

FIRE INVESTIGATION REPORT  
Adopted 6/15/06

**BACKGROUND**

In an effort to define its current levels of service, the Stanislaus County Fire Authority has requested a report on the Fire Investigation services provided in Stanislaus County by all providers. The committee assigned to this project identified various stakeholders in the process. The committee held meetings and invited representatives from the Stanislaus County Sheriff's Office, California Highway Patrol, the District Attorney's Office, Stanislaus Consolidated Fire District, and all other fire agencies providing investigation services. The objective of the report is to present an accurate picture of the current services provided, what the funding sources for those services are, and who the potential partners are in the process. This information will give Fire Authority a basis for setting the level of service and expectations for the future.

**BRIEF HISTORY**

Until 1995 when Stanislaus Consolidated Fire Protection District was formed, fire investigation services were provided by the Stanislaus County Fire Department. At that time, a Deputy Fire Warden and three 24 hours shift investigators worked closely with a Detective from the Sheriff's Office. The partnership between the Fire Warden and Sheriff's Office was based on an agreement that was developed in the 1960's to address day to day operational issues regarding fire investigations and follow up of criminal fire investigations. Although the concept of this agreement remains in place, there currently is no formal written agreement defining the working relationship between Stanislaus Consolidated Fire District and the Sheriff's Office and the responsibilities of each.

In 1980 the Stanislaus County Arson Task Force was formed to provide an organized system of mutual aid from the fire service, law enforcement agencies and the District Attorney, to investigate and prosecute arson cases with greater efficiency. Unique to the Task Force concept in Stanislaus County was the utilization of existing manpower and expertise by assignment of personnel to the Arson Task Force a no cost or expense to the member agencies.

This Joint Powers Agreement established the administrative and operational structure for the Task Force, giving the day-to-day responsibility of Task Force operations to the Fire Warden. The Stanislaus County District Attorney was designated as the Chairman of the Task Force and also serves as the Task Force Director.

**FIRE AUTHORITY OBJECTIVES AND EXPECTATIONS**

The following expectations have been defined by the Fire Authority with respect to fire investigation services it will contract for in the future:

The contracting agency will be expected to provide-

- Determination of origin and cause of all fires following NFPA 921 guidelines

- Provide documentation and assistance to law enforcement agencies for follow up of criminal fire investigations
- Provide documentation and assistance to District Attorney's Office regarding criminal fire investigations
- Provide documentation and assistance to private fire investigators and insurance industry representatives regarding civil fire investigations
- Establish effective training program for chief and company officers to conduct preliminary fire investigations and initial origin and cause determinations following NFPA 921
- Establish effective partnerships with law enforcement and fire agencies, County Probation, California State Parole, District Attorney's Office and the California Department of Forestry
- Actively participate in the Stanislaus County Arson Task Force
- Establishment of a formal written agreement defining the working relationship between the service provider and the law enforcement agency having jurisdiction

## **FIRE INVESTIGATION DIVISION**

Since 1995 when the Stanislaus County Fire Department was dissolved, fire investigation services have been provided under contract by Stanislaus Consolidated Fire Protection District. The district employs 3 fire investigators working 24-hour shifts, 56 hours per week. The personnel assigned to these positions are fire suppression personnel. Investigations are performed by contract in all areas of the County except the cities of Modesto and Turlock. Additionally the cities of Patterson, Oakdale and Ceres and the West Stanislaus Fire Protection District have all opted to perform their own investigations but occasionally request a Stanislaus Consolidated investigator when they do not have sufficient staff to conduct an investigation.

