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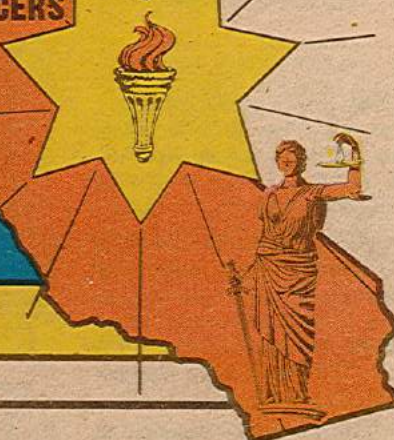
# PORAC NEWS

OFFICIAL PUBLICATION OF THE PEACE OFFICERS' RESEARCH ASSOCIATION OF CALIFORNIA

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• AUGUST, 1976

THE VOICE  
OF  
CALIFORNIA  
PEACE  
OFFICERS



## GOVERNOR SIGNS BILL OF RIGHTS

### CREDIT FOR AB 301

AB 301 Authored by Assemblyman Jim Keysor (D-39th) was originally AB1800 by the same author. This bill was introduced by the members of the Los Angeles Police Protective League back in 1973. At the 1973 Annual Conference in Newport Beach, PORAC voted to Actively Support the Bill. Assemblyman Keysor allowed PORAC to become a co-sponsor of the Bill.

Since that time other groups have been formed and have tried to take credit for the Bill. The main credit goes to the Los Angeles Police Protective League for coming up with the Bill in the first place. All Peace Officers in the state supported the Bill with the exception of the California Peace Officers Association, who were still trying to get the polygraph section ammended in the Bill on August 12, 1976 in the Senate.

PORAC does not try to claim credit for the Bill. It is true though that PORAC has worked on the Bill since November of 1973. In its final form, the Bill excludes all but Policemen, Deputy Sheriffs, Highway Patrolmen, and State Police. PORAC did try to get all Peace Officers ammended back into the Bill with no success. The

Governor was not accepting any ammendments on the final draft of the Bill.

The credit for AB301 goes to all Peace Officers who wrote letter, telegrams, made phone calls, personal contact with their legislators, and assisted in campaigns of their legislators.

PORAC was the only organization with written response on the subject from the Governor when he was seeking election in September 1974. Once again if you or your association worked on AB301, then give yourself a pat on the back.

On Wednesday, August 11, 1976 while the Governor Staff was attempting to defeat AB300 which passed out of the Senate Judiciary Committee, our President, Joe Aceto, had a conversation with Marty Morgenstern from the Governor's staff. In essence Mr. Morgenstern stated that if PORAC had not written statement from Governor regarding the Polygraph in its file and had reminded the staff and the governor of his ostion while running for Governor, the Polygraph would have been inserted in the bill.

The Governor kept his word when reminded.

### BILL OF RIGHTS NOT LOCAL OPTION

By Joe Aceto

AB 301 is now law.

After years of struggle by police associations throughout the state police officers now have a bill of rights.

The opponents of AB 301 have strongly criticized this legislation and have accused us of attempting to conceal the unfit peace officers; protecting the bad cop; of throwing out professionalism, ethics and principles. They say that local agencies should be able to investigate complaints of police misconduct without the state meddling in their affairs.

I'm sure that many departments are conscious of the rights of the police officers, but I am also sure

that there are departments that conduct internal investigations as if the officers had no rights at all, and others that couldn't care one way or the other. The truth is that all police officers have basic rights, not just some of them, just as all citizen's have basic rights, not just certain classes of citizens.

If PORAC was merely interested in protecting bad cops why has it attempted for the last three years to license police officers; initiate testing to standardize a high level of recruitment and training; create a system to investigate and revoke certificates to remove the bad cop from law enforcement? Most agencies do a pretty good



THE PEACE OFFICERS' BILL OF RIGHTS—A.B. 301 was signed into California Law, Wednesday, August 18, 3:30 p.m. by Gov. Jerry Brown. Witnessing the governor signing the bill were, left to right, Joe Aceto, PORAC State President, John Riordan, PORAC Vice president of Zone I, Curt Landry, PORAC Vice President of Zone II and the author of the bill, Assemblyman Jim Keysor (D-39th District).

