



RIVERSIDE SHERIFFS' ASSOCIATION LEGAL DEFENSE TRUST TRAINING BULLETIN

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COURT OF APPEALS RULES DEPARTMENTS MAY NOT HOLD OFFICERS RESPONSIBLE FOR POLICE ACADEMY COSTS

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On August 12, 2015, the California Court of Appeals for the Fourth District issued its opinion in the *In re Acknowledgment Cases (Acknowledgment Cases)* (Case No. E058460). The main issue before the Court was the validity of an agreement requiring officers hired by the LAPD to reimburse the city a prorated portion of the cost of training at the academy if they voluntarily leave the LAPD after serving less than 60 months following graduation and go to work for another law enforcement agency within one year after terminating employment with the LAPD (LAAC § 4.1700 or “the acknowledgment”). The Court held that LAAC § 4.1700 was unenforceable pursuant to Labor Code § 2804 which requires employers to indemnify employees for all necessary expenditures or losses incurred by employees as result of discharge.

The underlying case was a coordinated action by the City of Los Angeles against 43 former LAPD officers who were sued for breach of LAAC § 4.1700. In the early 1990's, the City realized that many LAPD officers who graduated

from the police academy left after a few years to join other law enforcement agencies. In order to curtail the attrition and recoup its losses, the City required that all officers hired by the LAPD must sign an acknowledgment agreeing to maintain employment with the LAPD for at least 60 months or they shall be responsible for expenses related to training at the police academy. The City brought suit against former LAPD officers who left within 60 months and the Officers appealed to the Court of Appeals.

In determining the validity of LAAC § 4.1700, the Court looked to Labor Code section 2804. Generally speaking, employees are responsible for the cost of obtaining a license and employers are responsible for the cost of training which is not required to obtain the license. In this case, the City's police academy consists of 644 hours of required POST training and 420 hours of “Department mandated” training. The Court ruled that LAPD officers may only be required to reimburse costs associated with the 644 hours of required POST training. However, since LAAC §

4.1700 does not distinguish POST training and Department mandated training, the

entirety of LAAC § 4.1700 is void and unenforceable.

As currently drafted, LAAC § 4.1700 is invalid and the Department may not pass on costs related police academy training to officers who leave for other law enforcement agencies within 60 months. Furthermore, the Court's ruling in this case is applicable to other cities and municipalities outside of Los Angeles. If a statute requiring reimbursement of police academy training fail to distinguish between POST training and department mandated training, then it is unenforceable. What this means for you is the Department may not charge you for costs associated with police academy training if you leave to work for another law enforcement agency.

Michael P. Stone is the firm's founding partner and principal shareholder. He has practiced almost exclusively in police law and litigation for 35 years, following 13 years as a police officer, supervisor and police attorney.

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