Other agencies providing support to the fire investigators include the following:

Stanislaus County Sheriff's Office  
 District Attorney's Office  
 STANCATT  
 SDEA  
 Department of Justice Laboratories  
 Stanislaus County Arson Task Force  
 California Department of Forestry

## **RESPONSIBILITIES AND SERVICES PERFORMED**

Current fire investigators are responsible for investigations of all types of fire including but not limited to vehicle, structure, and vegetation fires, attempted arson, fire bombings and all other fire related incidents. In addition, Stanislaus Consolidated Fire Investigators responsible for the following:

- Scene investigation for origin and cause
- Follow up investigation
- Contact and interview of witnesses and suspects
- Report preparation
- Scene photography and video as needed
- Evidence collection
- Case preparation and review with District Attorney staff
- Court appearances
- Public education
- Counseling
- Other fire agency training
- Investigator training

Law enforcement personnel's responsibility with respect to fire investigations begins when fire investigators determine that a fire is arson and that a crime has been committed. Currently, the detective assigned to handle arson cases becomes involved in a case only when requested by the fire investigators. A call by the Fire Investigators to the Sheriff's detective is dictated by manpower needs, caseload and the severity of the incident. However, according to the assistant sheriff, all criminal cases are ultimately the responsibility of law enforcement. In cities such as Modesto, Oakdale, Patterson, Turlock and Ceres, fire investigators work in conjunction with law enforcement partners in the following areas:

- Conduct the scene investigation
- Follow up investigation of incendiary fires
- Contact and interview of witnesses
- Contact and interrogation of suspects
- Conduct arrests and interviews
- Investigation documentation
- Evidence collection and chain of custody
- Case preparation with District Attorney's Office
- Provide expert opinion testimony in criminal trials
- Management of significant investigations
- Public education
- Investigator training
- Fire agency training for fire determinations

In these cities the fire investigators also work in conjunction with insurance industry representatives and private fire investigators in the following areas:

- Conduct the scene investigation
- Follow up investigation of accidental and undetermined fires
- Conduct and interview witnesses
- Investigation documentation
- Provide expert opinion testimony in civil trials
- Significant investigations

### **QUALIFICATIONS**

Stanislaus Consolidated Fire District fire investigators must meet the following qualifications prior to being assigned to this division, however there is no formal job description for this position:

- Hold the rank of Captain
- P.C. 832 Arrest and Firearms
- Fire Investigation 1A and 1B
- 20-30 Supervised investigations
- Quarterly weapons qualification
- Follow NFPA 921 Guidelines

### **STANDARDS and GUIDELINES**

Training standards vary by organization, however there are Government Codes, Penal Codes and National Fire Protection Association Standards and Guidelines with respect to the functions of any public officer.

#### **Fire agencies follow:**

NFPA 1033, which sets the recommended standards for Professional Qualifications for Fire Investigators. These standards outline the knowledge and skills required to perform the fire investigator function in areas such as scene examination, scene documentation, evidence collection and preservation, interviews, post-incident investigation and presentations.

Beyond NFPA 1033, the desired fire service qualifications to function as a fire investigator include.

Fire Investigation 1A and 1B (State Fire Marshal)

Investigation 2A and 2B (State Fire Marshal)

Fire Investigator Certification Levels I and II (State Fire Marshal)

CA Conference of Arson Investigators Certified Fire Investigators

International Association of Arson Investigators Certified Fire Investigator

NFPA 921, the Guide for Fire and Explosion Investigations

Penal Code 830 through 830.6 defines (the classifications for) a peace officer.

Penal Code 830.37 defines the authority of a Fire Investigator functioning as a peace officer under the terms and conditions specified by their employing agency. It is limited in scope to fire law or insurance fraud and as authorized under the terms and conditions established by the employing agency.

Penal Code 832 is mandated by the State for a fire investigator to function as a peace officer and to carry a firearm.

Penal Code 832 – Prescribes training standards for peace officers specifically with respect to firearms and arrest.

These codes are included as an appendix to this document.

**Law enforcement agencies follow:**

Government Code 1031 which states “Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards”

- Be a citizen of the United States or a permanent resident
- Attained 18 years of age
- Be fingerprinted for purposes of disclosing a criminal background
- High school graduate or equivalent or attained a two-year or four-year degree
- Be free of physical or emotional or mental condition that might adversely affect the exercise of the powers of a peace officer

In addition the criteria defined in Peace Officer Standards and Training (POST) must be met.

Penal Code 830 through 830.6 defines (the classifications for) a peace officer.

Penal Code 832 – prescribes training standards for peace officers specifically with respect to firearms and arrest.

These codes are included as an appendix to this document.

In addition, law enforcement agencies typically conduct monthly training for skills considered by POST to be “perishable”.