### GOVERNOR SIGNS INTO LAW PEACE OFFICERS BILL OF RIGHTS

#### SACRAMENTO

Governor Brown today signed into law the Peace Officers' Procedural Bill of Rights. (AB301). Completed text of the Bill follows on page two. The following is a brief history of the bill and President Aceto's activities since the Board of Directors meeting.

August 1, 1976, Board of Directors Meeting: Reviewed amendments received from Assemblyman Keysor which were purported to be the Governor's concerns on the measure. Amendments were drafted by COPS.

August 2nd through August 5th, 1976:

August 2, 1976 - Meeting held with Marty Morgenstern addressing the amendments discussed with PORAC Board of Directors. Morgenstern advised that those were not the Governor's amendments. He was currently working on a complete ammended proposal. He also indicated the polygraph section was to be ammended.

August 3, 1976 - Proposal received and reviewed by local PORAC Directors, C.B. & M. and Bill Sortor. Package determined to be unacceptable. Morgenstern advised of our position and provided him with a copy of the Governor's response to a questionnaire submitted to him during his campaign

for Governor in 1974. Mr. Morgenstern very surprised when he received the written copy of the Governor's statement of support for the concept of the Bill of Rights (AB 1800) and his opposition to managements requiring employees to undergo lie detector examinations (see attachment).

August 4, 1976 - Attended meeting with other organizations and Mr. Morgenstern relative to the proposed amendments. Consensus of the representative group was to advise the Governor that the amendments were not accpetable and remind him of his statement made in 1974.

PORAC's endorsement was based on his written responses to specific issues of collective bargaining and the Bill of Rights.

August 5, 1976 - 3:00 P.M. til 7:00 P.M. Representative

meeting with the Governor and his staff on the issues. PORAC opposed ammendments to the following sections: 3307 (polygraph); 3305b (tapes or transcripts); 3303.2 (excluding evidence unless prejudice establtished); 3303h (establish rights after formal written statement); 3303g (informed of Constitutional Rights).

Governor indicated awareness of his statement of support to the concept of the Bill of Rights and the position on the use of the polygraph. He then indicated his personal involvement in preparing the necessary ammendments.

August 10, 1976 - New proposal received from Mr. Morgenstern - reviewed major difference in proposals: 3307 (polygraph

(Cont. On Page 2)

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# THE FOLLOWING ARTICLE FROM THE SEPTEMBER, 1974, ISSUE OF THE PORAC NEWS IS BEING REPRINTED AS A REMINDER OF WHY PORAC ENDORSED GOVERNOR BROWN.

THE FOLLOWING QUESTIONS WERE SENT TO BOTH CANDIDATES FOR GOVERNOR, EDMUND G. BROWN AND HUSTON L. FLOURNOY, WITH THE QUESTIONS WAS A LETTER FROM PORAC STATE PRESIDENT BILL BEAN STATING THE DESIRE TO USE THEIR ANSWERS IN THIS ISSUE OF PORAC NEWS.

1. Will you support and sign into law the Police Officers Bill of Rights, AB 1800, which prohibits public employers from requiring their employees to take lie detector examinations on direction from management in an internal affairs type investigation?

1. Brown. Peace officers are entitled to fair and decent working conditions. I am generally in support of the concepts embodied in the Peace Officers Bill of Rights and specifically I am opposed to management requiring public employees to undergo lie detector examinations.

1. Flournoy. I have no problem with the general principle of this legislation. However, I would defer judgment until I could review the bill in its final form.

2. Will you support and sign into law legislation to license on a statewide basis all peace officers in California? Said legislation will provide a professional hearing board to suspend or revoke said license for certain specific acts of misconduct. Said proposed legislation is currently in the form of SB 2408.

2. Brown. My understanding is that SB 2408 is dead for this session of the Legislature. I am very much in support of raising standards and training levels for peace officers. However, I have reservations about imposing hard and fast standards for each and every law enforcement agency some flexibility at the local level.

2. Flournoy. I support the concept of S.B. 2408, although I cannot commit in advance to sign or veto any bill prior to examination of the bill in final form. Licensing peace officers and providing for a professional hearing board empowered to suspend or revoke said licenses for certain specific acts of misconduct would increase public confidence in law enforcement personnel.

3. What type of legislation would you propose and sign into law to strengthen the Myers-Milias-Brown Act? Would you support and sign into law legislation such as SB 32 (Dills), AB 1243 (Moretti), and AB 33 (Burton)? Public employees in California find this to be their most serious problem.

