

**Introduced by Senator Wolk**

February 21, 2014

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An act to amend Section ~~830.55~~ 831.5 of the Penal Code, relating to correctional officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1406, as amended, Wolk. ~~Training—~~*Correctional Officers: Napa County.*

*Under existing law, a custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a county having a population of 425,000 or less, or by certain specified counties, including Santa Clara County, and that officer has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility. Existing law requires custodial officers to undergo specified training, and authorizes those officers to perform specified duties, including, among others, serving warrants, court orders, writs, and subpoenas in the detention facility, and maintaining custody of prisoners and related tasks. Existing law authorizes custodial officers employed by the Santa Clara County Department of Corrections to perform certain additional duties in a detention facility in that county, including, but not limited to, searching property, cells, prisoners, or visitors.*

*This bill would, upon resolution by the Napa County Board of Supervisors, authorize custodial officers employed by the Napa County Department of Corrections to perform certain additional duties in a facility located in Napa County similar to those described above for Santa Clara County correctional officers. The bill would prohibit its*

*provisions from being construed to authorize the performance of any law enforcement activity involving any person other than an inmate or his or her visitors. The bill would also include a related statement of legislative intent.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for Napa County.*

~~Existing law sets forth the selection and training standards for peace officers, including, but not limited to, local correctional officers with responsibilities over operating, and maintaining the custody of inmates or wards in, prescribed custodial facilities.~~

~~This bill would make a technical, nonsubstantive change.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 831.5 of the Penal Code is amended to  
2 read:

3     831.5. (a) As used in this section, a custodial officer is a public  
4 officer, not a peace officer, employed by a law enforcement agency  
5 of San Diego County, Fresno County, Kern County, Stanislaus  
6 County, Riverside County, Santa Clara County, *Napa County*, or  
7 a county having a population of 425,000 or less who has the  
8 authority and responsibility for maintaining custody of prisoners  
9 and performs tasks related to the operation of a local detention  
10 facility used for the detention of persons usually pending  
11 arraignment or upon court order either for their own safekeeping  
12 or for the specific purpose of serving a sentence therein. Custodial  
13 officers of a county shall be employees of, and under the authority  
14 of, the sheriff, except in counties in which the sheriff, as of July  
15 1, 1993, is not in charge of and the sole and exclusive authority to  
16 keep the county jail and the prisoners in it. A custodial officer  
17 includes a person designated as a correctional officer, jailer, or  
18 other similar title. The duties of a custodial officer may include  
19 the serving of warrants, court orders, writs, and subpoenas in the  
20 detention facility or under circumstances arising directly out of  
21 maintaining custody of prisoners and related tasks.

22     (b) A custodial officer has no right to carry or possess firearms  
23 in the performance of his or her prescribed duties, except, under  
24 the direction of the sheriff or chief of police, while engaged in

1 transporting prisoners; guarding hospitalized prisoners; or  
2 suppressing jail riots, lynchings, escapes, or rescues in or about a  
3 detention facility falling under the care and custody of the sheriff  
4 or chief of police.

5 (c) Each person described in this section as a custodial officer  
6 shall, within 90 days following the date of the initial assignment  
7 to that position, satisfactorily complete the training course specified  
8 in Section 832. In addition, each person designated as a custodial  
9 officer shall, within one year following the date of the initial  
10 assignment as a custodial officer, have satisfactorily met the  
11 minimum selection and training standards prescribed by the  
12 ~~Corrections Standards Authority~~ *Board of State and Community*  
13 *Corrections* pursuant to Section 6035. Persons designated as  
14 custodial officers, before the expiration of the 90-day and one-year  
15 periods described in this subdivision, who have not yet completed  
16 the required training, shall not carry or possess firearms in the  
17 performance of their prescribed duties, but may perform the duties  
18 of a custodial officer only while under the direct supervision of a  
19 peace officer, as described in Section 830.1, who has completed  
20 the training prescribed by the Commission on Peace Officer  
21 Standards and Training, or a custodial officer who has completed  
22 the training required in this section.

23 (d) At any time 20 or more custodial officers are on duty, there  
24 shall be at least one peace officer, as described in Section 830.1,  
25 on duty at the same time to supervise the performance of the  
26 custodial officers.

27 (e) This section shall not be construed to confer any authority  
28 upon any custodial officer except while on duty.