Examples of these perishable skills include:

- Driver Training
- Tactical Firearms
- Arrest and Control
- Tactical Communications
- Interpersonal Communications

A fire agency that has fire investigators functioning as a peace officer should consider implementing training to address perishable skills.

## **WORKLOAD ANALYSIS**

The following analysis documents the workload in terms of types of calls and time spent performing investigations, follow up, documentation, and administrative reporting. These numbers were reported by Stanislaus Consolidated Fire District. As part of the analysis the statistics were broken down per investigator and by investigation. This gives an average of the time necessary to perform the functions of this division as well as provides an overview of the numbers of investigations performed.

	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>Av per Investigation</b>	<b>Per Investigator</b>
				<b>2005</b>	<b>2005</b>
<u>Type of Fire</u>					
Incendiary Fires	375	397	365		122
Undetermined	54	59	60		20
Accidental	67	60	57		19
<b>Total Fire Investigations</b>	<b>496</b>	<b>516</b>	<b>482</b>		<b>161</b>
Number of scenes requiring follow up	372	387	362		121
Scene Investigation hours	924	1161	976	2.02	326
Follow up hours	850	855	847	2.33	282
Documentation hours	1104	1118	1102	2.29	367
<b>Total Investigator hours</b>	<b>2878</b>	<b>3134</b>	<b>2925</b>		<b>975</b>
Administrative support hours	133	138	129	0.27	
<b>Total Hours Including Admin Support</b>	<b>3011</b>	<b>3272</b>	<b>3054</b>		
Number of cases filed with DA's Office	11	12	11		
Sheriff's Office Arson Reports*	456	386	154		
* Reported by Stanislaus County Sheriff's Office					

<b>Investigations by District</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Burbank Paradise	24	9	17
City of Ceres	7	3	2
Ceres Fire District	8	14	7
Denair	16	24	11
Hughson	26	31	24
Industrial - Ceres	10	12	16
Industrial- Modesto	47	30	24
Keyes	47	51	38
City of Modesto	3	0	1
Mountain View	14	20	23
Newman	6	1	4
Oakdale City	7	4	12
Oakdale Rural	26	32	32
Patterson	2	2	0
Stanislaus Consolidated	119	138	135
Salida	30	43	37
Turlock City	0	1	1
Turlock Rural Fire	18	26	29
Woodland Ave.	49	27	24
Westport	35	40	41
West Stanislaus	2	7	4
Eugene	0	1	0
<b>Total</b>	<b>496</b>	<b>516</b>	<b>482</b>

Type of Investigation	2003	2004	2005
Structure	127	103	133
Vehicle	278	333	274
Grass / Vegetation	39	35	23
Trash	27	21	24
Other	25	24	28
<b>Total</b>	<b>496</b>	<b>516</b>	<b>482</b>

## **RECORDS MANAGEMENT**

The importance of detailed documentation and a comprehensive system for records management is critical. A well-documented fire scene and follow-up investigation reduces the risk of civil liability to fire agencies, and provides for the successful prosecution of a criminal fire investigation.

Law enforcement agencies, the District Attorney's Office and the courts all require that concise investigative documentation on potential criminal and civil cases be provided to them in a timely manner and in the authority's required format. To accomplish this, the records management system will incorporate the responding fire agency's documentation of the preliminary investigation in a fire incident report, along with the documentation of the more extensive investigative activities.

The service provider responsible for conducting fire investigations must have a records management system in place to document the more extensive investigation activities such as: case management, evidence, chain of custody, requests for information, storage of case files, reporting to law enforcement, providing files to the District Attorney's Office and to the courts.

From an established records management system, it is easy to capture number and types of fires investigated, the time to process a scene, documentation time, follow up time, investigations provided to jurisdictions, and training.