3. Brown. I believe public employees, including peace officers are entitled to collective bargaining rights. I generally support the recommendations of the Aaron Commission Report to the State Assembly and favor comprehensive legislation in this field.

3. Flournoy. I am opposed to strikes by public employees because nobody wins when our schools are shut down or vital public services curtailed. I favor the creation of a new formal procedure for employer-employee relations, a procedure that includes a secret ballot and exclusive representation. I have proposed the creation of an agency of skilled mediators to intercede when impasses occur in negotiations between employers and employees. I support binding arbitration for grievances and contract enforcement; however, I cannot support compulsory arbitration on economic issues. Binding arbitration

turns over critical decisions to a third party who is not elected by anyone and who is not responsible to anyone and arbitration awards may or may not fit within the priorities or even revenues of a given public agency.

I believe with an improved bargaining mechanism, such as I have suggested, we can avoid non-productive and damaging strikes and have a system that is far more acceptable to everyone.

4. What is your position on the so-called victimless crime, reduction of sentences or the decriminalization of offenses such as possession of marijuana, gambling and prostitution?

4. Brown. The term "victimless crimes" is sometimes too loosely used and certain criminal activities are placed under this vague umbrella when in fact, these crimes do have victims. With regard to marijuana possession, I favor an approach along the lines of the Oregon law, but I would not advocate a similar approach for gambling and prostitution.

4. Flournoy. I do not favor the reduction of sentences or the decriminalization of "victimless" crimes, marijuana, gambling, and prostitution. I feel that legalizing the use of marijuana would increase the influx of marijuana into this state. The statistics show that more than 3.8 tons of marijuana enters the state of California a week. Even the most conservative of drug enforcement administration estimates indicate that for every load seized, another two slip through undetected.

Official statistics indicate that less than one percent of our law enforcement agents spend their time in pursuit of those involved in victimless crimes.

5. What is your position on the death penalty? Will you support the law as it now exists? If not, to what extent?

Mr. Flournoy, it has been brought to my attention that you supported and voted for legislation to establish a moratorium on the death penalty authored by Assemblyman McMillan some years ago. Please state your answer and position.

5. Brown. I am opposed to the death penalty. I will, of course, review any proposed changes in the existing law but without specific language before me I cannot say what changes I would oppose or support.

5. Flournoy. I voted against A.B. 692, by Assemblyman McMillan, 1963, to impose a moratorium on the death penalty. I believe we have had an effective moratorium on the death penalty since 1967, while the incidences of homicides continues to rise.

However, I would like to make it very clear that I have consistently supported and voted for every piece of major legislation related to the death penalty. And I strongly support capital punishment as it is stated in the present law.

6. Would you support and sign into law legislation such as SB237 and AB3678 which removes the authority of the courts to grant probation for certain specific crimes committed with firearms and send the offender to prison?

6. Brown. The intent of this legislation (SB 237) is worthy. Persons committing crimes with firearms ought to be dealt with

swiftly and forcefully. I am extremely concerned that only 19% of the felonies committed in California result in arrest and only 8% of the felonies reported result in conviction in Superior Court. This very grave situation will receive the highest priority under my administration.

While I support the intent of the legislation, I am nevertheless concerned about the constitutional argument which arises when the legislative branch acts to remove authority of the judicial branch. I am also reviewing the argument that SB 237 will further clog court calendars, which would be counter productive. My understanding is that the legislation is dead for this session which gives us some time to clear-up these arguments and move ahead next year on this critical problem.

6. Flournoy. I strongly supported S.B. 237 and endorsed the Mandatory Sentencing Initiative which failed to qualify for the November ballot. As Governor, I will urge legislation that will provide stiff penalties for those persons armed with firearms during the commission of certain specified violent crimes.

7. And lastly, do you feel that individual adult and/or juvenile offenders are responsible for their acts (crimes) as opposed to society?

7. Brown. I believe that an individual in our society must be held accountable for his or her actions.

7. Flournoy. Individuals, not "society" are responsible for the acts of individuals. Obviously, crime is more prevalent in conditions of poverty and poor education but this does not excuse individual wrongdoing.

## BILL NOT LOCAL OPTION

(Cont. From Page 1)

job of cleaning house and getting rid of bad cops, but there are still departments that allow misfits to resign and go to another department, and other departments that will hire the first warm body that walks in.