29 (f) A custodial officer may use reasonable force in establishing  
30 and maintaining custody of persons delivered to him or her by a  
31 law enforcement officer; may make arrests for misdemeanors and  
32 felonies within the local detention facility pursuant to a duly issued  
33 warrant; may make warrantless arrests pursuant to Section 836.5  
34 only during the duration of his or her job; may release without  
35 further criminal process persons arrested for intoxication; and may  
36 release misdemeanants on citation to appear in lieu of or after  
37 booking.

38 (g) Custodial officers employed by the Santa Clara County  
39 Department of Correction are authorized to perform the following  
40 additional duties in the facility:

1 (1) Arrest a person without a warrant whenever the custodial  
2 officer has reasonable cause to believe that the person to be arrested  
3 has committed a misdemeanor or felony in the presence of the  
4 officer that is a violation of a statute or ordinance that the officer  
5 has the duty to enforce.

6 (2) Search property, cells, prisoners or visitors.

7 (3) Conduct strip or body cavity searches of prisoners pursuant  
8 to Section 4030.

9 (4) Conduct searches and seizures pursuant to a duly issued  
10 warrant.

11 (5) Segregate prisoners.

12 (6) Classify prisoners for the purpose of housing or participation  
13 in supervised activities.

14 These duties may be performed at the Santa Clara Valley Medical  
15 Center, or at other health care facilities in the County of Santa  
16 Clara, as needed and only as they directly relate to guarding  
17 in-custody inmates. This subdivision shall not be construed to  
18 authorize the performance of any law enforcement activity  
19 involving any person other than the inmate or his or her visitors.

20 (h) Nothing in this section shall authorize a custodial officer to  
21 carry or possess a firearm when the officer is not on duty.

22 (i) It is the intent of the Legislature that this section, as it relates  
23 to Santa Clara County, enumerate specific duties of custodial  
24 officers (known as “correctional officers” in Santa Clara County)  
25 and to clarify the relationships of the correctional officers and  
26 deputy sheriffs in Santa Clara County. These duties are the same  
27 duties of the custodial officers prior to the date of enactment of  
28 Chapter 635 of the Statutes of 1999 pursuant to local rules and  
29 judicial decisions. It is further the intent of the Legislature that all  
30 issues regarding compensation for custodial officers remain subject  
31 to the collective bargaining process between the County of Santa  
32 Clara and the authorized bargaining representative for the custodial  
33 officers. However, nothing in this section shall be construed to  
34 assert that the duties of custodial officers are equivalent to the  
35 duties of deputy sheriffs nor to affect the ability of the county to  
36 negotiate pay that reflects the different duties of custodial officers  
37 and deputy sheriffs.

38 (j) This section shall become operative on January 1, 2003.

39 (k) (1) *Upon resolution by the Napa County Board of*  
40 *Supervisors, custodial officers employed by the Napa County*

1 Department of Corrections are authorized to perform all of the  
2 following duties in a facility located in that county:

3 (A) Arrest a person without a warrant whenever the custodial  
4 officer has reasonable cause to believe that the person to be  
5 arrested has committed a misdemeanor or felony in the presence  
6 of the officer that is a violation of a statute or ordinance that the  
7 officer has the duty to enforce.

8 (B) Search property, cells, prisoners, or visitors.

9 (C) Conduct strip or body cavity searches of prisoners pursuant  
10 to Section 4030.

11 (D) Conduct searches and seizures pursuant to a duly issued  
12 warrant.

13 (E) Segregate prisoners.

14 (F) Classify prisoners for the purpose of housing or  
15 participation in supervised activities.

16 (2) This subdivision shall not be construed to authorize the  
17 performance of any law enforcement activity involving any person  
18 other than an inmate or his or her visitors.

19 (3) It is the intent of the Legislature that this subdivision, as it  
20 relates to Napa County, enumerate specific duties of custodial  
21 officers (known as “correctional officers” in Napa County) and  
22 to clarify the relationships of the correctional officers and deputy  
23 sheriffs in that county. These duties are the same duties of the  
24 custodial officers prior to the date of enactment of Chapter 635  
25 of the Statutes of 1999 pursuant to local rules and judicial  
26 decisions. It is further the intent of the Legislature that all issues  
27 regarding compensation for custodial officers remain subject to  
28 the collective bargaining process between Napa County and the  
29 authorized bargaining representative for the custodial officers.  
30 However, nothing in this subdivision shall be construed to assert  
31 that the duties of custodial officers are equivalent to the duties of  
32 deputy sheriffs nor to affect the ability of the county to negotiate  
33 pay that reflects the different duties of custodial officers and deputy  
34 sheriffs.