## **OPPORTUNITIES**

The following opportunities were suggested to improve the delivery of the investigation service by the stakeholders attending the meetings:

- Establishment of a partnership between the Sheriff's Office and the fire investigation unit
- Origin and cause training for company officers to conduct the preliminary investigation to determine the cause of a fire. The fire investigator will concentrate on significant fire scene investigations (incendiary, injury, death, large dollar loss)
- Training for Sheriff's Detective assigned to arson to familiarize them with fire investigation methodology
- An update on the agreement between law enforcement and fire with regard to arson investigations is needed to define roles and responsibilities
- An improved records management system is necessary for the service provider to track hours of investigative activities
- Partner with the Sheriff's Department to utilize evidence facility for criminal fire cases
- The District Attorney's Office would like to see the same type and quality of various levels of training for the fire investigators that reflects the professional standards of law enforcement
- A revitalization of the Arson Task Force and an inclusion in the strategic plan

- Better sharing of technology and information between law enforcement and fire investigators

## **Fire Investigation Service Level Options**

### **Option 1**

Chief/Company Officers conduct preliminary investigation of all fires following NFPA 921 Guidelines

If a fire is determined to be incendiary

- Chief/Company Officer will identify evidence items and secure the scene
- Chief/Company Officer will document the preliminary investigation findings in the fire incident report

Request fire investigator who may assume the investigation and conduct origin and cause determination following NFPA 921 Guidelines

- Forward all investigation documentation to the law enforcement agency having jurisdiction

Request law enforcement for the appropriate resource need

- Photographs
- Evidence collection, packaging and booking
- Initiate a crime sheet.
- Sheriff's Office will conduct follow up on criminal fire investigations
- Sheriff's Office will provide criminal case to the District Attorney's Office

Fire Investigator will conduct follow up on civil investigations

### **Option 2**

Chief/Company Officers request fire investigators who will assume the investigation and conduct origin and cause determination of all fires

- Chief/Company Officers conduct preliminary investigation of the fire following NFPA 921 Guidelines
- Chief/Company Officer will secure evidence items and secure the scene.
- Chief / Company Officer will document the preliminary investigation findings in a fire incident report.
- Fire Investigator will conduct follow up on criminal fire investigations following NFPA 921 Guidelines and POST and DOJ Standards
- Photographs
- Evidence collection, packaging and booking
- Initiate a crime sheet.
- Conduct follow up on criminal investigations
- Provide criminal case to the District Attorney's Office
- Conduct follow up on civil investigations

**Option 3**

Chief / Company Officer conducts preliminary investigation of all fires following NFPA 921 Guidelines. Request law enforcement for appropriate resource needs. Forward all investigative documentation to law enforcement agency having jurisdiction.

**Option 4**

Task Force of fire investigators and law enforcement officers to function as a group to determine and investigate fires.

**Option 5**

Contract services with a private fire investigator to conduct origin and cause of fires (*Will need to establish policies for a civilian conducting criminal investigations*).

## Government and Penal Codes Referenced in Report

**830.** 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 restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

**830.37.** The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government **Code**.

These peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency:

(a) Members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers is the detection and apprehension of persons who have violated any fire law or committed insurance fraud.

(b) Members other than members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers, when acting in that capacity, is the enforcement of laws relating to fire prevention or fire suppression.

(c) Voluntary fire wardens as are designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources **Code**, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources **Code**.

(d) Firefighter/security guards by the Military Department, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

**832.** (a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training.

On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b) (1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the course of training described in subdivision (a).

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section **830.2** may satisfactorily complete the

training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

(d) Any peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from this section.

(e) (1) Any person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for any person described in paragraph (2).

(2) The requirement in paragraph (1) does not apply to any person who meets any of the following requirements:

(A) Is returning to a management position that is at the second level of supervision or higher.

(B) Has successfully requalified for a basic course through the Commission on Peace Officer Standards and Training.

(C) Has maintained proficiency through teaching the course described in subdivision (a).

(D) During the break in California service, was continuously employed as a peace officer in another state or at the federal level.

(E) Has previously met the requirements of subdivision (a), has been appointed as a peace officer under subdivision (c) of Section 830.1, and has been continuously employed as a custodial officer as defined in Section 831 or 831.5 by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).

(f) The commission may charge appropriate fees for the examination required by subdivision (e), not to exceed actual costs.