The truth of the matter is that there are local departments that are overly zealous in internal investigations and others that couldn't give a damn. PORAC has been fighting both extremes for years.

We don't want to protect dishonest cops, but we do want to protect that man's rights until he has been legally judged dishonest. When this happens we want to get rid of him. We don't want him hidden or allowed to resign and then show up as a peace officer in another part of the state. We don't believe these issues are local options, we feel they are concerns of the state and must be guided by state policy.

## GENERAL MANAGER

### Job Description

The job of PORAC General Manager requires managing the State Office in Sacramento on a full time basis. The Office is

presently staffed by three full time employees, who would be under the supervision of the General Manager. The duties would include managing the office staff, administering the finances of the organization, being responsible to the President, Executive Board and Board of Directors, handling their correspondence when required to do so, maintain and record bookkeeping records of the organization, representing PORAC during business hours to visitors, associates, businessmen and peace officers, and assist in preparing and managing the budget.

### Job Qualifications

The qualifications for the job of PORAC General Manager are threefold: Education, experience and background. Education: B.A. in Business, Public Administration, Office Management or a closely related field will be desirable.

Experience: Administrative or management experience indicating knowledge of how an office is run. Experience in budget preparation and analysis. The work experience should be peace officer related with an understanding of the police

conditions in California. Employer-Employee relations experience would be proper experience for consideration. Experience with legislation, labor groups such as PORAC, office management, administration supervision may be substituted for education. Background: A full background investigation shall be conducted by a select committee in PORAC to determine the character and acceptability of all candidates meeting the necessary requirements. Selection Process: The selection process will be initiated by the Executive Board of PORAC. The Executive Board will conduct the screening of applicants and report to the full Board of Directors. The Board of Directors will screen the applicants and determine which candidates should be considered for an oral interview. The oral interview will be conducted by the Executive Board. The Board of Directors will then decide which, if any of the applicants shall be hired.

Interested applicants shall submit a full resume to the PORAC State Office by 9-15-76.

The PORAC State Office address is c/o Senator Hotel, PORAC Suite, 12th

and L Streets, Sacramento, California 95814.

## BILL OF RIGHTS

(Cont. From Page 1)

- not amended); 3301 (term Public Safety Officers has been narrowed to all Peace Officers as defined under 830.1 and 830.2 a & b; Police, Sheriffs, Marshals, Constables, CHP and State Police).

August 11, 1976 - Special meeting with representatives of CHP, COPS, and independents. Agreed to accept the latest amendments. Strategy planned to pursue concurrence by both Assembly and the Senate. Discussion on contacting No votes to assure passage.

3:00 P.M. - Conference Committee: C.P.O.A. attempted two amendments, one of which was 3307 - polygraph under certain conditions. The amendments were not accepted. Conference committee adopted amendments as presented. Measure now goes to Assembly and Senate Floor for concurrence.

August 12, 1976 - The Senate passed AB301 as amended in the Conference Committee by a vote of 24 to 11. Aye votes were: Alquist, Beilenson, Collier, Cusanovich,

Deukmejian, Dills, Dunlap, Foran, Garcia, Greene, Kennick, Marks, Mills, Nejedly, Rains, Robbins, Roberti, Rodda, Schrade, Smith, Song, Wedworth, Whetmore.

AB301 was hand carried to the Assembly where it was passed as amended 60-4.

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

SECTION 1. Chapter 9.7 (commencing with Section 3300) is added to Division 4 of Title 1 of the Government Code, to read:

## CHAPTER 9.7 PUBLIC SAFETY OFFICERS

3300. This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

3301. For purposes of this chapter, the term public safety officer means all peace officers as defined under Penal Code Sections 830.2 and 830.2(a), (b), including peace officers who are employees of a charter city or county. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds



(Cont. From Page 2)

and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that such stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers as defined in this section wherever situated within the State of California.

3302. Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

3303. When any public safety officer is under investigation and subjected to interrogation by his commanding officer, or any other member of the employing public safety department, which could lead to punitive action, such interrogation shall be conducted under the following conditions. For the purpose of this Chapter, punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

a. The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for such off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to such interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogation officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive

action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his express consent nor shall his home address or photograph be given to the press or news media without his express consent.

(f) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.

(g) If prior to or during the interrogation of a public safety officer it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his constitutional rights.