35 SEC. 2. The Legislature finds and declares that a special law  
36 is necessary and that a general law cannot be made applicable  
37 within the meaning of Section 16 of Article IV of the California  
38 Constitution because of the unique circumstances that exist in  
39 Napa County, where the Napa County Department of Corrections,

1 *rather than the County of Napa Sheriff's Department, has*  
2 *jurisdiction over the Napa County Jail facility.*

3 SECTION 1. ~~Section 830.55 of the Penal Code is amended to~~  
4 ~~read:~~

5 ~~830.55. (a) (1) As used in this section, a correctional officer~~  
6 ~~is a peace officer, employed by a city, county, or city and county~~  
7 ~~that operates a facility described in Section 2910.5 of this code or~~  
8 ~~Section 1753.3 of the Welfare and Institutions Code or facilities~~  
9 ~~operated by counties pursuant to Section 6241 or 6242 of this code~~  
10 ~~under contract with the Department of Corrections and~~  
11 ~~Rehabilitation or the Division of Juvenile Justice within the~~  
12 ~~department, who has the authority and responsibility for~~  
13 ~~maintaining custody of specified state prison inmates or wards,~~  
14 ~~and who performs tasks related to the operation of a detention~~  
15 ~~facility used for the detention of persons who have violated parole~~  
16 ~~or are awaiting parole back into the community or, upon court~~  
17 ~~order, either for their own safekeeping or for the specific purpose~~  
18 ~~of serving a sentence therein.~~

19 ~~(2) As used in this section, a correctional officer is also a peace~~  
20 ~~officer, employed by a city, county, or city and county that operates~~  
21 ~~a facility described in Section 4115.55, who has the authority and~~  
22 ~~responsibility for maintaining custody of inmates sentenced to or~~  
23 ~~housed in that facility, and who performs tasks related to the~~  
24 ~~operation of that facility.~~

25 ~~(b) A correctional officer shall have no right to carry or possess~~  
26 ~~firearms in the performance of his or her prescribed duties, except,~~  
27 ~~under the direction of the superintendent of the facility, while~~  
28 ~~engaged in transporting prisoners, guarding hospitalized prisoners,~~  
29 ~~or suppressing riots, lynchings, escapes, or rescues in or about a~~  
30 ~~detention facility established pursuant to Section 2910.5 or 4115.55~~  
31 ~~of this code or Section 1753.3 of the Welfare and Institutions Code.~~

32 ~~(c) Each person described in this section as a correctional officer,~~  
33 ~~within 90 days following the date of the initial assignment to that~~  
34 ~~position, shall satisfactorily complete the training course specified~~  
35 ~~in Section 832. In addition, each person designated as a correctional~~  
36 ~~officer, within one year following the date of the initial assignment~~  
37 ~~as an officer, shall have satisfactorily met the minimum selection~~  
38 ~~and training standards prescribed by the Board of State and~~  
39 ~~Community Corrections pursuant to Section 6035. Persons~~  
40 ~~designated as correctional officers, before the expiration of the~~

1 ~~90-day and one-year periods set forth in this subdivision, who have~~  
2 ~~not yet completed the required training, may perform the duties~~  
3 ~~of a correctional officer only while under the direct supervision~~  
4 ~~of a correctional officer who has completed the training required~~  
5 ~~in this section, and shall not carry or possess firearms in the~~  
6 ~~performance of their prescribed duties.~~

7 ~~(d) This section shall not be construed to confer any authority~~  
8 ~~upon a correctional officer except while on duty.~~

9 ~~(e) A correctional officer may use reasonable force in~~  
10 ~~establishing and maintaining custody of persons delivered to him~~  
11 ~~or her by a law enforcement officer, may make arrests for~~  
12 ~~misdemeanors and felonies within the local detention facility~~  
13 ~~pursuant to a duly issued warrant, and may make warrantless arrests~~  
14 ~~pursuant to Section 836.5 only during the duration of his or her~~  
15 ~~job.~~