(g) Notwithstanding any other provision of law, the commission may charge appropriate fees for the examination required by subdivision (a) to each applicant who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by, or under consideration for employment by, a state or local agency, department, or district, or is not a custodial officer as defined in Sections 831 and 831.5. The fees shall not exceed actual costs.

832. (a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training.

On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b) (1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the course of training described in subdivision (a).

(2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.

(c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

(d) Any peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from this section.

(e) (1) Any person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for any person described in paragraph (2).

(2) The requirement in paragraph (1) does not apply to any person who meets any of the following requirements:

(A) Is returning to a management position that is at the second level of supervision or higher.

(B) Has successfully requalified for a basic course through the Commission on Peace Officer Standards and Training.

(C) Has maintained proficiency through teaching the course described in subdivision (a).

(D) During the break in California service, was continuously employed as a peace officer in another state or at the federal level.

(E) Has previously met the requirements of subdivision (a), has been appointed as a peace officer under subdivision (c) of Section 830.1, and has been continuously employed as a custodial officer as defined in Section 831 or 831.5 by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).

(f) The commission may charge appropriate fees for the examination required by subdivision (e), not to exceed actual costs.

(g) Notwithstanding any other provision of law, the commission may charge appropriate fees for the examination required by subdivision (a) to each applicant who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by, or under consideration for employment by, a state or local agency, department, or district, or is not a custodial officer as defined in Sections 831 and 831.5. The fees shall not exceed actual costs.

832.05. (a) Each state or local department or agency that employs peace officers shall utilize a person meeting the requirements set forth in subdivision (f) of Section 1031 of the Government Code, applicable to emotional and mental examinations, for any emotional and mental evaluation done in the course of the department or agency's screening of peace officer recruits or the evaluation of peace officers to determine their fitness for duty.

(b) This section shall become operative on January 1, 2005.

**4156.** (a) The director and employees or classes of employees of the department designated by the director have the powers conferred by law upon peace officers listed in Section 830.2 of the Penal **Code**, and voluntary fire wardens designated by the director have the powers conferred by law upon peace officers listed in Section 830.37 of the Penal **Code**; provided, however, that the primary duty of the peace officer shall be the enforcement of forest laws and regulations, state and county fire laws and regulations, and the laws relating to explosives as set forth in Part 1 (commencing with Section 12000) of Division 11 of the Health and Safety **Code**, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal. Officers, employees, and voluntary fire wardens, upon request pursuant to Section 8597 of the Government **Code**, shall have the full powers and duties of peace officers for all purposes as provided by the Penal **Code** and are not liable to civil action for trespass committed in the discharge of their duties.

(b) Any peace officer may enforce federal fire laws to the extent that he or she is authorized to do so.

**1031.** Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle **Code**.

(b) Be at least 18 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test indicating high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year or four-year degree from an accredited college or university. The high school shall be either a United States public school meeting the high school standards set by the state in which it is located, an accredited United States Department of Defense high school, or an accredited nonpublic high school. Any accreditation required by this paragraph shall be from an accrediting association recognized by the Secretary of the United States Department of Education. This subdivision shall not apply to a public officer or employee who was employed, prior to the effective date of the amendment of this section made at the 1971 Regular Session of the Legislature, in any position declared by law prior to the effective date of that amendment to be peace officer positions.

(f) Be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the

diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post doctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

(h) This section shall become operative on January 1, 2005.

**1031.5.** (a) Any person employed by a governmental agency on September 13, 1982, as a peace officer or a peace officer trainee, or who, prior to September 13, 1982, had applied to fill a position as a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the **Penal Code**, is not subject to the requirement of subdivision (a) of Section **1031** prior to its amendment by Chapter 943 of the Statutes of 1982, provided that any person qualifying for this exemption shall, as soon as legally possible, apply for and meet all of the requirements for United States citizenship specified in existing law, and shall be subject to subdivisions (b) and (c).

(b) Any permanent resident alien who is employed as a peace officer shall diligently cooperate with the Immigration and Naturalization Service in the processing of his or her application for citizenship and shall be disqualified from holding that position if, three years after the filing of his or her application for employment, the person has not obtained citizenship due to his or her failure to cooperate in the processing of the application for citizenship.

(c) Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his or her application for citizenship is denied.