(h) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any public safety officer, that officer at his request shall have the right to be represented by a representative of his choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

(i) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his department would not normally be given that duty assignment under similar circumstances.

3304. (a) No public safety officer shall be subjected to punitive action or denied promotion or be threatened with any such treatment,

because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

3305. No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

3306. A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

3307. No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination.

3308. No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under State law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a

specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

3309. No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

3310. Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

3311. Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.

SEC. 2. There are no local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local entities in the 1975-76 fiscal year by this act. However there are state-mandated local costs in this act in the 1976-77 fiscal year and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

SEC. 3. This act shall become operative on January 1, 1977.

## LETTER TO ATTORNEY GENERAL

August 11, 1976

The Honorable Evelle J. Younger  
Attorney General  
State of California  
555 Capitol Mall  
Sacramento, California 95814

Attorney General Younger:

The Peace Officer's Research Association of California, representing over 18,000 peace officers in 240 peace officer associations, request of your office an investigation into the possible violations of the Government Code by four cities in the Los Angeles area.

We, the members of PORAC, feel that even cities should not be allowed to act outside the law and therefore pray for your early investigation into the facts and enforcement of law in these cities. The facts are as follows:

In the case of Alhambra policemen, their bargaining committee was misled into meeting and conferring on four (4) separate occasions with representatives of the city who ultimately admitted they were without authority to resolve any of the issues.

Subsequently, the police representatives were invited before the city council on the premise that serious negotiations would take place. However, upon responding to the invitation the policemen found that the councilmen refused to engage in an exchange on the issues, but instead set themselves up as a silent audience and refused to take a position on any of the employee requests.

PORAC feels this is a direct violation of 3505 of the Government Code.

The Lynwood officers claim that, unknown to them, their city council had already taken a predetermined position on the bargaining issues during a time when the police employee group was going through the meeting and conferring process with the city's agents. This was evidenced by the fact that the city had already entered into a contract with the rest of the city employees. This contract contains a clause permitting all other employee groups in the city to reopen their negotiations if the police obtain a higher wage raise than they had obtained in their negotiations.

The obvious conclusion is that the city never intended to negotiate with the police bargaining unit as a separate entity with its own unique wage problems. The realistic effect of this was to bind the police wage to raise to that which had been agreed upon not through negotiations with the policemen but to that which the other employee groups in the city had agreed to accept.

PORAC feels that there is also a violation of 3505 of the Government Code at issue in this case as the city of Lynwood had arrived at a determination of how much of a raise they were going to give the police prior to the meeting. The evidence is set forth in the two contracts that were signed prior to the start of negotiations with the Police Officer Association. The city's position is exactly the same as described in the previous agreements with other city groups and has not changed at any time. Where is the "Meet and Confer in Good Faith?"

In the case of Santa Monica there is a similar problem. In their case the police representatives engaged in negotiations with agents of the city and reached an agreement on their wages and benefits. However, when the agreement came before the city council for formal ratification it was unanimously voted down, thereby making it evident that the city's negotiators had no authority from the onset and that the negotiations, or Meet and Confer process had been a sham. Obviously the city never intended to meet and confer in good faith. Another violation of 3505 of the Government Code.

In the case of Redondo Beach, the Memorandum of Understanding that was signed by the city and the Redondo Beach Police Officer's Association, for the fiscal year 1975-1976, states in part that the Association and the Chief of Police would meet and confer on departmental problems and that the agreement would be made an addendum to the 1976-1977 contract and would also be a part of the 1976-1977 contract.

The association did in fact reach an agreement with the chief of police and an agreement was signed. The city now states that the addendum shall not be a part of the 1976-1977 contract. There must be a violation of 3505.1 of the Government Code here.

We wonder if there is not a conspiracy among the cities of California to disregard the 3500 series of the Government Code because they feel that no one will call them to task?

The Peace Officer's Research Association of California (PORAC) urgently seek the counsel of your office for judicial remedy to the violations of the spirit of the law and a total disregard for the law itself in these cities.

The Peace Officer's Research Association of California has never advocated police strikes. In fact, PORAC has for years introduced legislation that would bring about third party intervention. The present law as you know does not allow for this remedy.

Thank you for your consideration of this matter.

Sincerely,

JOSEPH A. ACETO  
State President

JAA:er

cc: Governor Edmund G. Brown  
Marty Morgenstern, Governor's office  
Mike Frichetti, Attorney General's office

Enclosure