

# PEACE OFFICER DISQUALIFIATION

Submitted by Debra Cravea, Napa

June 4, 2010

I have a question about who is covered under the Peace Officer disqualification... I have someone who states that he is "U.S. Coast Guard law enforcement, Federal Intelligence Officer" he believes that he should be covered by PC sections 830.1 and 830.2(a). Neither codes section makes any mention of federal peace officers, nor does he have a badge number as most peace officers do...

Have any of you encountered a similar situation, and if so what was your verdict... does he serve or not serve?

1	Diane Collins	Mendocino County would have him appear and talk to the judge
2	Deb Preston	In Marin, Coast Guard and <i>any</i> active duty military are exempt
3	Sherry Spears	Fresno - A little trick I use is the "find" tool to search the penal code section in this link <a href="http://www.leginfo.ca.gov/">http://www.leginfo.ca.gov/</a> for the specific peace officer description. What I often find is yes, they ARE a peace officer, just not within the code section that's exempt. When that happens, we don't excuse. Couldn't find anything for a U.S. Coast Guard using the search in PC 830 – 832.17.
4	Rebecca Hayes	Monterey uses the following section to determine if a federal officer is exempt:
5	Joe Yniquez	Stanislaus: CCP 219 gives the penal code section defining which peace officers are exempt.
6	Debra Cravea response received	<p>I received lots of responses and the general consensus was that he would not be excluded he would have to serve, but I needed to clarify one thing. I needed to clarify if he was a civilian employed by the Coast Guard or actually an officer of the Coast Guard.</p> <p>If he was a civilian he would be required to serve.... and if he was an officer in the Coast Guard then he could be excused under Federal Law Section 982 of Title 10 to the U.S. Code. His commanding officer would need to write a letter stating that his absence would directly interfere with his units readiness....</p> <p>Then I may excuse him as active duty military. I have since called him to clarify and he IS active duty Coast Guard. He is going to submit a letter from his commanding officer.</p>