MEMORANDUM OF LAW

DATE: October 17, 1986

TO: Jack McGrory, Labor Relations Assistant

FROM: City Attorney

SUBJECT: Limited Peace Officer Status for Lifeguards

You have asked this office to review a proposed amendment to California Penal Code Sec. 830.31 granting limited peace officer status to lifeguards or marine safety officers. From the material you sent this office, it appears that you are primarily interested in an amendment which enables local agencies, at their own option, to grant peace officer status to lifeguards and marine safety officers.

We have reviewed your proposed amendment and find, that as presently drafted, it grants peace officer status to all lifeguards and marine safety officers and does not give local agencies an option in this matter. We believe that it may have been drafted in its present form under the impression that a local agency could deny peace officer status to a designated lifeguard or marine safety officer by simply not providing them with the mandatory training requirements described in Penal Code Sec. 832. However, individuals may obtain such training at their own expense through the community college system. In addition, an individual who is currently serving as a lifeguard or marine safety officer may already possess a valid Peace Officer Standards of Training (POST) certificate which fulfills the requirements of Penal Code Sec. 832. In attachment A, we have drafted a proposed change to the amendment which clearly provides that this amendment is only enabling legislation which grants cities and local agencies the option of designating these employees as peace officers.

In regard to your other concerns about peace officer status for lifeguards, we believe that they have been thoroughly addressed in attachment B, a memorandum of law to the Park and Recreation Director, dated May 15, 1985. If, after reviewing the revised proposed amendment and attached materials, you have any further specific questions, we will be pleased to answer them.

JOHN W. WITT, City Attorney

By

John M. Kaheny

Deputy City Attorney

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Attachments
ML-86-117