fire Chief shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous conditions.
- **California Penal Code 830.37**; The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836...
  - (a) Members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers is the detection and apprehension of persons who have violated any fire law or committed insurance fraud.
  - (b) Members other than members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers, when acting in that capacity, is the enforcement of laws relating to fire prevention or fire suppression.



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## Standards

- **California Government Code 1031**; States, “Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards,”

Be a citizen of the United States or a permanent resident

Attained 18 years of age

Be fingerprinted for purposes of disclosing a criminal background

High school graduate or equivalent or attained a two-year or four-year degree

Be free of physical or emotional or mental condition that might adversely affect the exercise of the powers of a peace officer



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## Qualifications

- Valid Penal Code § 832(a) Arrest and Penal Code § 832(b) Firearms Certification (Classroom and Range) OR P.O.S.T. Peace Officer Certification
- Background check by an authorized outside agency
- Psychological examination by an authorized outside agency
- Successful completion of Range Training
- Successful completion of Certified Training in the Use of Force



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## **Considerations**

- **Contra Costa County Risk Management**
  1. Evaluation of change shows no difference in Peace Officer designation.
  2. If suit comes to the District, investigation run as a claim against the District.
- **Local 1230**
  1. Meet and confer with Local 1230 to incorporate relevant parts of the POBR into the MOU, including in Sections 5.12 (Fire Investigations Unit), 5.17 (Training and Prevention Differential), 21 (Grievance Procedure), and 33 (Employee Representation Rights);
  2. Propose revisions to Section 28 (Certification Requirements) of the MOU to incorporate POST certification requirements;





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## **Costs**

- Negotiate with 1230 for additional requirements
- PC 832 (b) course
- Personal protective equipment per person \$3,479
- Recurring training per person:
  1. Weapons qualification twice a year for total \$4,000
  2. Advanced Officer Training every 2 years \$2,500
  3. Perishable skills every 5 years \$4,000



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## **Recommendation**

- Staff recommends that the Board authorize the District to allow interested Fire Prevention employees willing to complete state-required training and maintain active certification to become sworn peace officers in the furtherance of their duties to the District.