

PEACE OFFICER AUTHORITY

California Code Section(s):

Penal Code Sections 830, 830.5, 832, 1170(h)(5)(B), 3455

AUTHORITY DEFINED

The Penal Code (PC) outlines specific requirements and limitations on those designated to act as peace officers. PC Section 830 states, “Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer.” The badge and identification issued by the department is the evidence of each officer’s status and authority as a peace officer.

DEPARTMENT POSITIONS CONSIDERED PEACE OFFICERS

Probation Officers-Field:

While on duty, officers are peace officers pursuant to PC Section 830.5(a), which states that probation officer “authority extends to any place in the state while engaged in the performance of the duties, of their respective employment and for the purpose of carrying out the primary function of their employment.” In addition, probation officers may carry firearms as authorized and under terms and conditions specified by the department. Further, PC Section 830.5(a) indicates the authority of a probation officer as a peace officer “shall extend only as follows:”

1. To conditions of parole, probation, Post Release Community Supervision (PRCS), or Mandatory Community Supervision (MCS) by any person in this state on parole, probation, PRCS, or MCS.
2. To the escape of any inmate or ward from a state or local institution.
3. To the transportation of persons on parole, probation, PRCS, or MCS.
4. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
5. To the rendering of mutual aid to any other law enforcement agency.

Department positions who are peace officers pursuant to PC Section 830.5(a) are listed as follows, by title/rank:

1. Chief Probation Officer
2. Assistant Chief Probation Officer
3. Deputy Chief Probation Officer
4. Supervising Deputy Probation Officer
5. Senior Deputy Probation Officer
6. Deputy Probation Officer II
7. Deputy Probation Officer I

When on duty, the badge and identification must be available while in the office and in each probation officer’s possession while working in the field during each workday.

Probation Officers-Institutions:

While on duty, specific Juvenile Detention Facility (JDF) staff are peace officers pursuant to PC Section 830.5(b), and peace officer authority is limited to carrying out the primary functions of

their assignment, maintaining the custodial responsibilities in a juvenile detention facility. JDF staff who are peace officers pursuant to PC Section 830.5(b) are listed as follows, by title/rank:

1. Assistant Superintendent
2. Supervising Deputy Probation Officer- Institutions
3. Senior Deputy Probation Officer-Institutions
4. Deputy Probation Officer II-Institutions
5. Deputy Probation Officer I-Institutions

STATUTORY LIMITS/TRAINING

Department policies, procedures and directives given by a supervisor or manager defines conduct and activities of officers. Officers shall never exceed the departmental or statutory limits of their authority.

All officers shall comply with statutory training requirements, as specified in PC Section 832(b)(1), (2) and (c), before they are allowed to exercise powers of arrest or other powers of a peace officer. The training must have been completed within three years prior to employment or shall be completed as part of the initial training required within the first year of employment.

Department peace officers maintain the “status” of a peace officer at all times, but peace officer “authority” only exists while on duty. When off duty, officers do not have the authority to act as peace officers, and their authority is limited to the authority in which all citizens are legally entitled.